

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 5489**

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
04/29/2024	15559	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to public safety; expanding driver's license suspensions to include all cases

1.3 where a person is believed to have committed criminal vehicular homicide or

1.4 criminal vehicular operation; establishing driving in excess of certain speeds as

1.5 an element in criminal vehicular homicide and criminal vehicular operation

1.6 offenses; requiring peace officers to report all cases where a person is believed to

1.7 have committed criminal vehicular homicide or criminal vehicular operation;

1.8 amending Minnesota Statutes 2022, sections 171.187, subdivisions 1, 3; 629.344;

1.9 Minnesota Statutes 2023 Supplement, sections 609.2112, subdivision 1; 609.2113,

1.10 subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2.

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

1.12 Section 1. Minnesota Statutes 2022, section 171.187, subdivision 1, is amended to read:

1.13 Subdivision 1. **Suspension required.** The commissioner shall suspend the driver's license

1.14 of a person:

1.15 (1) for whom a peace officer has made the certification described in section 629.344

1.16 that probable cause exists to believe that the person violated section 609.2112, subdivision

1.17 1, paragraph (a), ~~clause (2), (3), (4), (5), or (6)~~; 609.2113, subdivision 1, ~~clause (2), (3), (4),~~

1.18 ~~(5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); or subdivision 3, clause (2), (3),~~

1.19 ~~(4), (5), or (6); or 609.2114, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6), or~~

1.20 ~~subdivision 2, clause (2), (3), (4), (5), or (6); or~~

1.21 (2) who has been formally charged with a violation of section 609.20, 609.205, 609.2112,

1.22 609.2113, or 609.2114, resulting from the operation of a motor vehicle.

1.23 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to

1.24 certifications made on or after that date.

2.1 Sec. 2. Minnesota Statutes 2022, section 171.187, subdivision 3, is amended to read:

2.2 Subd. 3. **Credit.** If a person whose driver's license was suspended under subdivision 1  
2.3 is later convicted of the underlying offense that resulted in the suspension and the  
2.4 commissioner revokes the person's license, the commissioner shall credit the time accrued  
2.5 under the suspension period toward the revocation period imposed under section 171.17,  
2.6 subdivision 4, or for violations of section 609.20, or 609.205, or 609.2112, subdivision 1,  
2.7 paragraph (a), clause (1), (7), or (8); 609.2113, subdivision 1, clause (1), (7), or (8);  
2.8 subdivision 2, clause (1), (7), or (8); or subdivision 3, clause (1), (7), or (8); or 609.2114,  
2.9 subdivision 1, paragraph (a), clause (1), (7), or (8), or subdivision 2, clause (1), (7), or (8).

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.11 Sec. 3. Minnesota Statutes 2023 Supplement, section 609.2112, subdivision 1, is amended  
2.12 to read:

2.13 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),  
2.14 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment  
2.15 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the  
2.16 person causes the death of a human being not constituting murder or manslaughter as a  
2.17 result of operating a motor vehicle:

2.18 (1) in a grossly negligent manner;

2.19 (2) in a negligent manner while under the influence of:

2.20 (i) alcohol;

2.21 (ii) a controlled substance;

2.22 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived  
2.23 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

2.24 (iv) any combination of those elements;

2.25 (3) while having an alcohol concentration of 0.08 or more;

2.26 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
2.27 of the time of driving;

2.28 (5) in a negligent manner while under the influence of an intoxicating substance and the  
2.29 person knows or has reason to know that the substance has the capacity to cause impairment;

2.30 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
2.31 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency

3.1 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or  
 3.2 tetrahydrocannabinols, is present in the person's body;

3.3 (7) where the driver who causes the collision leaves the scene of the collision in violation  
 3.4 of section 169.09, subdivision 1 or 6; ~~or~~

3.5 (8) where the driver had actual knowledge that a peace officer had previously issued a  
 3.6 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
 3.7 knowledge that remedial action was not taken, the driver had reason to know that the defect  
 3.8 created a present danger to others, and the death was caused by the defective maintenance;  
 3.9 or

3.10 (9) at a speed in excess of the speed limit by:

3.11 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or

3.12 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.

3.13 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
 3.14 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
 3.15 maximum sentence of imprisonment is 15 years.

3.16 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
 3.17 committed on or after that date.

3.18 Sec. 4. Minnesota Statutes 2023 Supplement, section 609.2113, subdivision 1, is amended  
 3.19 to read:

3.20 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
 3.21 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
 3.22 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
 3.23 bodily harm to another not constituting attempted murder or assault as a result of operating  
 3.24 a motor vehicle:

3.25 (1) in a grossly negligent manner;

3.26 (2) in a negligent manner while under the influence of:

3.27 (i) alcohol;

3.28 (ii) a controlled substance;

3.29 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived  
 3.30 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

3.31 (iv) any combination of those elements;

4.1 (3) while having an alcohol concentration of 0.08 or more;

4.2 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
4.3 of the time of driving;

4.4 (5) in a negligent manner while under the influence of an intoxicating substance and the  
4.5 person knows or has reason to know that the substance has the capacity to cause impairment;

4.6 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
4.7 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency  
4.8 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or  
4.9 tetrahydrocannabinols, is present in the person's body;

4.10 (7) where the driver who causes the accident leaves the scene of the accident in violation  
4.11 of section 169.09, subdivision 1 or 6; ~~or~~

4.12 (8) where the driver had actual knowledge that a peace officer had previously issued a  
4.13 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
4.14 knowledge that remedial action was not taken, the driver had reason to know that the defect  
4.15 created a present danger to others, and the injury was caused by the defective maintenance;  
4.16 or

4.17 (9) at a speed in excess of the speed limit by:

4.18 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or

4.19 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.

4.20 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
4.21 committed on or after that date.

4.22 Sec. 5. Minnesota Statutes 2023 Supplement, section 609.2113, subdivision 2, is amended  
4.23 to read:

4.24 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
4.25 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
4.26 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
4.27 causes substantial bodily harm to another as a result of operating a motor vehicle:

4.28 (1) in a grossly negligent manner;

4.29 (2) in a negligent manner while under the influence of:

4.30 (i) alcohol;

4.31 (ii) a controlled substance;

5.1 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived  
5.2 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

5.3 (iv) any combination of those elements;

5.4 (3) while having an alcohol concentration of 0.08 or more;

5.5 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
5.6 of the time of driving;

5.7 (5) in a negligent manner while under the influence of an intoxicating substance and the  
5.8 person knows or has reason to know that the substance has the capacity to cause impairment;

5.9 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
5.10 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency  
5.11 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or  
5.12 tetrahydrocannabinols, is present in the person's body;

5.13 (7) where the driver who causes the accident leaves the scene of the accident in violation  
5.14 of section 169.09, subdivision 1 or 6; ~~or~~

5.15 (8) where the driver had actual knowledge that a peace officer had previously issued a  
5.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
5.17 knowledge that remedial action was not taken, the driver had reason to know that the defect  
5.18 created a present danger to others, and the injury was caused by the defective maintenance;  
5.19 or

5.20 (9) at a speed in excess of the speed limit by:

5.21 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or

5.22 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.

5.23 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
5.24 committed on or after that date.

5.25 Sec. 6. Minnesota Statutes 2023 Supplement, section 609.2113, subdivision 3, is amended  
5.26 to read:

5.27 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in  
5.28 bodily harm and may be sentenced to imprisonment for not more than 364 days or to payment  
5.29 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a  
5.30 result of operating a motor vehicle:

5.31 (1) in a grossly negligent manner;

- 6.1 (2) in a negligent manner while under the influence of:
- 6.2 (i) alcohol;
- 6.3 (ii) a controlled substance;
- 6.4 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 6.5 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 6.6 (iv) any combination of those elements;
- 6.7 (3) while having an alcohol concentration of 0.08 or more;
- 6.8 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 6.9 of the time of driving;
- 6.10 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 6.11 person knows or has reason to know that the substance has the capacity to cause impairment;
- 6.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 6.13 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency
- 6.14 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or
- 6.15 tetrahydrocannabinols, is present in the person's body;
- 6.16 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 6.17 of section 169.09, subdivision 1 or 6; ~~or~~
- 6.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 6.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 6.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 6.21 created a present danger to others, and the injury was caused by the defective maintenance;
- 6.22 or
- 6.23 (9) at a speed in excess of the speed limit by:
- 6.24 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or
- 6.25 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.
- 6.26 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
- 6.27 committed on or after that date.

7.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 609.2114, subdivision 1, is amended  
7.2 to read:

7.3 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
7.4 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
7.5 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
7.6 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
7.7 of operating a motor vehicle:

7.8 (1) in a grossly negligent manner;

7.9 (2) in a negligent manner while under the influence of:

7.10 (i) alcohol;

7.11 (ii) a controlled substance;

7.12 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived  
7.13 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

7.14 (iv) any combination of those elements;

7.15 (3) while having an alcohol concentration of 0.08 or more;

7.16 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
7.17 of the time of driving;

7.18 (5) in a negligent manner while under the influence of an intoxicating substance and the  
7.19 person knows or has reason to know that the substance has the capacity to cause impairment;

7.20 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
7.21 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency  
7.22 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or  
7.23 tetrahydrocannabinols, is present in the person's body;

7.24 (7) where the driver who causes the accident leaves the scene of the accident in violation  
7.25 of section 169.09, subdivision 1 or 6; ~~or~~

7.26 (8) where the driver had actual knowledge that a peace officer had previously issued a  
7.27 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
7.28 knowledge that remedial action was not taken, the driver had reason to know that the defect  
7.29 created a present danger to others, and the injury was caused by the defective maintenance;

7.30 or

7.31 (9) at a speed in excess of the speed limit by:

8.1 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or

8.2 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.

8.3 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
8.4 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
8.5 maximum sentence of imprisonment is 15 years.

8.6 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
8.7 committed on or after that date.

8.8 Sec. 8. Minnesota Statutes 2023 Supplement, section 609.2114, subdivision 2, is amended  
8.9 to read:

8.10 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation  
8.11 resulting in injury to an unborn child and may be sentenced to imprisonment for not more  
8.12 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
8.13 causes the great bodily harm to an unborn child subsequently born alive as a result of  
8.14 operating a motor vehicle:

8.15 (1) in a grossly negligent manner;

8.16 (2) in a negligent manner while under the influence of:

8.17 (i) alcohol;

8.18 (ii) a controlled substance;

8.19 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived  
8.20 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

8.21 (iv) any combination of those elements;

8.22 (3) while having an alcohol concentration of 0.08 or more;

8.23 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
8.24 of the time of driving;

8.25 (5) in a negligent manner while under the influence of an intoxicating substance and the  
8.26 person knows or has reason to know that the substance has the capacity to cause impairment;

8.27 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
8.28 I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency  
8.29 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or  
8.30 tetrahydrocannabinols, is present in the person's body;

9.1 (7) where the driver who causes the accident leaves the scene of the accident in violation  
 9.2 of section 169.09, subdivision 1 or 6; ~~or~~

9.3 (8) where the driver had actual knowledge that a peace officer had previously issued a  
 9.4 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
 9.5 knowledge that remedial action was not taken, the driver had reason to know that the defect  
 9.6 created a present danger to others, and the injury was caused by the defective maintenance;  
 9.7 or

9.8 (9) at a speed in excess of the speed limit by:

9.9 (i) 20 miles per hour or more where the speed limit is less than 45 miles per hour; or

9.10 (ii) 30 miles per hour or more where the speed limit is at least 45 miles per hour.

9.11 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
 9.12 committed on or after that date.

9.13 Sec. 9. Minnesota Statutes 2022, section 629.344, is amended to read:

9.14 **629.344 CRIMINAL VEHICULAR OPERATION AND MANSLAUGHTER;**  
 9.15 **CERTIFICATION OF PROBABLE CAUSE BY PEACE OFFICER.**

9.16 If a peace officer determines that probable cause exists to believe that a person has  
 9.17 violated section 609.2112, subdivision 1, paragraph (a), ~~clause (2), (3), (4), (5), or (6);~~  
 9.18 609.2113, subdivision 1, ~~clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4),~~  
 9.19 ~~(5), or (6); or subdivision 3, clause (2), (3), (4), (5), or (6);~~ or 609.2114, subdivision 1,  
 9.20 ~~paragraph (a), clause (2), (3), (4), (5), or (6); or subdivision 2, clause (2), (3), (4), (5), or~~  
 9.21 ~~(6),~~ the officer shall certify this determination and notify the commissioner of public safety.

9.22 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to  
 9.23 determinations by a peace officer that probable cause exists made on or after that date.