

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 3281

(SENATE AUTHORS: DAHLE)

DATE	D-PG	OFFICIAL STATUS
03/29/2016	5317	Introduction and first reading Referred to Judiciary

A bill for an act
relating to public safety; amending test refusal provision for driving while
impaired license revocation; amending Minnesota Statutes 2014, section
169A.52, subdivisions 1, 2.

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

Section 1. Minnesota Statutes 2014, section 169A.52, subdivision 1, is amended to read:

Subdivision 1. **Test refusal.** If a person refuses to permit a test, ~~then a test must not~~
~~be given, but~~ the peace officer shall report the refusal to the commissioner and the authority
having responsibility for prosecution of impaired driving offenses for the jurisdiction in
which the acts occurred. However, if a peace officer has probable cause to believe that
the person has violated section 609.2112, 609.2113, 609.2114, or Minnesota Statutes
2012, section 609.21 (criminal vehicular homicide or injury), a test may be required and
obtained despite the person's refusal. A refusal to submit to an alcohol concentration test
does not constitute a violation of section 609.50 (obstructing legal process), unless the
refusal was accompanied by force or violence or the threat of force or violence.

Sec. 2. Minnesota Statutes 2014, section 169A.52, subdivision 2, is amended to read:

Subd. 2. **Reporting test failure.** (a) ~~If a person submits to a test,~~ When a test is
obtained, whether pursuant to the implied consent process under section 169A.51 or
pursuant to a search warrant, the results of that test must be reported to the commissioner
and to the authority having responsibility for prosecution of impaired driving offenses for
the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of 0.08 or more;

2.1 (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or
2.2 in physical control of a commercial motor vehicle at the time of the violation; or

2.3 (3) the presence of a controlled substance listed in Schedule I or II or its metabolite,
2.4 other than marijuana or tetrahydrocannabinols.

2.5 (b) ~~If a person submits to a test~~ When a test is obtained, and the test results indicate
2.6 the presence of a hazardous substance, the results of that test must be reported to the
2.7 authority having responsibility for prosecution of impaired driving offenses for the
2.8 jurisdiction in which the acts occurred.