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State of Minnesota

HOUSE OF REPRESENTATIVES

A bill for an act

relating to public safety; establishing a variance for individuals who cannot provide

NINETY-SECOND SESSION

H. F. No. 2088

Authored by Wolgamott 03/10/2021

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.3 1.4	a sufficient breath sample for an ignition interlock device due to a lung disease; amending Minnesota Statutes 2020, section 169A.55, subdivision 4.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:
1.7	Subd. 4. Reinstatement of driving privileges; multiple incidents. (a) A person whose
1.8	driver's license has been canceled or denied as a result of three or more qualified impaired
1.9	driving incidents shall not be eligible for reinstatement of driving privileges without an
1.10	ignition interlock restriction until the person:
1.11	(1) has completed rehabilitation according to rules adopted by the commissioner or been
1.12	granted a variance from the rules by the commissioner; and
1.13	(2) except as provided in paragraph (d), has submitted verification of abstinence from
1.14	alcohol and controlled substances, as evidenced by the person's use of an ignition interlock
1.15	device or other chemical monitoring device approved by the commissioner.
1.16	(b) The verification of abstinence must show that the person has abstained from the use
1.17	of alcohol and controlled substances for a period of not less than:
1.18	(1) three years, for a person whose driver's license was canceled or denied for an offense
1.19	occurring within ten years of the first of two qualified prior impaired driving incidents, or
1.20	occurring after three qualified prior impaired driving incidents;

(2) four years, for a person whose driver's license was canceled or denied for an offense

occurring within ten years of the first of three qualified prior impaired driving incidents; or

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2.1	(3) six years, for a person whose driver's license was canceled or denied for an offense
2.2	occurring after four or more qualified prior impaired driving incidents.
2.3	(c) The commissioner shall establish performance standards and a process for certifying
2.4	chemical monitoring devices. The standards and procedures are not rules and are exempt
2.5	from chapter 14, including section 14.386.
2.6	(d) The commissioner may grant a variance from the requirement to use an ignition
2.7	interlock device and require other proof of abstinence if:
2.8	(1) the person suffers from a verified chronic lung disease including but not limited to
2.9	emphysema, lung cancer, or cystic fibrosis;
2.10	(2) as a result of the lung disease, the person is incapable of providing a sufficient sample
2.11	of the person's breath for testing by an ignition interlock device; and
2.12	(3) the commissioner has not approved the use of any other chemical monitoring device.
2.13	EFFECTIVE DATE. This section is effective July 1, 2021, and applies to any person
2.14	whose driver's license is canceled or denied as a result of three or more qualified impaired
2.15	driving incidents on or after that date, and retroactively to any person whose driver's license
2.16	was canceled or denied as a result of three or more qualified impaired driving incidents

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before that date.

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