

7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.**Subpart 1. When applicable.**

A. The following persons are subject to the provisions of this part:

(1) a person whose driver's license or driving privilege has been revoked or canceled and denied under part 7503.1300 or Minnesota Statutes, section 169A.52; 169A.54; or 171.04, subdivision 1, clause (10), on or after July 1, 2011; or

(2) a person whose driver's license or driving privilege has been revoked or suspended under Minnesota Statutes, section 171.17, subdivision 1, paragraph (a), clause (1), or 171.187, for certain criminal vehicular operation offenses committed on or after July 2014.

B. A person must complete rehabilitation whenever:

(1) the person's driver's license or driving privilege has been canceled and denied as a result of incurring three or more alcohol- or controlled-substance-related incidents within the past ten years; or

(2) there are four or more alcohol- or controlled-substance-related incidents on record.

Subp. 2. Issuance of limited license with ignition interlock device installation. The commissioner shall issue a limited license to a person, or a limited driving privilege to a nonresident, for one year for participation in the ignition interlock device program when the person has met the requirements of this subpart. The person must:

A. be 18 years of age or older and in possession of a driver's license, as defined in Minnesota Statutes, section 171.01, subdivision 37; or

B. be 18 years of age or older and in possession of a nonresident driver's license according to the National Driver Register; and

C. complete a chemical use assessment after the last documented date of the use of alcohol or controlled substance that:

(1) meets the requirements of part 9530.6422 or 9530.6615; or

(2) is comparable to the criteria in subitem (1) and demonstrates consideration of all controlled substance or alcohol-related violations on the person's driving record, if the chemical use assessment is from another state or Canadian province;

D. provide proof of enrollment in treatment or other programs as recommended in the chemical use assessment report. If the report indicates that treatment or other programs are not necessary, then the person must provide the commissioner with the chemical use assessment report. Proof of the chemical use assessment or proof of enrollment in a treatment or other program must be transmitted electronically to the

commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment. The commissioner shall verify the chemical use assessment for accuracy and validity. If the commissioner has sufficient cause to believe that the person provided fraudulent documentation relative to the requirements under this part, the commissioner shall not accept the chemical use assessment report and shall require that the person complete a new chemical use assessment. For purposes of this subpart, "fraudulent documentation" means the deliberate submission of information that is false or misleading and includes falsified assessment or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents;

E. substantiate abstinence by signing a statement, on a form provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance. The statement must be notarized or completed in the presence of an authorized representative of the commissioner;

F. provide a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months;

G. complete the requirements under Minnesota Statutes, section 171.306, subdivision 4;

H. satisfy the requirements under Minnesota Statutes, section 171.30; and

I. be eligible for a limited license under parts 7409.3600 and 7503.1800.

Subp. 3. **Conditional reinstatement of restricted driver's license with ignition interlock device restriction.** Notwithstanding part 7503.1600, item C, the commissioner shall issue a restricted driver's license with an ignition interlock device restriction to a person, or issue a restricted driving privilege with an ignition interlock device restriction to a nonresident, when the person or nonresident has met the requirements of subpart 2 and provides the commissioner with the following:

A. evidence of chemical dependency treatment that has been transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment that includes:

(1) the starting and ending dates of primary treatment, relapse treatment, or other programs;

(2) verification of successful completion of all treatment or other programs, including primary treatment or relapse treatment and aftercare if required by the treatment program; and

(3) a discharge summary as outlined in part 9530.6425; and

B. a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months.

Subp. 4. **Abstinence documentation.** Every person applying for a restricted driver's license after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of licensure.

A. The commissioner shall provide the format for the statement to the person applying for license reinstatement.

B. The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or used a controlled substance, whether or not the circumstances involve the operation of a motor vehicle.

C. The restriction to abstain from the consumption of alcohol and use of controlled substances must be placed on the person's driver's license and driving record.

Subp. 5. **Required abstinence period for removal of ignition interlock device.**

A. The commissioner shall not remove the ignition interlock device restriction from a person's driver's license record whose driving privileges have been canceled and denied under Minnesota Statutes, section 169A.52; 169A.54; 171.04, subdivision 1, clause (10), or part 7503.1300, until the person has met the requirements under Minnesota Statutes, sections 169A.55, subdivision 4, and 171.306, subdivisions 3 and 4.

B. During the course of the rehabilitation period, the person must demonstrate regular and consistent use of the ignition interlock device as evidenced by no fewer than 30 breath alcohol concentration tests of less than .02 per month.

Subp. 6. **Failure to abstain following abstinence documentation.**

A. A person whose driving privilege is canceled and denied under subpart 4 and who has completed the ignition interlock device program may reenroll in the ignition interlock device program under Minnesota Statutes, section 171.306, for a period of 12 months.

B. The commissioner shall issue a restricted driver's license or a restricted driving privilege with an ignition interlock device restriction to a person upon reenrollment in the ignition interlock device program and proof of installation of a device on the person's vehicle.

C. The commissioner shall not remove the ignition interlock device restriction from the driver's license or driving privilege of a person under this subpart until:

(1) the person's ignition interlock device has registered no positive breath alcohol concentration tests of .02 or higher for the previous 12 months that is demonstrated by the regular and consistent use of the device as evidenced by no fewer than 30 breath alcohol concentration tests per month; and

(2) the person has completed the rehabilitation requirements of subparts 2 and 3.

Notwithstanding part 7503.1600, item C, the commissioner shall reinstate a person's driver's license or driving privilege under this subpart in accordance with subpart 4.

D. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Statutory Authority: *MS s 14.386; 14.388; 171.306*

History: *35 SR 2019; 39 SR 238*

Published Electronically: *September 11, 2014*