

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 3106

1.2 A bill for an act  
1.3 relating to public safety; amending first-degree driving while impaired crime to  
1.4 include prior felony convictions from other states; modifying implied consent,  
1.5 driving while impaired, and ignition interlock provisions; amending Minnesota  
1.6 Statutes 2008, sections 169A.24, subdivision 1; 169A.52, subdivisions 3,  
1.7 4; 169A.54, subdivisions 2, 5; 169A.55, by adding a subdivision; 169A.60,  
1.8 subdivision 1; 171.09; 171.30, subdivisions 1, 2a, 4; 171.306, as amended;  
1.9 609.131, subdivision 2; Minnesota Statutes 2009 Supplement, sections  
1.10 169A.275, subdivision 7; 169A.54, subdivision 1; repealing Minnesota Statutes  
1.11 2008, sections 169A.54, subdivision 11; 169A.55, subdivision 1; 171.30,  
1.12 subdivision 2c; 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11.

1.13 May 12, 2010  
1.14 The Honorable Margaret Anderson Kelliher  
1.15 Speaker of the House of Representatives

1.16 The Honorable James P. Metzen  
1.17 President of the Senate

1.18 We, the undersigned conferees for H. F. No. 3106 report that we have agreed upon  
1.19 the items in dispute and recommend as follows:

1.20 That the Senate recede from its amendments and that H. F. No. 3106 be further  
1.21 amended as follows:

1.22 Delete everything after the enacting clause and insert:

1.23 "Section 1. Minnesota Statutes 2008, section 169A.03, is amended by adding a  
1.24 subdivision to read:

1.25 Subd. 24a. **Twice the legal limit.** "Twice the legal limit" means an alcohol  
1.26 concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

1.27 **EFFECTIVE DATE.** This section is effective July 1, 2011.

1.28 Sec. 2. Minnesota Statutes 2009 Supplement, section 169A.275, subdivision 7, is  
1.29 amended to read:

2.1 Subd. 7. **Exception.** ~~(a)~~ A judge is not required to sentence a person as provided in  
2.2 ~~this section~~ subdivisions 1 to 4 if the judge requires the person as a condition of probation  
2.3 to drive only motor vehicles equipped with an ignition interlock device meeting the  
2.4 standards described in section 171.306.

2.5 ~~(b) This subdivision expires July 1, 2011.~~

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.7 Sec. 3. Minnesota Statutes 2008, section 169A.52, subdivision 3, is amended to read:

2.8 Subd. 3. **Test refusal; license revocation.** (a) Upon certification by the peace  
2.9 officer that there existed probable cause to believe the person had been driving, operating,  
2.10 or in physical control of a motor vehicle in violation of section 169A.20 (driving while  
2.11 impaired), and that the person refused to submit to a test, the commissioner shall revoke  
2.12 the person's license or permit to drive, or nonresident operating privilege, ~~for a period of~~  
2.13 ~~one year~~ even if a test was obtained pursuant to this section after the person refused to  
2.14 submit to testing. The commissioner shall revoke the license, permit, or nonresident  
2.15 operating privilege:

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

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

2.20 (3) for a person with one qualified prior impaired driving incident within the past  
2.21 ten years, or two qualified prior impaired driving incidents, for a period of not less than  
2.22 two years;

2.23 (4) for a person with two qualified prior impaired driving incidents within the past  
2.24 ten years, or three qualified prior impaired driving incidents, for a period of not less than  
2.25 three years;

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

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

2.30 (b) Upon certification by the peace officer that there existed probable cause to  
2.31 believe the person had been driving, operating, or in physical control of a commercial  
2.32 motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving  
2.33 while impaired), and that the person refused to submit to a test, the commissioner shall  
2.34 disqualify the person from operating a commercial motor vehicle and shall revoke the

3.1 person's license or permit to drive or nonresident operating privilege according to the  
3.2 federal regulations adopted by reference in section 171.165, subdivision 2.

3.3 **EFFECTIVE DATE.** This section is effective July 1, 2011.

3.4 Sec. 4. Minnesota Statutes 2008, section 169A.52, subdivision 4, is amended to read:

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

3.13 (1) for a period of 90 days, or, if the test results indicate an alcohol concentration of  
3.14 twice the legal limit or more, not less than one year;

3.15 (2) if the person is under the age of 21 years, for a period of ~~six months~~ not less than  
3.16 180 days or, if the test results indicate an alcohol concentration of twice the legal limit  
3.17 or more, not less than one year;

3.18 (3) for a person with ~~a~~ one qualified prior impaired driving incident within the past  
3.19 ten years, or two qualified prior impaired driving incidents, for a period of ~~180 days~~ not  
3.20 less than one year, or if the test results indicate an alcohol concentration of twice the legal  
3.21 limit or more, not less than two years; ~~or~~

3.22 (4) if the test results indicate an alcohol concentration of 0.20 or more, for twice  
3.23 the applicable period in clauses (1) to (3). ~~for a person with two qualified prior impaired~~  
3.24 driving incidents within the past ten years, or three qualified prior impaired driving  
3.25 incidents, for a period of not less than three years;

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

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

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

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

4.9 **EFFECTIVE DATE.** This section is effective July 1, 2011.

4.10 Sec. 5. Minnesota Statutes 2009 Supplement, section 169A.54, subdivision 1, is  
4.11 amended to read:

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

4.16 (1) for an offense under section 169A.20, subdivision 1 (driving while impaired  
4.17 crime);<sup>2</sup> not less than 30 days;

4.18 (2) for an offense under section 169A.20, subdivision 2 (refusal to submit to  
4.19 chemical test crime);<sup>2</sup> not less than 90 days;

4.20 (3) for an offense occurring within ten years of a qualified prior impaired driving  
4.21 incident;<sup>2</sup> or occurring after two qualified prior impaired driving incidents,

4.22 ~~(i) if the current conviction is for a violation of section 169A.20, subdivision 1,~~  
4.23 ~~1a, 1b, or 1c,~~ not less than ~~180 days~~ one year, or if the test results indicate an alcohol  
4.24 concentration of twice the legal limit or more, not less than two years and until the court  
4.25 has certified that treatment or rehabilitation has been successfully completed where  
4.26 prescribed in accordance with section 169A.70 (chemical use assessments); ~~or~~

4.27 ~~(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not~~  
4.28 ~~less than one year and until the court has certified that treatment or rehabilitation has been~~  
4.29 ~~successfully completed where prescribed in accordance with section 169A.70;~~

4.30 (4) for an offense occurring within ten years of the first of two qualified prior  
4.31 impaired driving incidents;<sup>2</sup> or occurring after three qualified prior impaired driving  
4.32 incidents, not less than ~~one year~~ three years, together with denial under section 171.04,  
4.33 subdivision 1, clause (10), until rehabilitation is established ~~in accordance with~~ according  
4.34 to standards established by the commissioner; ~~or~~

5.1 (5) for an offense occurring within ten years of the first of three ~~or more~~ qualified  
5.2 prior impaired driving incidents; ~~not less than two~~ four years, together with denial under  
5.3 section 171.04, subdivision 1, clause (10), until rehabilitation is established ~~in accordance~~  
5.4 ~~with~~ according to standards established by the commissioner; or

5.5 (6) for an offense occurring after four or more qualified prior impaired driving  
5.6 incidents, not less than six years, together with denial under section 171.04, subdivision  
5.7 1, clause (10), until rehabilitation is established according to standards established by  
5.8 the commissioner.

5.9 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.10 Sec. 6. Minnesota Statutes 2008, section 169A.54, subdivision 2, is amended to read:

5.11 Subd. 2. **Driving while impaired by person under age 21.** If the person convicted  
5.12 of violating section 169A.20 (driving while impaired) is under the age of 21 years at the  
5.13 time of the violation, the commissioner shall revoke the offender's driver's license or  
5.14 operating privileges for a period of ~~six months~~ not less than 180 days or for the appropriate  
5.15 period of time under subdivision 1, clauses (1) to ~~(5)~~ (6), for the offense committed,  
5.16 whichever is the ~~greatest~~ longer period.

5.17 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.18 Sec. 7. Minnesota Statutes 2008, section 169A.54, subdivision 5, is amended to read:

5.19 Subd. 5. **Violations involving alcohol concentration of ~~0.20~~ twice the legal limit**  
5.20 **or more.** If the person has no qualified prior impaired driving incidents within the past  
5.21 ten years and is convicted of violating section 169A.20 (driving while impaired) while  
5.22 having an alcohol concentration of ~~0.20~~ twice the legal limit or more as measured at the  
5.23 time, or within two hours of the time, of the offense, the commissioner shall revoke the  
5.24 person's driver's license for ~~twice the period of time otherwise provided for in this section~~  
5.25 not less than one year.

5.26 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.27 Sec. 8. Minnesota Statutes 2008, section 169A.55, is amended by adding a subdivision  
5.28 to read:

5.29 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person  
5.30 whose driver's license has been canceled or denied as a result of three or more qualified  
5.31 impaired driving incidents shall not be eligible for reinstatement of driving privileges  
5.32 without an ignition interlock restriction until the person:

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

6.3 (2) has submitted verification of abstinence from alcohol and controlled substances,  
6.4 as evidenced by the person's use of an ignition interlock device or other chemical  
6.5 monitoring device approved by the commissioner.

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

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

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

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

6.16 (c) The commissioner shall establish performance standards and a process for  
6.17 certifying chemical monitoring devices. The standards and procedures are not rules and  
6.18 are exempt from chapter 14, including section 14.386.

6.19 **EFFECTIVE DATE.** This section is effective July 1, 2011.

6.20 Sec. 9. Minnesota Statutes 2008, section 169A.60, subdivision 1, is amended to read:

6.21 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
6.22 meanings given in this subdivision.

6.23 (b) "Family or household member" has the meaning given in section 169A.63,  
6.24 subdivision 1.

6.25 (c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in  
6.26 operation or an off-road recreational vehicle.

6.27 (d) "Plate impoundment violation" includes:

6.28 (1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license  
6.29 revocation for test failure or refusal), ~~or a conforming an~~ ordinance from this state or a  
6.30 ~~conforming~~ statute or ordinance from another state in conformity with either of those  
6.31 sections, that results in the revocation of a person's driver's license or driving privileges,  
6.32 within ten years of a qualified prior impaired driving incident;

6.33 (2) a license disqualification under section 171.165 (commercial driver's license  
6.34 disqualification) resulting from a violation of section 169A.52 within ten years of a  
6.35 qualified prior impaired driving incident;

7.1 (3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration  
7.2 of ~~0.20~~ twice the legal limit or more as measured at the time, or within two hours of  
7.3 the time, of the offense;

7.4 (4) a violation of section 169A.20 or 169A.52 while having a child under the age of  
7.5 16 in the vehicle if the child is more than 36 months younger than the offender; ~~and~~ or

7.6 (5) a violation of section 171.24 (driving without valid license) by a person whose  
7.7 driver's license or driving privileges have been canceled or denied under section 171.04,  
7.8 subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public  
7.9 safety).

7.10 (e) "Violator" means a person who was driving, operating, or in physical control of  
7.11 the motor vehicle when the plate impoundment violation occurred.

7.12 **EFFECTIVE DATE.** This section is effective July 1, 2011.

7.13 Sec. 10. Minnesota Statutes 2008, section 171.09, is amended to read:

7.14 **171.09 DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.**

7.15 Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause  
7.16 appears, may impose restrictions suitable to the licensee's driving ability or other  
7.17 restrictions applicable to the licensee as the commissioner may determine to be appropriate  
7.18 to assure the safe operation of a motor vehicle by the licensee.

7.19 (b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant  
7.20 for a commercial driver's license either does not successfully complete the air brake  
7.21 component of the knowledge test, or does not successfully complete the skills test  
7.22 in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal  
7.23 Regulations, title 49, part 384, the department shall indicate on the class C, class B,  
7.24 or class A commercial driver's license, if issued, that the individual is restricted from  
7.25 operating a commercial motor vehicle equipped with air brakes.

7.26 (c) Upon receiving satisfactory evidence of any violation of the restrictions on the  
7.27 license, the commissioner may suspend or revoke the license. A license suspension under  
7.28 this section is subject to section 171.18, subdivisions 2 and 3.

7.29 (d) A person who drives, operates, or is in physical control of a motor vehicle while  
7.30 in violation of the restrictions imposed in a restricted driver's license issued to that person  
7.31 under this section is guilty of a crime as follows:

7.32 (1) if the restriction relates to the possession or consumption of alcohol or controlled  
7.33 substances, the person is guilty of a gross misdemeanor; or

7.34 (2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

8.1 (e) It is a misdemeanor for a person who holds a restricted license issued under  
8.2 section 171.306 to drive, operate, or be in physical control of any motor vehicle that is not  
8.3 equipped with a functioning ignition interlock device certified by the commissioner.

8.4 Subd. 3. **No-alcohol restriction.** (a) As used in this subdivision, "impaired driving  
8.5 incident" has the meaning given in section 169A.03, subdivision 22.

8.6 (b) Upon proper application by a person having a valid driver's license containing  
8.7 the restriction that the person must not consume alcohol or controlled substances, who  
8.8 has not been documented as having consumed alcohol or having possessed or used a  
8.9 controlled substance within the past ten years, and whose driving record contains no  
8.10 impaired driving incident within the past ten years, the commissioner must remove the  
8.11 no-alcohol/controlled substance restriction on the person's driving record and issue to the  
8.12 person a duplicate driver's license that does not show that restriction.

8.13 **EFFECTIVE DATE.** This section is effective July 1, 2011.

8.14 Sec. 11. Minnesota Statutes 2008, section 171.30, subdivision 1, is amended to read:

8.15 Subdivision 1. **Conditions of issuance.** (a) In any case where a person's license  
8.16 has been suspended under section 171.18, 171.173, or 171.186, ~~or~~<sub>2</sub> revoked under section  
8.17 169.792<sub>22</sub>; 169.797<sub>22</sub>; 169A.52, ~~169A.54~~<sub>2</sub>, subdivision 3, paragraph (a), clause (1), (2),  
8.18 (4), (5), or (6), or subdivision 4, paragraph (a), clause (1) if the test results indicate an  
8.19 alcohol concentration of less than twice the legal limit, (2) if the test results indicate  
8.20 an alcohol concentration of less than twice the legal limit, (4), (5), or (6); 171.17<sub>22</sub>; or  
8.21 171.172<sub>22</sub>; or revoked, canceled, or denied under section 169A.54, subdivision 1, clause  
8.22 (1), (2), (4), (5), or (6), or subdivision 2 if the person does not have a qualified prior  
8.23 impaired driving incident as defined in section 169A.03, subdivision 22, on the person's  
8.24 record, the commissioner may issue a limited license to the driver including under the  
8.25 following conditions:

8.26 (1) if the driver's livelihood or attendance at a chemical dependency treatment or  
8.27 counseling program depends upon the use of the driver's license;

8.28 (2) if the use of a driver's license by a homemaker is necessary to prevent the  
8.29 substantial disruption of the education, medical, or nutritional needs of the family of  
8.30 the homemaker; or

8.31 (3) if attendance at a postsecondary institution of education by an enrolled student of  
8.32 that institution depends upon the use of the driver's license.

8.33 (b) The commissioner in issuing a limited license may impose such conditions and  
8.34 limitations as in the commissioner's judgment are necessary to the interests of the public  
8.35 safety and welfare including reexamination as to the driver's qualifications. The license

9.1 may be limited to the operation of particular vehicles, to particular classes and times of  
9.2 operation, and to particular conditions of traffic. The commissioner may require that an  
9.3 applicant for a limited license affirmatively demonstrate that use of public transportation  
9.4 or carpooling as an alternative to a limited license would be a significant hardship.

9.5 (c) For purposes of this subdivision, (1) "homemaker" refers to the person primarily  
9.6 performing the domestic tasks in a household of residents consisting of at least the person  
9.7 and the person's dependent child or other dependents; and (2) "twice the legal limit"  
9.8 means an alcohol concentration of two times the limit specified in section 169A.20,  
9.9 subdivision 1, clause (5).

9.10 (d) The limited license issued by the commissioner shall clearly indicate the  
9.11 limitations imposed and the driver operating under the limited license shall have the  
9.12 license in possession at all times when operating as a driver.

9.13 (e) In determining whether to issue a limited license, the commissioner shall  
9.14 consider the number and the seriousness of prior convictions and the entire driving record  
9.15 of the driver and shall consider the number of miles driven by the driver annually.

9.16 (f) If the person's driver's license or permit to drive has been revoked under  
9.17 section 169.792 or 169.797, the commissioner may only issue a limited license to the  
9.18 person after the person has presented an insurance identification card, policy, or written  
9.19 statement indicating that the driver or owner has insurance coverage satisfactory to  
9.20 the commissioner of public safety. The commissioner of public safety may require  
9.21 the insurance identification card provided to satisfy this subdivision be certified by the  
9.22 insurance company to be noncancelable for a period not to exceed 12 months.

9.23 (g) The limited license issued by the commissioner to a person under section  
9.24 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner  
9.25 must not issue a limited license to a person who previously has been issued a limited  
9.26 license under section 171.186, subdivision 4.

9.27 (h) The commissioner shall not issue a limited driver's license to any person  
9.28 described in section 171.04, subdivision 1, clause (6), (7), (8), ~~(10)~~, (11), or (14).

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

9.30 **EFFECTIVE DATE.** This section is effective July 1, 2011.

9.31 Sec. 12. Minnesota Statutes 2008, section 171.30, subdivision 2a, is amended to read:

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

10.1 (1) 15 days, to a person whose license or privilege has been revoked or suspended  
10.2 for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or  
10.3 ordinance from another state in conformity with either of those sections; or

10.4 ~~(2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53~~  
10.5 ~~if the person's license or privilege has been revoked or suspended for a second violation~~  
10.6 ~~within ten years or a third or subsequent violation of section 169A.20, sections 169A.50~~  
10.7 ~~to 169A.53, or a statute or ordinance from another state in conformity with either of~~  
10.8 ~~those sections;~~

10.9 ~~(3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53~~  
10.10 ~~if the person's license or privilege has been revoked or suspended for a second violation~~  
10.11 ~~within ten years or a third or subsequent violation of sections 169A.20, 169A.50 to~~  
10.12 ~~169A.53, or a statute or ordinance from another state in conformity with either of those~~  
10.13 ~~sections; or~~

10.14 ~~(4)~~ (2) one year, to a person whose license or privilege has been revoked or  
10.15 suspended for committing manslaughter resulting from the operation of a motor vehicle,  
10.16 committing criminal vehicular homicide or injury under section 609.21, or violating a  
10.17 statute or ordinance from another state in conformity with either of those offenses.

10.18 **EFFECTIVE DATE.** This section is effective July 1, 2011.

10.19 Sec. 13. Minnesota Statutes 2008, section 171.30, subdivision 4, is amended to read:

10.20 Subd. 4. **Penalty.** A person who violates a condition or limitation of a limited  
10.21 license issued under subdivision 1 or fails to have the license in immediate possession at  
10.22 all times when operating a motor vehicle is guilty of a misdemeanor. In addition, except as  
10.23 otherwise provided in the ignition interlock program under section 171.306, a person who  
10.24 violates a condition or limitation of a limited license may not operate a motor vehicle for  
10.25 the remainder of the period of suspension or revocation, or 30 days, whichever is longer.

10.26 **EFFECTIVE DATE.** This section is effective July 1, 2011.

10.27 Sec. 14. Minnesota Statutes 2008, section 171.306, as amended by Laws 2009, chapter  
10.28 29, sections 2 and 3, is amended to read:

10.29 **171.306 IGNITION INTERLOCK DEVICE PILOT PROJECT PROGRAM.**

10.30 Subdivision 1. ~~Pilot project established; reports~~ **Definitions.** The commissioner  
10.31 ~~shall conduct a statewide two-year ignition interlock device pilot project as provided~~  
10.32 ~~in this section. The pilot project must begin on July 1, 2009, and continue until June~~  
10.33 ~~30, 2011. The commissioner shall submit a preliminary report by September 30, 2010,~~

11.1 ~~and a final report by September 30, 2011, to the chairs and ranking minority members~~  
11.2 ~~of the senate and house of representatives committees having jurisdiction over criminal~~  
11.3 ~~justice policy and funding. The reports must evaluate the successes and failures of the~~  
11.4 ~~pilot project, provide information on participation rates, and make recommendations on~~  
11.5 ~~continuing the project. (a) As used in this section, the terms in this subdivision have~~  
11.6 ~~the meanings given them.~~

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

11.11 (c) "Program participant" means a person whose driver's license has been revoked,  
11.12 canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision 1, clause (10),  
11.13 and who has qualified to take part in the ignition interlock program under this section.

11.14 (d) "Qualified prior impaired driving incident" has the meaning given in section  
11.15 169A.03, subdivision 22.

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

11.17 The commissioner shall ~~determine appropriate~~ establish performance standards and a  
11.18 ~~certification~~ process for ~~ignition interlock certifying devices for used in the pilot project.~~  
11.19 ~~Only devices certified by the commissioner as meeting the performance standards may be~~  
11.20 ~~used in the pilot project.~~ ignition interlock program. The manufacturer of a device must  
11.21 apply annually for certification of the device by submitting the form prescribed by the  
11.22 commissioner. The commissioner shall require manufacturers of certified devices to:

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

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

11.30 **Subd. 3. ~~Pilot project components~~ Program requirements.** (a) ~~Under the pilot~~  
11.31 ~~project, the commissioner shall issue a driver's license to an individual whose driver's~~  
11.32 ~~license has been revoked under chapter 169A for an impaired driving incident if the~~  
11.33 ~~person qualifies under this section and agrees to all of the conditions of the project. The~~  
11.34 commissioner shall establish guidelines for participation in the ignition interlock program.  
11.35 A person who seeks to participate in the program shall sign a written acknowledgment that  
11.36 the person has received, reviewed, and agreed to abide by the program guidelines.

12.1 (b) The commissioner must ~~denote the person's driver's license~~ enter a notation  
12.2 on a person's driving record to indicate that the person's participation in the  
12.3 program participant. ~~The license must authorize the person to drive only vehicles having~~  
12.4 ~~functioning ignition interlock devices conforming with the requirements of subdivision 2.~~

12.5 (c) ~~Notwithstanding any statute or rule to the contrary, the commissioner has~~  
12.6 ~~authority to and shall determine the appropriate period for which a person participating~~  
12.7 ~~in the ignition interlock pilot program shall be subject to this program, and when the~~  
12.8 ~~person is eligible to be issued:~~ A person under the age of 18 years is not eligible to be a  
12.9 program participant.

12.10 (1) ~~a limited driver's license subject to the ignition interlock restriction;~~

12.11 (2) ~~full driving privileges subject to the ignition interlock restriction; and~~

12.12 (3) ~~a driver's license without an ignition interlock restriction.~~

12.13 (d) A program participant shall pay costs associated with an ignition interlock device  
12.14 on every motor vehicle that the participant operates or intends to operate.

12.15 (e) A person participating in this pilot project program participant shall agree to  
12.16 participate in any treatment recommended by in a chemical use assessment report.

12.17 (e) ~~The commissioner shall determine guidelines for participation in the project.~~

12.18 ~~A person participating in the project shall sign a written agreement accepting these~~  
12.19 ~~guidelines and agreeing to comply with them.~~

12.20 (f) ~~It is a misdemeanor for a person who is licensed under this section for driving~~  
12.21 ~~a vehicle equipped with an ignition interlock device to drive, operate, or be in physical~~  
12.22 ~~control of a motor vehicle other than a vehicle properly equipped with an~~ A program  
12.23 participant shall bring the device-equipped motor vehicle or vehicles operated by the  
12.24 program participant to an approved service provider for device calibration and servicing  
12.25 according to the schedule established by the commissioner and as indicated by the ignition  
12.26 interlock device.

12.27 Subd. 4. Issuance of restricted license. (a) The commissioner shall issue a class  
12.28 D driver's license, subject to the applicable limitations and restrictions of this section,  
12.29 to a program participant who meets the requirements of this section and the program  
12.30 guidelines. The commissioner shall not issue a license unless the program participant has  
12.31 provided satisfactory proof that: (1) a certified ignition interlock device has been installed  
12.32 on the participant's motor vehicle at an installation service center designated by the device's  
12.33 manufacturer; and (2) the participant has insurance coverage on the vehicle equipped with  
12.34 the ignition interlock device. The commissioner shall require the participant to present an  
12.35 insurance identification card, policy, or written statement as proof of insurance coverage,  
12.36 and may require the insurance identification card provided be certified by the insurance

13.1 company to be noncancelable for a period not to exceed 12 months. A license issued under  
13.2 authority of this section must contain a restriction prohibiting the program participant  
13.3 from driving, operating, or being in physical control of any motor vehicle not equipped  
13.4 with a functioning ignition interlock device certified by the commissioner. A participant  
13.5 may drive an employer-owned vehicle not equipped with an interlock device while in  
13.6 the normal course and scope of employment duties pursuant to the program guidelines  
13.7 established by the commissioner and with the employer's written consent.

13.8 (b) A program participant whose driver's license has been revoked under section  
13.9 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph  
13.10 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), or (3), may  
13.11 apply for conditional reinstatement of the driver's license, subject to the ignition interlock  
13.12 restriction.

13.13 (c) A program participant whose driver's license has been revoked, canceled, or  
13.14 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or  
13.15 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,  
13.16 clause (4), (5), or (6), may apply for a limited license, subject to the ignition interlock  
13.17 restriction, if the program participant is enrolled in a licensed chemical dependency  
13.18 treatment or rehabilitation program as recommended in a chemical use assessment,  
13.19 and if the participant meets the other applicable requirements of section 171.30. After  
13.20 completing a licensed chemical dependency treatment or rehabilitation program and  
13.21 one year of limited license use without violating the ignition interlock restriction, the  
13.22 conditions of limited license use, or program guidelines, the participant may apply  
13.23 for conditional reinstatement of the driver's license, subject to the ignition interlock  
13.24 restriction. If the program participant's ignition interlock device subsequently registers  
13.25 a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel  
13.26 the driver's license, and the program participant may apply for another limited license  
13.27 according to this paragraph.

13.28 (d) Notwithstanding any statute or rule to the contrary, the commissioner has  
13.29 authority to determine when a program participant is eligible for restoration of full driving  
13.30 privileges, except that the commissioner shall not reinstate full driving privileges until the  
13.31 program participant has met all applicable prerequisites for reinstatement under section  
13.32 169A.55 and until the program participant's device has registered no positive breath  
13.33 alcohol concentrations of 0.02 or higher during the preceding 90 days.

13.34 Subd. 5. **Penalties; program violations.** (a) If a program participant tampers  
13.35 with, circumvents, or bypasses a device; drives, operates, or exercises physical control  
13.36 over a motor vehicle not equipped with a device certified by the commissioner; violates a

14.1 condition of a limited license issued under subdivision 4 and section 171.30; or violates  
14.2 the program guidelines of subdivision 2, the commissioner shall extend the person's  
14.3 revocation period under section 169A.52 or 169A.54 by:

- 14.4 (1) 180 days for a first violation;  
14.5 (2) one year for a second violation; or  
14.6 (3) 545 days for a third and each subsequent violation.

14.7 (b) Notwithstanding paragraph (a), the commissioner may terminate participation  
14.8 in the program by any person when, in the commissioner's judgment, termination is  
14.9 necessary to the interests of public safety and welfare. In the event of termination, the  
14.10 commissioner shall not reduce the applicable revocation period under section 169A.52 or  
14.11 169A.54 by the amount of time during which the person possessed a limited or restricted  
14.12 driver's license issued under the authority of subdivision 4.

14.13 Subd. 6. **Penalties; tampering.** (a) A person who lends, rents, or leases a motor  
14.14 vehicle that is not equipped with a functioning ignition interlock device certified by the  
14.15 commissioner to a person with a license issued under this section knowing that the person  
14.16 is subject to the ignition interlock restriction is guilty of a misdemeanor.

14.17 (b) A person who tampers with, circumvents, or bypasses the ignition interlock  
14.18 device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a  
14.19 misdemeanor except when the action was taken for emergency purposes or for mechanical  
14.20 repair, and the person limited to the use of an ignition interlock device does not operate  
14.21 the motor vehicle while the device is disengaged.

14.22 Subd. 7. **Venue.** In addition to the provisions of Rule 24 of the Rules of Criminal  
14.23 Procedure and section 627.01, a violation of subdivision 6 or section 171.09, subdivision  
14.24 1, paragraph (e), may be prosecuted in:

- 14.25 (1) the county in which the vehicle involved in the offense is found;  
14.26 (2) the county in which the accused resides;  
14.27 (3) any county through which the vehicle traveled in the course of the trip during or  
14.28 after which the offense was committed; or  
14.29 (4) the county in which the impaired driving incident occurred, which resulted in the  
14.30 accused being issued a driver's license with an ignition interlock restriction.

14.31 Subd. 8. **Rulemaking.** In establishing the performance standards and certification  
14.32 process of subdivision 2 and the program guidelines of subdivision 3, the commissioner  
14.33 is exempt from chapter 14, including section 14.386. If rules are otherwise necessary to  
14.34 implement this section, the commissioner may adopt, amend, and repeal rules using the  
14.35 exempt procedures of section 14.386, except that paragraph (b) shall not apply.

15.1 **EFFECTIVE DATE.** Subdivisions 1 to 7 are effective July 1, 2011. Subdivision 8  
15.2 is effective August 1, 2010.

15.3 Sec. 15. Minnesota Statutes 2008, section 609.131, subdivision 2, is amended to read:

15.4 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a  
15.5 misdemeanor violation of section 169A.20; 171.09, subdivision 1, paragraph (e); 171.306,  
15.6 subdivision 6; 609.224; 609.2242; 609.226; 609.324, subdivision 3; 609.52; or 617.23,  
15.7 or an ordinance that conforms in substantial part to any of those sections. A violation  
15.8 described in this subdivision must be treated as a misdemeanor unless the defendant  
15.9 consents to the certification of the violation as a petty misdemeanor.

15.10 **EFFECTIVE DATE.** This section is effective July 1, 2011.

15.11 Sec. 16. **RULEMAKING.**

15.12 The commissioner may adopt, amend, or repeal rules as needed to administer  
15.13 Minnesota Statutes, section 169A.55, subdivision 4, paragraph (a), using the exempt  
15.14 procedures of Minnesota Statutes, section 14.386, except that paragraph (b) shall not apply.

15.15 **EFFECTIVE DATE.** This section is effective August 1, 2010.

15.16 Sec. 17. **REPEALER.**

15.17 Minnesota Statutes 2008, sections 169A.54, subdivision 11; 169A.55, subdivision  
15.18 1; 171.30, subdivision 2c; and 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11, are  
15.19 repealed effective July 1, 2011."

15.20 Delete the title and insert:

15.21 "A bill for an act  
15.22 relating to public safety; modifying implied consent, driving while impaired,  
15.23 and ignition interlock provisions; amending Minnesota Statutes 2008, sections  
15.24 169A.03, by adding a subdivision; 169A.52, subdivisions 3, 4; 169A.54,  
15.25 subdivisions 2, 5; 169A.55, by adding a subdivision; 169A.60, subdivision 1;  
15.26 171.09; 171.30, subdivisions 1, 2a, 4; 171.306, as amended; 609.131, subdivision  
15.27 2; Minnesota Statutes 2009 Supplement, sections 169A.275, subdivision 7;  
15.28 169A.54, subdivision 1; repealing Minnesota Statutes 2008, sections 169A.54,  
15.29 subdivision 11; 169A.55, subdivision 1; 171.30, subdivision 2c; 171.305,  
15.30 subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11."

16.1 We request the adoption of this report and repassage of the bill.

16.2 House Conferees:

16.3 .....  
16.4 Karla Bigham Debra Hilstrom

16.5 .....  
16.6 Kim Norton Tony Cornish

16.7 .....  
16.8 Steve Drazkowski

16.9 Senate Conferees:

16.10 .....  
16.11 Steve Murphy Mee Moua

16.12 .....  
16.13 Julie Rosen John Doll

16.14 .....  
16.15 Jim Carlson