

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 753

(SENATE AUTHORS: JOHNSON, Limmer, Latz and Koran)

DATE	D-PG	OFFICIAL STATUS
01/31/2019	227	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/11/2019	341	Author added Latz
03/13/2019	868	Author added Koran
03/18/2019		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to public safety; further conforming recreational vehicle DWI laws to

1.3 general DWI laws; making technical corrections; amending Minnesota Statutes

1.4 2018, sections 84.91, subdivision 1; 86B.331, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 84.91, subdivision 1, is amended to read:

1.7 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control

1.8 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person

1.9 knows or has reason to believe is under the influence of alcohol or a controlled substance

1.10 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state

1.11 or on the ice of any boundary water of this state.

1.12 (b) No owner or other person having charge or control of any snowmobile or all-terrain

1.13 vehicle shall knowingly authorize or permit any person, who by reason of any physical or

1.14 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain

1.15 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.16 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle

1.17 anywhere in this state or on the ice of any boundary water of this state is subject to chapter

1.18 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted

1.19 of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply

1.20 with a lawful request to submit to testing or who fails a test lawfully administered under

1.21 sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~any of these~~

1.22 sections, ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for a

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

2.3 (d) Administrative and judicial review of the operating privileges prohibition is governed
 2.4 by section 169A.53 or 171.177.

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

2.7 (1) this section;

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

2.9 (3) chapter 169A; and

2.10 (4) section 171.177.

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

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations
 2.16 committed on or after that date.

2.17 Sec. 2. Minnesota Statutes 2018, section 86B.331, subdivision 1, is amended to read:

2.18 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control
 2.19 of a motorboat may not authorize or allow an individual the person knows or has reason to
 2.20 believe is under the influence of alcohol or a controlled or other substance to operate the
 2.21 motorboat in operation on the waters of this state.

2.22 (b) An owner or other person having charge or control of a motorboat may not knowingly
 2.23 authorize or allow a person, who by reason of a physical or mental disability is incapable
 2.24 of operating the motorboat, to operate the motorboat in operation on the waters of this state.

2.25 (c) A person who operates or is in physical control of a motorboat on the waters of this
 2.26 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,
 2.27 a person who is convicted of violating section 169A.20 or who fails a test lawfully
 2.28 administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity
 2.29 with ~~it~~ any of these sections, ~~shall be~~ is prohibited from operating a motorboat on the waters
 2.30 of this state for ~~a period of~~ 90 days between May 1 and October 31, extending over two
 2.31 consecutive years if necessary. If the person refuses to comply with a lawful demand to
 2.32 submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in

3.1 conformity with ~~it~~ any of these sections, the person ~~shall be~~ is prohibited from operating a
3.2 motorboat for ~~a period of~~ one year. The commissioner shall notify the person of the period
3.3 during which the person is prohibited from operating a motorboat.

3.4 (d) Administrative and judicial review of the operating privileges prohibition is governed
3.5 by section 169A.53 or 171.177.

3.6 (e) The court shall promptly forward to the commissioner and the Department of Public
3.7 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this
3.8 section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

3.9 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
3.10 of them, is guilty of a misdemeanor.

3.11 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
3.12 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
3.13 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
3.15 committed on or after that date.