

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1548

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
03/09/2015	615	Introduction and first reading Referred to Judiciary See SF1073, Sec. 13, 23-24, 28

1.1

A bill for an act

1.2

relating to public safety; requiring ignition interlock for DWI repeat offenders,

1.3

DWI offenders with high alcohol concentration, and criminal vehicular homicide

1.4

offenders; amending licensing provisions for DWI offenders; amending ignition

1.5

interlock requirements; authorizing expedited rulemaking; increasing criminal

1.6

penalties; amending Minnesota Statutes 2014, sections 169A.55, subdivisions 2,

1.7

4, 5; 171.29, subdivision 1; 171.30, subdivisions 1, 2a, 5; 171.306, subdivisions

1.8

1, 4, 5, 6, 8.

1.9

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

1.10

Section 1. Minnesota Statutes 2014, section 169A.55, subdivision 2, is amended to read:

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Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period

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of revocation under section 169A.52 (license revocation for test failure or refusal) or

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169A.54 (impaired driving convictions and adjudications; administrative penalties), the

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commissioner shall notify the person of the terms upon which driving privileges can be

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reinstated, and new registration plates issued, which terms are: (1) ~~successful completion~~

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~~of an examination and~~ proof of compliance with any terms of ignition interlock or alcohol

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treatment or counseling previously prescribed, if any; and (2) any other requirements

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imposed by the commissioner and applicable to that particular case. The commissioner

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shall notify the owner of a motor vehicle subject to an impoundment order under section

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169A.60 (administrative impoundment of plates) as a result of the violation of the

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procedures for obtaining new registration plates, if the owner is not the violator. The

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commissioner shall also notify the person that if driving is resumed without reinstatement

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of driving privileges or without valid registration plates and registration certificate, the

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person will be subject to criminal penalties.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
2.2 offenses committed on or after that date.

2.3 Sec. 2. Minnesota Statutes 2014, section 169A.55, subdivision 4, is amended to read:

2.4 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person
2.5 whose driver's license has been revoked as a result of an offense listed under clause (1) or
2.6 (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock
2.7 restriction until the commissioner certifies the person's use of the ignition interlock device
2.8 and compliance with section 171.306 for a period of not less than:

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

2.10 (i) an offense where the test results indicated an alcohol concentration of twice
2.11 the legal limit or more;

2.12 (ii) an offense occurring within ten years of a qualified prior impaired driving
2.13 incident; or

2.14 (iii) an offense occurring after two qualified prior impaired driving incidents; or

2.15 (2) two years, for a person whose driver's license was revoked for an offense
2.16 occurring under clause (1), item (i) or (ii), and where the test results indicated an alcohol
2.17 concentration of twice the legal limit.

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

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

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

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2014, section 169A.55, subdivision 5, is amended to read:

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

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

Sec. 4. Minnesota Statutes 2014, section 171.29, subdivision 1, is amended to read:

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

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

Sec. 5. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

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

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

(2) suspended or revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or 171.187, for a violation of section:

(i) 609.2112, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8);

(ii) 609.2113, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 3, clause (1), (2), item (ii), (5), (6), (7), or (8); or

(iii) 609.2114, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8);

(3) revoked, canceled, or denied under section:

(i) 169.792;

(ii) 169.797;

(iii) 169A.52:

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

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

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

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

(iv) 171.17, subdivision 1, paragraph (a), clauses (2) to (10); or

(v) 171.172; or

~~(3) (4) revoked, canceled, or denied under section 169A.54:~~

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2); or

~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

~~(iv) (iii) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit.~~

(b) The following conditions for a limited license under paragraph (a) include:

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

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

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

(c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

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

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

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

(h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner

must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

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

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

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

Sec. 6. Minnesota Statutes 2014, section 171.30, subdivision 2a, is amended to read:

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

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a first violation of section 169A.20, where the test results indicate an alcohol concentration of less than twice the legal limit, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections; or

(2) one year, to a person whose license or privilege has been revoked or suspended for committing manslaughter resulting from the operation of a motor vehicle, committing criminal vehicular homicide or injury under section ~~609.21, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), 609.2112, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8); 609.2113, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 3, clause (1), (2), item (ii), (5), (6), (7), or (8); or 609.2114, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8), or violating~~ a statute or ordinance from another state in conformity with ~~either of those offenses.~~

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

Sec. 7. Minnesota Statutes 2014, section 171.30, subdivision 5, is amended to read:

Subd. 5. **Exception; criminal vehicular operation.** Notwithstanding subdivision 1, the commissioner may not issue a limited license to a person whose driver's license has been suspended or revoked due to a violation of ~~section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm~~ section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), subdivision 2, clause (2),

7.1 item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or
7.2 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause
7.3 (2), item (i) or (iii), (3), or (4).

7.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
7.5 offenses committed on or after that date.

7.6 Sec. 8. Minnesota Statutes 2014, section 171.306, subdivision 1, is amended to read:

7.7 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision
7.8 have the meanings given them.

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

7.13 (c) "Program participant" means a person who has qualified to take part in the
7.14 ignition interlock program under this section, and whose driver's license has been:

7.15 (1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04,
7.16 subdivision 1, clause (10); or

7.17 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or
7.18 suspended under section 171.187, for a violation of section 609.2112, subdivision 1,
7.19 clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii),
7.20 (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause
7.21 (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3),
7.22 or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,
7.23 substantial bodily harm, or great bodily harm.

7.24 (d) "Qualified prior impaired driving incident" has the meaning given in section
7.25 169A.03, subdivision 22.

7.26 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
7.27 offenses committed on or after that date.

7.28 Sec. 9. Minnesota Statutes 2014, section 171.306, subdivision 4, is amended to read:

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

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

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, ~~and may.~~ If the participant has a prior conviction under section 169.791 or a prior revocation under section 169.792, the commissioner shall require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

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

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

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

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), ~~resulting in bodily harm, substantial bodily harm, or great bodily harm,~~ where the participant has fewer than two qualified prior impaired driving incidents within the past ten years or fewer than three qualified prior impaired driving incidents ever;

may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

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

(1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause (5), (6), or (7); or

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has two or more qualified prior impaired driving incidents within the past ten years or three or more qualified prior impaired driving incidents ever;

~~may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited conditional reinstatement of the license according to this paragraph.~~

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

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

Sec. 10. Minnesota Statutes 2014, section 171.306, subdivision 5, is amended to read:

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

condition of a limited license issued under subdivision 4 and section 171.30; or violates the program guidelines of subdivision 3, the commissioner shall extend the person's revocation period under section 169A.52 or 169A.54 by:

(1) 180 days for a first violation;

(2) one year for a second violation; or

(3) 545 days for a third and each subsequent violation.

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

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

Sec. 11. Minnesota Statutes 2014, section 171.306, subdivision 6, is amended to read:

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

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

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

Sec. 12. Minnesota Statutes 2014, section 171.306, subdivision 8, is amended to read:

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

- 11.1
- promulgate and adopt rules pursuant to section 14.389, and specifically section 14.389,
- 11.2
- subdivision 5.
- 11.3
- EFFECTIVE DATE.** This section is effective the day following final enactment.