

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 817**

(SENATE AUTHORS: LIMMER, Hall and Latz)

DATE	D-PG	OFFICIAL STATUS
02/09/2017	557	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/16/2017	1545	Author added Hall
03/20/2017	1567a	Comm report: To pass as amended
	1575	Second reading
03/23/2017	1940	Author added Latz
	6107	Rule 47, returned to Judiciary and Public Safety Finance and Policy
03/01/2018		Comm report: To pass as amended Second reading

- 1.1 A bill for an act
- 1.2 relating to data practices; classifying certain data related to small business
- 1.3 certification programs; specifying surveillance technology data requirements;
- 1.4 prohibiting the application of the DWI Forfeiture Law to motor vehicles operated
- 1.5 by persons who enter the ignition interlock program; amending ignition interlock
- 1.6 performance standards; prohibiting use of devices enabled with location tracking
- 1.7 capabilities; amending rulemaking authority; amending Minnesota Statutes 2016,
- 1.8 sections 13.591, by adding a subdivision; 13.82, subdivision 31; 169A.63, by
- 1.9 adding a subdivision; 171.306, subdivisions 1, 2, 8; 241.065, subdivision 2.
- 1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.11 Section 1. Minnesota Statutes 2016, section 13.591, is amended by adding a subdivision
- 1.12 to read:
- 1.13 Subd. 2a. **Small business certification program data.** Subdivisions 1 and 2 apply to
- 1.14 financial information about a business submitted to a government entity as part of the
- 1.15 business' application for certification as a small, small minority-owned, small woman-owned,
- 1.16 or veteran-owned business, or for certification under sections 16C.16 to 16C.21.
- 1.17 Sec. 2. Minnesota Statutes 2016, section 13.82, subdivision 31, is amended to read:
- 1.18 Subd. 31. **Use of surveillance technology.** Notwithstanding subdivision 25 and section
- 1.19 13.37, subdivision 2, the existence and description of the types and capabilities of all
- 1.20 technology maintained by a law enforcement agency that may be used to electronically
- 1.21 capture an audio, video, photographic, or other record of the activities of the general public,
- 1.22 or of an individual or group of individuals, for purposes of conducting an investigation,
- 1.23 responding to an incident or request for service, monitoring or maintaining public order and
- 1.24 safety, or engaging in any other law enforcement function authorized by law is public data.

2.1 Sec. 3. Minnesota Statutes 2016, section 169A.63, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the  
2.4 designated offense or whose conduct resulted in the designated license revocation becomes  
2.5 a program participant in the ignition interlock program under section 171.306 within 60  
2.6 days following service of the Notice of Seizure and Intent to Forfeit under this section.

2.7 (b) Notwithstanding paragraph (a), if the program participant described in paragraph (a)  
2.8 subsequently operates the motor vehicle to commit a designated offense or in a manner that  
2.9 results in a designated license revocation, the vehicle must be seized and summarily forfeited.

2.10 (c) Paragraph (b) applies only if the described subsequent vehicle operation occurs before  
2.11 the participant has been restored to full driving privileges or within three years of the original  
2.12 designated offense or designated license revocation, whichever occurs latest.

2.13 (d) The driver who becomes a participant in the ignition interlock device program may  
2.14 only utilize the process in this subdivision if the device is installed at the site of storage of  
2.15 the vehicle or another site approved by the appropriate agency. The appropriate agency or  
2.16 other party controlling access to the storage location of a motor vehicle subject to forfeiture  
2.17 under this section shall allow an ignition interlock provider access to the vehicle to install  
2.18 an ignition interlock device upon satisfactory evidence that the driver seeks return of the  
2.19 vehicle under the provisions of this subdivision and section 171.306, and agrees to comply  
2.20 with these provisions. The provider must certify to the appropriate agency that the device  
2.21 has been successfully installed.

2.22 (e) Nothing in this subdivision precludes the appropriate agency or an impound lot from  
2.23 requiring the person seeking release of a motor vehicle under this subdivision to pay the  
2.24 costs of the vehicle's seizure, tow, and storage costs before release.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2017.

2.26 Sec. 4. Minnesota Statutes 2016, section 171.306, subdivision 1, is amended to read:

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

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

3.1 (c) "Location tracking capabilities" means the ability of an electronic or wireless device  
 3.2 to identify and transmit its geographic location, in whole or in part, through the operation  
 3.3 of the device.

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

3.6 (1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision  
 3.7 1, clause (10); or

3.8 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended  
 3.9 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item  
 3.10 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision  
 3.11 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or  
 3.12 (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm.

3.13 ~~(d)~~ (e) "Qualified prior impaired driving incident" has the meaning given in section  
 3.14 169A.03, subdivision 22.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.16 Sec. 5. Minnesota Statutes 2016, section 171.306, subdivision 2, is amended to read:

3.17 Subd. 2. **Performance standards; certification; manufacturer and provider**  
 3.18 **requirements.** (a) The commissioner shall establish performance standards and a process  
 3.19 for certifying devices used in the ignition interlock program, except that the commissioner  
 3.20 may not establish standards that, directly or indirectly, require devices to use or enable  
 3.21 location tracking capabilities.

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

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

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

3.31 (c) The commissioner shall prohibit the use of devices equipped with location tracking  
 3.32 capabilities unless location tracking capabilities are disabled.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.2 Sec. 6. Minnesota Statutes 2016, section 171.306, subdivision 8, is amended to read:

4.3 Subd. 8. **Rulemaking.** In establishing the performance standards and certification process  
 4.4 of subdivision 2 ~~and~~, the program guidelines of subdivision 3, ~~the commissioner is exempt~~  
 4.5 ~~from chapter 14, including section 14.386. If~~ and any other rules are otherwise necessary  
 4.6 to implement this section, the commissioner ~~may adopt, amend, and repeal rules using the~~  
 4.7 ~~exempt procedures of section 14.386, except that paragraph (b) shall not apply~~ is subject  
 4.8 to chapter 14.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.10 Sec. 7. Minnesota Statutes 2016, section 241.065, subdivision 2, is amended to read:

4.11 Subd. 2. **Establishment; access to data.** (a) The Department of Corrections shall  
 4.12 administer and maintain a computerized data system for the purpose of assisting criminal  
 4.13 justice agencies in conducting official duties and in monitoring and enforcing the conditions  
 4.14 of conditional release imposed on criminal offenders by a sentencing court or the  
 4.15 commissioner of corrections.

4.16 (b) The adult data and juvenile data, as defined in section 260B.171, in the statewide  
 4.17 supervision system are private data on individuals, as defined in section 13.02, subdivision  
 4.18 12, ~~but~~. Subject to paragraph (c), the data are accessible to:

4.19 (1) criminal justice agencies as defined in section 13.02, subdivision 3a, ~~to~~

4.20 (2) the Minnesota sex offender program as provided in section 246B.04, subdivision 3;  
 4.21 ~~to~~

4.22 (3) public defenders as provided in section 611.272, ~~to~~

4.23 (4) all trial courts and appellate courts; and ~~to~~

4.24 (5) criminal justice agencies in other states ~~in the conduct of their official duties.~~

4.25 (c) Case planning data in the statewide supervision system are private data on individuals,  
 4.26 as defined in section 13.02, subdivision 12. Case planning data are accessible to state prison  
 4.27 facility staff, correction staff in community corrections act counties and county probation  
 4.28 counties, and Department of Corrections field services staff for purposes of monitoring and  
 4.29 enforcing conditions of conditional release. A finalized case plan may be provided to  
 4.30 community service providers for the purposes described under paragraph (a).

- 5.1 (d) Adult data in the statewide supervision system are accessible to the secretary of state
- 5.2 for the purposes described in section 201.157.