

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 3637**

(SENATE AUTHORS: KORAN)

DATE  
03/21/2018

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Introduction and first reading

OFFICIAL STATUS

Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act  
1.2 relating to public safety; revoking snowmobile or all-terrain vehicle privileges  
1.3 following a conviction for driving under the influence; amending Minnesota  
1.4 Statutes 2017 Supplement, sections 84.91, subdivision 1; 169A.07.

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

1.6 Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended  
1.7 to read:

1.8 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control  
1.9 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person  
1.10 knows or has reason to believe is under the influence of alcohol or a controlled substance  
1.11 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state  
1.12 or on the ice of any boundary water of this state.

1.13 (b) No owner or other person having charge or control of any snowmobile or all-terrain  
1.14 vehicle shall knowingly authorize or permit any person, who by reason of any physical or  
1.15 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain  
1.16 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.17 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle  
1.18 anywhere in this state or on the ice of any boundary water of this state is subject to chapter  
1.19 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted  
1.20 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~  
1.21 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit  
1.22 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity  
1.23 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period

of one year. The commissioner shall notify the person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under:

(1) this section and chapters;

(2) chapter 169 and relating to snowmobiles and all-terrain vehicles;

(3) chapter 169A relating to snowmobiles and all-terrain vehicles; and

(4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

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

Sec. 2. Minnesota Statutes 2017 Supplement, section 169A.07, is amended to read:

**169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

A person who violates section 169A.20 (driving while impaired) while using an off-road recreational vehicle or motorboat and who does not have a qualified prior impaired driving incident is subject only to the criminal penalty provided in section 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or mental disability), whichever is applicable. The person is not subject to the provisions of section 169A.275, subdivision 5 (submission to the level of care recommended in chemical use assessment for repeat offenders and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring);

3.1 169A.285 (penalty assessment); 169A.44 (conditional release); ~~169A.54 (impaired driving~~  
3.2 ~~convictions and adjudications; administrative penalties); or 169A.54, subdivision 11~~  
3.3 ~~(chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53~~  
3.4 ~~(implied consent law) or 171.177 (revocation; search warrant); or the plate impoundment~~  
3.5 provisions of section 169A.60 (administrative impoundment of plates).

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations  
3.7 committed on or after that date.