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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3726

03/14/2018 Authored by O'Neill, Smith, Zerwas, Franke, Ward and others
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; requiring ignition interlock for repeat offenders to reinstate
1.3 driving privileges; providing that driving without a license after a DWI-related
1.4 offense is not a payable offense; amending Minnesota Statutes 2016, sections
1.5 169A.55, subdivision 4; 171.24, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2016, 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1.9 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall
1.10 not be eligible for reinstatement of driving privileges without an ignition interlock restriction
1.11 until the commissioner certifies that the person has neither owned nor leased a vehicle, the
1.12 person has not transferred ownership of a vehicle to a family or household member, no
1.13 family or household member owns or leases a vehicle which the person has express or
1.14 implied consent to drive, and the person has not committed a violation of chapter 169A or
1.15 171 during the revocation period; or the person has used the ignition interlock device and
1.16 complied with section 171.306 for a period of not less than:

1.17 (1) one year, for a person whose driver's license was revoked for:

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

1.19 or

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

1.21 (2) two years, for a person whose driver's license was revoked for:

1.22 (i) an offense occurring under clause (1), and where the test results indicated an alcohol

1.23 concentration of twice the legal limit; or

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

2.3 As used in this paragraph, "family or household member" has the meaning given in section
2.4 169A.63, subdivision 1, paragraph (f).

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

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

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

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

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

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

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

2.22 ~~(e)~~ (d) The commissioner shall establish performance standards and a process for
2.23 certifying chemical monitoring devices. The standards and procedures are ~~not~~ considered
2.24 rules and are ~~exempt from~~ subject to chapter 14, ~~including section 14.386~~.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
2.26 committed on or after that date.

2.27 Sec. 2. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to
2.28 read:

2.29 **Subd. 4a. Driving after a DWI-related suspension, revocation, or cancellation;**
2.30 **misdemeanor.** (a) Except as otherwise provided in subdivision 5, a person is guilty of a
2.31 misdemeanor if:

3.1 (1) the person's driver's license or driving privilege has been suspended, revoked, or
3.2 canceled under section 169A.52, 169A.54, or 171.177;

3.3 (2) the person has been given notice of or reasonably should know of the suspension,
3.4 revocation, or cancellation; and

3.5 (3) the person disobeys the order by operating in this state any motor vehicle, the
3.6 operation of which requires a driver's license, while the person's license or privilege is
3.7 suspended, revoked, or canceled.

3.8 (b) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add
3.9 a violation of this subdivision to the Statewide Payables List.

3.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.11 committed on or after that date.