

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1362

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DATE	D-PG	OFFICIAL STATUS
03/04/2015	532	Introduction and first reading Referred to Judiciary

A bill for an act

1.1 relating to public safety; requiring driving only vehicles with ignition interlock as
 1.2 a condition of pretrial release and probation for DWI; requiring the use of ignition
 1.3 interlock for all DWI and CVO offenders to become relicensed; amending
 1.4 DWI revocation and cancellation periods; requiring ignition interlock devices
 1.5 be equipped with a camera and GPS; amending ignition interlock licensing;
 1.6 amending licensing reinstatement fees for DWI; amending penalties for driving
 1.7 without a license after a DWI; appropriating funds; amending Minnesota Statutes
 1.8 2014, sections 169A.283, subdivision 1; 169A.44, subdivision 1; 169A.52,
 1.9 subdivisions 3, 4; 169A.54, subdivision 1; 169A.55, subdivisions 2, 4, 5;
 1.10 171.24, by adding a subdivision; 171.29; 171.30, subdivisions 1, 2a, 5; 171.306,
 1.11 subdivisions 2, 4; 299A.705, subdivision 2; repealing Minnesota Statutes 2014,
 1.12 section 169A.54, subdivision 2.
 1.13

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

1.15 Section 1. Minnesota Statutes 2014, section 169A.283, subdivision 1, is amended to
 1.16 read:

1.17 Subdivision 1. **Stay authorized.** Except as otherwise provided in sections 169A.275
 1.18 (mandatory penalties; nonfelony violations) and 169A.276 (mandatory penalties; felony
 1.19 violations), when a court sentences a person convicted of a violation of section 169A.20
 1.20 (driving while impaired), the court may stay execution of the criminal sentence described
 1.21 in section 169A.24 (first-degree driving while impaired), 169A.25 (second-degree
 1.22 driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27
 1.23 (fourth-degree driving while impaired) on the condition that the convicted person:

1.24 (1) drive only vehicles equipped with an ignition interlock device meeting the
 1.25 standards described in section 171.306; and

1.26 (2) submit to the level of care recommended in the chemical use assessment report
 1.27 required under section 169A.70 (alcohol safety programs; chemical use assessments).

1.28 If the court does not order a level of care in accordance with the assessment report

2.1 recommendation as a condition of a stay of execution, it shall state on the record its
 2.2 reasons for not following the assessment report recommendation.

2.3 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 2.4 committed on or after that date.

2.5 Sec. 2. Minnesota Statutes 2014, section 169A.44, subdivision 1, is amended to read:

2.6 Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person
 2.7 charged with a nonfelony violation of section 169A.20 (driving while impaired) under
 2.8 circumstances described in section 169A.40, subdivision 3 (certain DWI offenders;
 2.9 custodial arrest).

2.10 (b) Unless maximum bail is imposed under section 629.471, a person described in
 2.11 paragraph (a) may be released from detention only if the person agrees to:

2.12 (1) abstain from alcohol; ~~and~~

2.13 (2) drive only motor vehicles equipped with an ignition interlock device meeting the
 2.14 standards described in section 171.306; and

2.15 (3) submit to a program of electronic alcohol monitoring, involving at least daily
 2.16 measurements of the person's alcohol concentration, pending resolution of the charge.

2.17 Clause ~~(2)~~ (3) applies only when electronic alcohol-monitoring equipment is available to
 2.18 the court. The court shall require partial or total reimbursement from the person for the
 2.19 cost of the electronic alcohol-monitoring, to the extent the person is able to pay.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 2.21 committed on or after that date.

2.22 Sec. 3. Minnesota Statutes 2014, section 169A.52, subdivision 3, is amended to read:

2.23 Subd. 3. **Test refusal; license revocation.** (a) Upon certification by the peace
 2.24 officer that there existed probable cause to believe the person had been driving, operating,
 2.25 or in physical control of a motor vehicle in violation of section 169A.20 (driving while
 2.26 impaired), and that the person refused to submit to a test, the commissioner shall revoke
 2.27 the person's license or permit to drive, or nonresident operating privilege, even if a test
 2.28 was obtained pursuant to this section after the person refused to submit to testing. The
 2.29 commissioner shall revoke the license, permit, or nonresident operating privilege:

2.30 (1) for a person with no qualified prior impaired driving incidents within the past ten
 2.31 years, for a period of ~~not less than~~ one year;

2.32 ~~(2) for a person under the age of 21 years and with no qualified prior impaired~~
 2.33 ~~driving incidents within the past ten years, for a period of not less than one year;~~

3.1 ~~(3) (2)~~ for a person with one qualified prior impaired driving incident ~~within the~~
 3.2 ~~past ten years, or two qualified prior impaired driving incidents, for a period of not less~~
 3.3 ~~than two years; or~~

3.4 ~~(4) (3)~~ for a person with two qualified prior impaired driving incidents ~~within the~~
 3.5 ~~past ten years, or three qualified prior impaired driving incidents, for a period of not~~
 3.6 ~~less than three years;~~

3.7 ~~(5) for a person with three qualified prior impaired driving incidents within the past~~
 3.8 ~~ten years, for a period of not less than four years; or~~

3.9 ~~(6) for a person with four or more qualified prior impaired driving incidents, for a~~
 3.10 ~~period of not less than six~~ five years.

3.11 (b) Upon certification by the peace officer that there existed probable cause to
 3.12 believe the person had been driving, operating, or in physical control of a commercial
 3.13 motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving
 3.14 while impaired), and that the person refused to submit to a test, the commissioner shall
 3.15 disqualify the person from operating a commercial motor vehicle and shall revoke the
 3.16 person's license or permit to drive or nonresident operating privilege according to the
 3.17 federal regulations adopted by reference in section 171.165, subdivision 2.

3.18 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 3.19 committed on or after that date.

3.20 Sec. 4. Minnesota Statutes 2014, section 169A.52, subdivision 4, is amended to read:

3.21 Subd. 4. **Test failure; license revocation.** (a) Upon certification by the peace officer
 3.22 that there existed probable cause to believe the person had been driving, operating, or in
 3.23 physical control of a motor vehicle in violation of section 169A.20 (driving while impaired)
 3.24 and that the person submitted to a test and the test results indicate an alcohol concentration
 3.25 of 0.08 or more or the presence of a controlled substance listed in Schedule I or II or its
 3.26 metabolite, other than marijuana or tetrahydrocannabinols, then the commissioner shall
 3.27 revoke the person's license or permit to drive, or nonresident operating privilege:

3.28 (1) for a person with no qualified prior impaired driving incidents, for a period of
 3.29 90 days, or, if the test results indicate an alcohol concentration of twice the legal limit
 3.30 or more, not less than one year;

3.31 (2) ~~if the person is under the age of 21 years, for a period of not less than 180 days~~
 3.32 ~~or, if the test results indicate an alcohol concentration of twice the legal limit or more, not~~
 3.33 ~~less than one year;~~

3.34 ~~(3) (2)~~ for a person with one qualified prior impaired driving incident ~~within the past~~
 3.35 ~~ten years, or two qualified prior impaired driving incidents, for a period of not less than~~

4.1 ~~one year, or if the test results indicate an alcohol concentration of twice the legal limit or~~
 4.2 ~~more, not less than two years; or~~

4.3 ~~(4) (3) for a person with two qualified prior impaired driving incidents within the~~
 4.4 ~~past ten years, or three qualified prior impaired driving incidents, for a period of not~~
 4.5 ~~less than three five years;~~

4.6 ~~(5) for a person with three qualified prior impaired driving incidents within the past~~
 4.7 ~~ten years, for a period of not less than four years; or~~

4.8 ~~(6) for a person with four or more qualified prior impaired driving incidents, for a~~
 4.9 ~~period of not less than six years.~~

4.10 (b) On certification by the peace officer that there existed probable cause to believe
 4.11 the person had been driving, operating, or in physical control of a commercial motor
 4.12 vehicle with any presence of alcohol and that the person submitted to a test and the
 4.13 test results indicated an alcohol concentration of 0.04 or more, the commissioner shall
 4.14 disqualify the person from operating a commercial motor vehicle under section 171.165
 4.15 (commercial driver's license disqualification).

4.16 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau
 4.17 of Criminal Apprehension, or authorized by the bureau to conduct the analysis of a blood
 4.18 or urine sample, the laboratory may directly certify to the commissioner the test results,
 4.19 and the peace officer shall certify to the commissioner that there existed probable cause to
 4.20 believe the person had been driving, operating, or in physical control of a motor vehicle
 4.21 in violation of section 169A.20 and that the person submitted to a test. Upon receipt
 4.22 of both certifications, the commissioner shall undertake the license actions described
 4.23 in paragraphs (a) and (b).

4.24 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 4.25 committed on or after that date.

4.26 Sec. 5. Minnesota Statutes 2014, section 169A.54, subdivision 1, is amended to read:

4.27 Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in
 4.28 subdivision 7, the commissioner shall revoke the driver's license of a person convicted
 4.29 of violating section 169A.20 (driving while impaired) or an ordinance in conformity
 4.30 with it, as follows:

4.31 (1) ~~not less than 30 days~~ one year for an a first offense under section 169A.20,
 4.32 ~~subdivision 1 (driving while impaired crime);~~

4.33 (2) ~~not less than 90 days for an offense under section 169A.20, subdivision 2 (refusal~~
 4.34 ~~to submit to chemical test crime);~~

4.35 (3) ~~not less than one year~~ two years for:

5.1 ~~(i) an offense occurring within ten years of~~ after a qualified prior impaired driving
5.2 incident; and

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

5.4 ~~(iii) an offense occurring when a person has an alcohol concentration of twice the~~
5.5 ~~legal limit or more as measured at the time or within two hours of the time of the offense~~
5.6 ~~and the person has no qualified prior impaired driving incident within ten years;~~

5.7 ~~(4) not less than two years for an offense occurring under clause (3), item (i)~~
5.8 ~~or (ii), and where the test results indicate an alcohol concentration of twice the legal~~
5.9 ~~limit or more, and until the court has certified that treatment or rehabilitation has been~~
5.10 ~~successfully completed where prescribed in accordance with section 169A.70 (chemical~~
5.11 ~~use assessments);~~

5.12 ~~(5) not less than three years for an offense occurring within ten years of the first of two~~
5.13 ~~qualified prior impaired driving incidents or occurring after three qualified prior impaired~~
5.14 ~~driving incidents and with denial under section 171.04, subdivision 1, clause (10), until~~
5.15 ~~rehabilitation is established according to standards established by the commissioner; and~~

5.16 ~~(6) not less than four~~ (3) five years for an offense occurring within ten years of
5.17 ~~the first of three~~ after two or more qualified prior impaired driving incidents and with
5.18 denial under section 171.04, subdivision 1, clause (10), ~~until rehabilitation is established~~
5.19 ~~according to standards established by the commissioner; or~~

5.20 ~~(7) not less than six years for an offense occurring after four or more qualified prior~~
5.21 ~~impaired driving incidents and with denial under section 171.04, subdivision 1, clause (10),~~
5.22 ~~until rehabilitation is established according to standards established by the commissioner.~~

5.23 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
5.24 committed on or after that date.

5.25 Sec. 6. Minnesota Statutes 2014, section 169A.55, subdivision 2, is amended to read:

5.26 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period
5.27 of revocation under section 169A.52 (license revocation for test failure or refusal) or
5.28 169A.54 (impaired driving convictions and adjudications; administrative penalties), the
5.29 commissioner shall notify the person of the terms upon which driving privileges can be
5.30 reinstated, and new registration plates issued, ~~which terms are: (1) successful completion~~
5.31 ~~of an examination and proof of compliance with any terms of alcohol treatment or~~
5.32 ~~counseling previously prescribed, if any; and (2) any other requirements imposed by~~
5.33 ~~the commissioner and applicable to that particular case.~~ The commissioner shall notify
5.34 the owner of a motor vehicle subject to an impoundment order under section 169A.60
5.35 (administrative impoundment of plates) as a result of the violation of the procedures for

6.1 obtaining new registration plates, if the owner is not the violator. The commissioner
 6.2 shall also notify the person that if driving is resumed without reinstatement of driving
 6.3 privileges or without valid registration plates and registration certificate, the person will
 6.4 be subject to criminal penalties.

6.5 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 6.6 committed on or after that date.

6.7 Sec. 7. Minnesota Statutes 2014, section 169A.55, subdivision 4, is amended to read:

6.8 Subd. 4. **Reinstatement of driving privileges; ~~multiple incidents~~ ignition**
 6.9 **interlock required.** (a) A person whose driver's license has been revoked or canceled or
 6.10 denied as a result of ~~three or more~~ a qualified impaired driving incidents incident shall not
 6.11 be eligible for reinstatement of driving privileges ~~without~~ until the person has submitted
 6.12 evidence of the person's use of an ignition interlock restriction until the person's device
 6.13 for a period of time required under section 169A.52 or 169A.54, and has satisfactorily
 6.14 completed the program requirements under section 171.306.

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

6.17 ~~(2) has submitted verification of abstinence from alcohol and controlled substances;~~
 6.18 ~~as evidenced by the person's use of an ignition interlock device or other chemical~~
 6.19 ~~monitoring device approved by the commissioner.~~

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

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

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

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

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

6.33 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 6.34 committed on or after that date.

7.1 Sec. 8. Minnesota Statutes 2014, section 169A.55, subdivision 5, is amended to read:

7.2 Subd. 5. **Reinstatement of driving privileges; certain criminal vehicular**
 7.3 **operation offenses.** A person whose driver's license has been revoked under section
 7.4 171.17, subdivision 1, paragraph (a), clause (1) (revocation, criminal vehicular operation),
 7.5 or suspended under section 171.187 (suspension, criminal vehicular operation), for a
 7.6 violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4);
 7.7 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), subdivision 2, clause
 7.8 (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4);
 7.9 or section 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision
 7.10 2, clause (2), item (i) or (iii), (3), or (4) (criminal vehicular operation, alcohol-related
 7.11 provisions), ~~resulting in bodily harm, substantial bodily harm, or great bodily harm,~~ shall
 7.12 not be eligible for reinstatement of driving privileges until the person has submitted to the
 7.13 commissioner verification of the use of ignition interlock for the applicable time period
 7.14 specified in those sections. To be eligible for reinstatement under this subdivision, a
 7.15 person shall utilize an ignition interlock device that meets the performance standards and
 7.16 certification requirements under subdivision 4, paragraph (e) ~~(b)~~.

7.17 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 7.18 committed on or after that date.

7.19 Sec. 9. Minnesota Statutes 2014, section 171.24, is amended by adding a subdivision
 7.20 to read:

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

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

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

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

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

7.33 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 7.34 committed on or after that date.

8.1 Sec. 10. Minnesota Statutes 2014, section 171.29, is amended to read:

8.2 **171.29 REVOKED LICENSE; CONDITIONS FOR REINSTATEMENT.**

8.3 Subdivision 1. **Examination required.** No person whose driver's license has been
8.4 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
8.5 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792 ~~or 169A.52~~
8.6 shall be issued another license unless and until that person shall have successfully passed
8.7 an examination as required by the commissioner of public safety. This subdivision does not
8.8 apply to: (1) an applicant for early reinstatement under section 169.792, subdivision 7a, or
8.9 (2) an applicant whose license was revoked or canceled under section 169A.52 or 169A.54.

8.10 Subd. 2. **Criminal vehicular operation; reinstatement fees and surcharges**
8.11 **allocated and appropriated.** (a) An individual whose driver's license has been revoked as
8.12 provided in subdivision 1, except under section ~~169A.52, 169A.54,~~ 609.2112, 609.2113,
8.13 or 609.2114, or Minnesota Statutes 2012, section 609.21, must pay a \$30 fee before
8.14 the driver's license is reinstated.

8.15 (b) A person whose driver's license has been revoked as provided in subdivision 1
8.16 under section ~~169A.52, 169A.54,~~ 609.2112, 609.2113, or 609.2114, or Minnesota Statutes
8.17 2012, section 609.21, must pay a \$250 fee plus a \$430 surcharge before the driver's license
8.18 is reinstated, except as provided in paragraph (f). The \$250 fee is to be credited as follows:

8.19 (1) Twenty percent must be credited to the driver services operating account in the
8.20 special revenue fund as specified in section 299A.705.

8.21 (2) Sixty-seven percent must be credited to the general fund.

8.22 (3) Eight percent must be credited to a separate account to be known as the Bureau
8.23 of Criminal Apprehension account. Money in this account is annually appropriated to the
8.24 commissioner of public safety and the appropriated amount must be apportioned 80 percent
8.25 for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

8.26 (4) Five percent must be credited to a separate account to be known as the vehicle
8.27 forfeiture account, which is created in the special revenue fund. The money in the account
8.28 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

8.29 (c) The revenue from \$50 of the surcharge must be credited to a separate account
8.30 to be known as the traumatic brain injury and spinal cord injury account. The revenue
8.31 from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the
8.32 first installment payment to the traumatic brain injury and spinal cord injury account.
8.33 The money in the account is annually appropriated to the commissioner of health to be
8.34 used as follows: 83 percent for contracts with a qualified community-based organization
8.35 to provide information, resources, and support to assist persons with traumatic brain
8.36 injury and their families to access services, and 17 percent to maintain the traumatic

9.1 brain injury and spinal cord injury registry created in section 144.662. For the purposes
9.2 of this paragraph, a "qualified community-based organization" is a private, not-for-profit
9.3 organization of consumers of traumatic brain injury services and their family members.
9.4 The organization must be registered with the United States Internal Revenue Service under
9.5 section 501(c)(3) as a tax-exempt organization and must have as its purposes:

9.6 (1) the promotion of public, family, survivor, and professional awareness of the
9.7 incidence and consequences of traumatic brain injury;

9.8 (2) the provision of a network of support for persons with traumatic brain injury,
9.9 their families, and friends;

9.10 (3) the development and support of programs and services to prevent traumatic
9.11 brain injury;

9.12 (4) the establishment of education programs for persons with traumatic brain injury;
9.13 and

9.14 (5) the empowerment of persons with traumatic brain injury through participation
9.15 in its governance.

9.16 A patient's name, identifying information, or identifiable medical data must not be
9.17 disclosed to the organization without the informed voluntary written consent of the patient
9.18 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

9.19 (d) The remainder of the surcharge must be credited to a separate account to be
9.20 known as the remote electronic alcohol-monitoring program account. The commissioner
9.21 shall transfer the balance of this account to the commissioner of management and budget
9.22 on a monthly basis for deposit in the general fund.

9.23 (e) When these fees are collected by a licensing agent, appointed under section
9.24 171.061, a handling charge is imposed in the amount specified under section 171.061,
9.25 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved
9.26 depository as directed under section 171.061, subdivision 4.

9.27 ~~(f) A person whose driver's license has been revoked as provided in subdivision~~
9.28 ~~1 under section 169A.52 or 169A.54 and who the court certifies as being financially~~
9.29 ~~eligible for a public defender under section 611.17, may choose to pay 50 percent and~~
9.30 ~~an additional \$25 of the total amount of the surcharge and 50 percent of the fee required~~
9.31 ~~under paragraph (b) to reinstate the person's driver's license, provided the person meets all~~
9.32 ~~other requirements of reinstatement. If a person chooses to pay 50 percent of the total and~~
9.33 ~~an additional \$25, the driver's license must expire after two years. The person must pay an~~
9.34 ~~additional 50 percent less \$25 of the total to extend the license for an additional two years,~~
9.35 ~~provided the person is otherwise still eligible for the license. After this final payment of~~
9.36 ~~the surcharge and fee, the license may be renewed on a standard schedule, as provided~~

10.1 ~~under section 171.27. A handling charge may be imposed for each installment payment.~~
10.2 ~~Revenue from the handling charge is credited to the driver services operating account in~~
10.3 ~~the special revenue fund and is appropriated to the commissioner.~~

10.4 ~~(g) Any person making installment payments under paragraph (f), whose driver's~~
10.5 ~~license subsequently expires, or is canceled, revoked, or suspended before payment of~~
10.6 ~~100 percent of the surcharge and fee, must pay the outstanding balance due for the initial~~
10.7 ~~reinstatement before the driver's license is subsequently reinstated. Upon payment of~~
10.8 ~~the outstanding balance due for the initial reinstatement, the person may pay any new~~
10.9 ~~surcharge and fee imposed under paragraph (b) in installment payments as provided~~
10.10 ~~under paragraph (f).~~

10.11 **Subd. 2a. Driving while impaired; reinstatement fee allocated and appropriated.**

10.12 (a) A person whose driver's license has been revoked as provided in subdivision 1 under
10.13 section 169A.52 or 169A.54 must pay a \$250 fee before the driver's license is reinstated
10.14 subject to an ignition interlock restriction as required under section 171.306. The \$250
10.15 fee is to be credited as follows:

10.16 (1) the first \$50 of the fee must be credited to a separate account to be known as
10.17 the traumatic brain injury and spinal cord injury account and distributed as provided in
10.18 subdivision 2, paragraph (c), and of the remainder;

10.19 (2) 25 percent must be credited to the driver services operating account in the special
10.20 revenue fund as specified in section 299A.705, subdivision 2, paragraph (c);

10.21 (3) 67 percent must be credited to the general fund; and

10.22 (4) eight percent must be credited to a separate account to be known as the Bureau of
10.23 Criminal Apprehension account. Money in this account is annually appropriated to the
10.24 commissioner of public safety and the appropriated amount must be apportioned 80 percent
10.25 for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

10.26 (b) When these fees are collected by a licensing agent, appointed under section
10.27 171.061, a handling charge is imposed in the amount specified under section 171.061,
10.28 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved
10.29 depository as directed under section 171.061, subdivision 4.

10.30 (c) A person whose driver's license has been revoked as provided in subdivision 1
10.31 under section 169A.52 or 169A.54, and who the court certifies as being financially eligible
10.32 for a public defender under section 611.17, may choose to pay 50 percent and an additional
10.33 \$25 of the total amount of the fee required under paragraph (a) to reinstate the person's
10.34 driver's license, provided the person meets all other requirements of reinstatement. If a
10.35 person chooses to pay 50 percent of the total and an additional \$25, the driver's license must
10.36 expire after two years. The person must pay an additional 50 percent less \$25 of the total to

11.1 extend the license for an additional two years, provided the person is otherwise still eligible
 11.2 for the license. After this final payment of the fee, the license may be renewed on a standard
 11.3 schedule as provided under section 171.27. A handling charge may be imposed for each
 11.4 installment payment. Revenue from the handling charge is credited to the driver services
 11.5 operating account in the special revenue fund and is appropriated to the commissioner.

11.6 (d) Any person making installment payments under paragraph (c), whose driver's
 11.7 license subsequently expires, or is canceled, revoked, or suspended before payment of
 11.8 100 percent of the fee, must pay the outstanding balance due for the initial reinstatement
 11.9 before the driver's license is subsequently reinstated. Upon payment of the outstanding
 11.10 balance due for the initial reinstatement, the person may pay any new fee imposed under
 11.11 paragraph (a) in installment payments as provided under paragraph (c).

11.12 **Subd. 3. Compliance with impoundment laws.** In addition to requirements
 11.13 under section 169A.55, subdivision 4, a person whose license has been revoked under
 11.14 section 169A.52 or 169A.54 may not be issued another license have the ignition interlock
 11.15 restriction removed from the license at the end of the revocation period unless the person
 11.16 has complied with all applicable registration plate impoundment provisions of sections
 11.17 168.041 and 169A.60.

11.18 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 11.19 committed on or after that date.

11.20 Sec. 11. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

11.21 **Subdivision 1. Conditions of issuance.** (a) The commissioner may issue a limited
 11.22 license to the driver under the conditions in paragraph (b) in any case where a person's
 11.23 license has been:

11.24 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

11.25 (2) revoked, canceled, or denied under section:

11.26 (i) 169.792;

11.27 (ii) 169.797;

11.28 ~~(iii) 169A.52;~~

11.29 ~~(A) subdivision 3, paragraph (a), clause (1) or (2);~~

11.30 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 11.31 ~~171.306;~~

11.32 ~~(C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an~~
 11.33 ~~alcohol concentration of less than twice the legal limit;~~

11.34 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 11.35 ~~171.306;~~

- 12.1 ~~(iv) (iii) 171.17, except for a violation of section 169A.20; or~~
 12.2 ~~(v) (iv) 171.172; or.~~
 12.3 ~~(3) revoked, canceled, or denied under section 169A.54;~~
 12.4 ~~(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration~~
 12.5 ~~of less than twice the legal limit;~~
 12.6 ~~(ii) subdivision 1, clause (2);~~
 12.7 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~
 12.8 ~~(iv) subdivision 2, if the person does not have a qualified prior impaired driving~~
 12.9 ~~incident as defined in section 169A.03, subdivision 22, on the person's record, and the test~~
 12.10 ~~results indicate an alcohol concentration of less than twice the legal limit.~~
 12.11 (b) The following conditions for a limited license under paragraph (a) include:
 12.12 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
 12.13 counseling program depends upon the use of the driver's license;
 12.14 (2) if the use of a driver's license by a homemaker is necessary to prevent the
 12.15 substantial disruption of the education, medical, or nutritional needs of the family of
 12.16 the homemaker; or
 12.17 (3) if attendance at a postsecondary institution of education by an enrolled student of
 12.18 that institution depends upon the use of the driver's license.
 12.19 (c) The commissioner in issuing a limited license may impose such conditions and
 12.20 limitations as in the commissioner's judgment are necessary to the interests of the public
 12.21 safety and welfare including reexamination as to the driver's qualifications. The license
 12.22 may be limited to the operation of particular vehicles, to particular classes and times of
 12.23 operation, and to particular conditions of traffic. The commissioner may require that an
 12.24 applicant for a limited license affirmatively demonstrate that use of public transportation
 12.25 or carpooling as an alternative to a limited license would be a significant hardship.
 12.26 (d) For purposes of this subdivision:
 12.27 (1) "homemaker" refers to the person primarily performing the domestic tasks in
 12.28 a household of residents consisting of at least the person and the person's dependent
 12.29 child or other dependents; and
 12.30 (2) "twice the legal limit" means an alcohol concentration of two times the limit
 12.31 specified in section 169A.20, subdivision 1, clause (5).
 12.32 (e) The limited license issued by the commissioner shall clearly indicate the
 12.33 limitations imposed and the driver operating under the limited license shall have the
 12.34 license in possession at all times when operating as a driver.

13.1 (f) In determining whether to issue a limited license, the commissioner shall consider
 13.2 the number and the seriousness of prior convictions and the entire driving record of the
 13.3 driver and shall consider the number of miles driven by the driver annually.

13.4 (g) If the person's driver's license or permit to drive has been revoked under
 13.5 section 169.792 or 169.797, the commissioner may only issue a limited license to the
 13.6 person after the person has presented an insurance identification card, policy, or written
 13.7 statement indicating that the driver or owner has insurance coverage satisfactory to
 13.8 the commissioner of public safety. The commissioner of public safety may require
 13.9 the insurance identification card provided to satisfy this subdivision be certified by the
 13.10 insurance company to be noncancelable for a period not to exceed 12 months.

13.11 (h) The limited license issued by the commissioner to a person under section
 13.12 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
 13.13 must not issue a limited license to a person who previously has been issued a limited
 13.14 license under section 171.186, subdivision 4.

13.15 (i) The commissioner shall not issue a limited driver's license to any person
 13.16 described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

13.17 (j) The commissioner shall not issue a class A, class B, or class C limited license.

13.18 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 13.19 committed on or after that date.

13.20 Sec. 12. Minnesota Statutes 2014, section 171.30, subdivision 2a, is amended to read:

13.21 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license
 13.22 shall not be issued for a period of:

13.23 ~~(1) 15 days, to a person whose license or privilege has been revoked or suspended~~
 13.24 ~~for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or~~
 13.25 ~~ordinance from another state in conformity with either of those sections; or~~

13.26 ~~(2) one year, to a person whose license or privilege has been revoked or suspended~~
 13.27 ~~for committing manslaughter resulting from the operation of a motor vehicle, committing~~
 13.28 ~~criminal vehicular homicide or injury under section 609.21, subdivision 1, clause (1),~~
 13.29 ~~(2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section~~
 13.30 ~~609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute or~~
 13.31 ~~ordinance from another state in conformity with either of those offenses.~~

13.32 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 13.33 committed on or after that date.

14.1 Sec. 13. Minnesota Statutes 2014, section 171.30, subdivision 5, is amended to read:

14.2 Subd. 5. **Exception; DWI and criminal vehicular operation**. Notwithstanding
 14.3 subdivision 1, the commissioner may not issue a limited license to a person whose driver's
 14.4 license has been suspended or revoked due to a violation of section ~~609.21~~; (1) 169A.20,
 14.5 or (2) 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4), ~~resulting in bodily~~
 14.6 ~~harm, substantial bodily harm, or great bodily harm;~~ 609.2113, subdivision 1, clause
 14.7 (2), item (i) or (iii), (3), or (4), subdivision 2, clause (2), item (i) or (iii), (3), or (4), or
 14.8 subdivision 3, clause (2), item (i) or (iii), (3), or (4); or section 609.2114, subdivision 1,
 14.9 clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or
 14.10 (4), where the participant has fewer than two qualified prior impaired driving incidents
 14.11 within the past ten years or fewer than three qualified prior impaired driving incidents ever.

14.12 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 14.13 committed on or after that date.

14.14 Sec. 14. Minnesota Statutes 2014, section 171.306, subdivision 2, is amended to read:

14.15 Subd. 2. **Performance standards; certification; manufacturer requirements.**

14.16 (a) The commissioner shall establish performance standards and a process for certifying
 14.17 devices used in the ignition interlock program. The manufacturer of a device must
 14.18 apply annually for certification of the device by submitting the form prescribed by the
 14.19 commissioner. The commissioner shall require manufacturers of certified devices to:

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

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

14.27 (b) The commissioner shall require that devices be equipped with: (1) a camera
 14.28 to record each event, including the initial start, rolling retests, and violations; and (2)
 14.29 global positioning system capabilities. The use of global positioning system tracking
 14.30 capabilities shall be limited to monitoring conditions of probation and conditional release
 14.31 under chapter 169A.

14.32 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
 14.33 committed on or after that date.

15.1 Sec. 15. Minnesota Statutes 2014, section 171.306, subdivision 4, is amended to read:

15.2 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class
15.3 D driver's license, subject to the applicable limitations and restrictions of this section,
15.4 to a program participant who meets the requirements of this section and the program
15.5 guidelines. The commissioner shall not issue a license unless the program participant has
15.6 provided satisfactory proof that:

15.7 (1) a certified ignition interlock device has been installed on the participant's motor
15.8 vehicle at an installation service center designated by the device's manufacturer; and

15.9 (2) the participant has insurance coverage on the vehicle equipped with the ignition
15.10 interlock device. The commissioner shall require the participant to present an insurance
15.11 identification card, policy, or written statement as proof of insurance coverage, and may
15.12 require the insurance identification card provided be certified by the insurance company to
15.13 be noncancelable for a period not to exceed 12 months.

15.14 (b) A license issued under authority of this section must contain a restriction
15.15 prohibiting the program participant from driving, operating, or being in physical control of
15.16 any motor vehicle not equipped with a functioning ignition interlock device certified by
15.17 the commissioner. A participant may drive an employer-owned vehicle not equipped with
15.18 an interlock device while in the normal course and scope of employment duties pursuant
15.19 to the program guidelines established by the commissioner and with the employer's
15.20 written consent.

15.21 (c) A program participant whose driver's license has been:

15.22 (1) ~~revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or~~
15.23 ~~(3), or subdivision 4, paragraph (a), clause (1), (2), or (3); or section 169A.54, subdivision~~
15.24 ~~1, clause (1), (2), (3), or (4); or~~

15.25 (2) ~~revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or~~
15.26 ~~suspended under section 171.187, for a violation of section 609.2112, subdivision 1,~~
15.27 ~~clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii),~~
15.28 ~~(3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause~~
15.29 ~~(2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3),~~
15.30 ~~or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,~~
15.31 ~~substantial bodily harm, or great bodily harm, where the participant has fewer than two~~
15.32 ~~qualified prior impaired driving incidents within the past ten years or fewer than three~~
15.33 ~~qualified prior impaired driving incidents ever;~~
15.34 may apply for conditional reinstatement of the driver's license, subject to the ignition
15.35 interlock restriction.

16.1 (d) A program participant whose driver's license has been: ~~(1) revoked, canceled,~~
16.2 ~~or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or~~
16.3 ~~subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,~~
16.4 ~~clause (5), (6), or (7); or (2) revoked under section 171.17, subdivision 1, paragraph~~
16.5 ~~(a), clause (1), or suspended under section 171.187, for a violation of section 609.2112,~~
16.6 ~~subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause~~
16.7 ~~(2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or~~
16.8 ~~subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2),~~
16.9 ~~item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting~~
16.10 ~~in bodily harm, substantial bodily harm, or great bodily harm, where the participant has
16.11 two or more qualified prior impaired driving incidents within the past ten years or three
16.12 or more qualified prior impaired driving incidents ever; may apply for a limited license,
16.13 subject to the ignition interlock restriction, if the program participant is enrolled in a
16.14 licensed chemical dependency treatment or rehabilitation program as recommended in a
16.15 chemical use assessment, and if the participant meets the other applicable requirements
16.16 of section 171.30. After completing a licensed chemical dependency treatment or
16.17 rehabilitation program and one year of limited license use without violating the ignition
16.18 interlock restriction, the conditions of limited license use, or program guidelines, the
16.19 participant may apply for conditional reinstatement of the driver's license, subject to
16.20 the ignition interlock restriction. If the program participant's ignition interlock device
16.21 subsequently registers a positive breath alcohol concentration of 0.02 or higher, the
16.22 commissioner shall cancel the driver's license, and the program participant may apply for
16.23 another limited license according to this paragraph.~~

16.24 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
16.25 authority to determine when a program participant is eligible for restoration of full driving
16.26 privileges, except that the commissioner shall not reinstate full driving privileges until the
16.27 program participant has met all applicable prerequisites for reinstatement under section
16.28 169A.55 and until the program participant's device has registered no positive breath
16.29 alcohol concentrations of 0.02 or higher during the preceding ~~90~~ 180 days.

16.30 (f) A class D driver's license issued under this section shall not designate the ignition
16.31 interlock restriction on the card. The ignition interlock restriction shall be included in
16.32 the magnetic strip or bar code used to store data on the license. Upon a determination
16.33 by the commissioner that the program participant is eligible for full driving privileges,
16.34 has met all applicable prerequisites for reinstatement, and has paid all applicable fees,
16.35 the commissioner shall send notice to the program participant that the ignition interlock
16.36 restriction has been removed from the license data.

17.1 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
17.2 committed on or after that date.

17.3 Sec. 16. Minnesota Statutes 2014, section 299A.705, subdivision 2, is amended to read:

17.4 Subd. 2. **Driver services operating account.** (a) The driver services operating
17.5 account is created in the special revenue fund, consisting of all money collected under
17.6 chapter 171 and any other money otherwise donated, allotted, appropriated, or legislated
17.7 to the account.

17.8 (b) Except as provided in paragraph (c), money in the account must be used by the
17.9 commissioner of public safety to administer the driver services specified in chapters
17.10 169A and 171, including the activities associated with producing and mailing drivers'
17.11 licenses and identification cards and notices relating to issuance, renewal, or withdrawal
17.12 of driving and identification card privileges for any fiscal year or years and for the testing
17.13 and examination of drivers.

17.14 (c) Of the money in the account appropriated from section 171.29, subdivision 2a,
17.15 80 percent must be used by the commissioner of public safety to staff and administer the
17.16 ignition interlock program under section 171.306, and 20 percent must be used by the
17.17 commissioner of public safety to educate the public about the risks of impaired driving.

17.18 **EFFECTIVE DATE.** This section is effective July 1, 2016.

17.19 Sec. 17. **REVISOR'S INSTRUCTION.**

17.20 In Minnesota Statutes, the revisor of statutes shall appropriately revise any statutory
17.21 cross-references consistent with the enactment of this act.

17.22 Sec. 18. **REPEALER.**

17.23 Minnesota Statutes 2014, section 169A.54, subdivision 2, is repealed.

17.24 **EFFECTIVE DATE.** This section is effective July 1, 2016, and applies to crimes
17.25 committed on or after that date.

169A.54 DWI CONVICTIONS, ADJUDICATIONS; ADMINISTRATIVE PENALTIES.

Subd. 2. **Driving while impaired by person under age 21.** If the person convicted of violating section 169A.20 (driving while impaired) is under the age of 21 years at the time of the violation, the commissioner shall revoke the offender's driver's license or operating privileges for a period of not less than 180 days or for the appropriate period of time under subdivision 1, clauses (1) to (6), for the offense committed, whichever is the longer period.