

123.2

**ARTICLE 7**

123.3

**DWI**

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

123.5 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control  
 123.6 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person  
 123.7 knows or has reason to believe is under the influence of alcohol or a controlled substance  
 123.8 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state  
 123.9 or on the ice of any boundary water of this state.

123.10 (b) No owner or other person having charge or control of any snowmobile or all-terrain  
 123.11 vehicle shall knowingly authorize or permit any person, who by reason of any physical or  
 123.12 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain  
 123.13 vehicle anywhere in this state or on the ice of any boundary water of this state.

123.14 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle  
 123.15 anywhere in this state or on the ice of any boundary water of this state is subject to chapter  
 123.16 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted  
 123.17 of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply  
 123.18 with a lawful request to submit to testing or fails a test lawfully administered under sections  
 123.19 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections,  
 123.20 ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for a period of one  
 123.21 year. The commissioner shall notify the person of the ~~time~~ period during which the person  
 123.22 is prohibited from operating a snowmobile or all-terrain vehicle.

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

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

123.27 (1) this section;

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

123.29 (3) chapter 169A; and

123.30 (4) section 171.177.

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

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

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

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

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

124.15 (c) A person who operates or is in physical control of a motorboat on the waters of this  
124.16 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,  
124.17 a person who is convicted of violating section 169A.20 or an ordinance in conformity with  
124.18 it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177,  
124.19 or an ordinance in conformity with ~~it~~ any of these sections, shall be is prohibited from  
124.20 operating a motorboat on the waters of this state for a period of 90 days between May 1 and  
124.21 October 31, extending over two consecutive years if necessary. If the person refuses to  
124.22 comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or  
124.23 171.177, or an ordinance in conformity with ~~it~~ any of these sections, the person shall be is  
124.24 prohibited from operating a motorboat for a period of one year. The commissioner shall  
124.25 notify the person of the period during which the person is prohibited from operating a  
124.26 motorboat.

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

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

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

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

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

125.6 Sec. 3. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

125.7 Subd. 18. **Peace officer.** "Peace officer" means:

125.8 (1) a State Patrol officer;

125.9 (2) a University of Minnesota peace officer;

- 125.10 (3) a police officer of any municipality, including towns having powers under section  
 125.11 368.01, or county; and
- 125.12 (4) ~~for purposes of violations of this chapter in or on an off-road recreational vehicle or~~  
 125.13 ~~motorboat, or for violations of section 97B.065 or 97B.066, a state conservation officer.~~
- 125.14 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 125.15 committed on or after that date.
- 125.16 Sec. 4. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:
- 125.17 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while  
 125.18 impaired) is guilty of first-degree driving while impaired if the person:
- 125.19 (1) commits the violation within ten years of the first of three or more qualified prior  
 125.20 impaired driving incidents;
- 125.21 (2) has previously been convicted of a felony under this section; or
- 125.22 (3) has previously been convicted of a felony under:
- 125.23 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,  
 125.24 substance-related offenses), subdivision 1, clauses (2) to (6);
- 125.25 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,  
 125.26 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to  
 125.27 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,  
 125.28 clauses (2) to (6); ~~or~~
- 126.1 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses  
 126.2 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,  
 126.3 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); ~~or~~
- 126.4 (iv) a statute from this state or another state in conformity with any provision listed in  
 126.5 item (i), (ii), or (iii).
- 126.6 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 126.7 committed on or after that date.
- 126.8 Sec. 5. Minnesota Statutes 2018, section 169A.37, subdivision 1, is amended to read:
- 126.9 Subdivision 1. **Crime described.** It is a crime for a person:
- 126.10 (1) to fail to comply with an impoundment order under section 169A.60 (administrative  
 126.11 plate impoundment);
- 126.12 (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;
- 126.13 (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is  
 126.14 subject to an impoundment order issued under section 169A.60, unless specially coded  
 126.15 plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;

126.16 (4) to fail to notify the commissioner of the impoundment order when requesting new  
126.17 plates;

126.18 (5) who is subject to a plate impoundment order under section 169A.60, to drive, operate,  
126.19 or be in control of any motor vehicle during the impoundment period, unless the vehicle is  
126.20 employer-owned and is not required to be equipped with an ignition interlock device pursuant  
126.21 to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or  
126.22 has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person  
126.23 is validly licensed to drive; ~~or~~

126.24 (6) who is the transferee of a motor vehicle and who has signed a sworn statement under  
126.25 section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate,  
126.26 or be in control of the vehicle during the impoundment period; or

126.27 (7) to intentionally remove all or a portion of or to otherwise obliterate or damage a  
126.28 permanent sticker affixed on and invalidating a registration plate under section 169A.60,  
126.29 subdivision 4.

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

127.1 Sec. 6. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

127.2 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of  
127.3 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54  
127.4 (impaired driving convictions and adjudications; administrative penalties), or 171.177  
127.5 (revocation; search warrant), the commissioner shall notify the person of the terms upon  
127.6 which driving privileges can be reinstated, and new registration plates issued, which terms  
127.7 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms  
127.8 of alcohol treatment or counseling previously prescribed, if any; and (2) any other  
127.9 requirements imposed by the commissioner and applicable to that particular case. The  
127.10 commissioner shall notify the owner of a motor vehicle subject to an impoundment order  
127.11 under section 169A.60 (administrative impoundment of plates) as a result of the violation  
127.12 of the procedures for obtaining new registration plates, if the owner is not the violator. The  
127.13 commissioner shall also notify the person that if driving is resumed without reinstatement  
127.14 of driving privileges or without valid registration plates and registration certificate, the  
127.15 person will be subject to criminal penalties.

127.16 Sec. 7. Minnesota Statutes 2018, section 169A.55, subdivision 4, is amended to read:

127.17 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose  
127.18 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall  
127.19 not be eligible for reinstatement of driving privileges without an ignition interlock restriction  
127.20 until the commissioner certifies that the person has used the ignition interlock device and  
127.21 complied with section 171.306 for a period of not less than:

- 127.22 (1) one year, for a person whose driver's license was revoked for:
- 127.23 (i) an offense occurring within ten years of a qualified prior impaired driving incident;
- 127.24 or
- 127.25 (ii) an offense occurring after two qualified prior impaired driving incidents; or
- 127.26 (2) two years, for a person whose driver's license was revoked for:
- 127.27 (i) an offense occurring under clause (1), and where the test results indicated an alcohol
- 127.28 concentration of twice the legal limit or more; or
- 127.29 (ii) an offense occurring under clause (1), and where the current offense is for a violation
- 127.30 of section 169A.20, subdivision 2 (test refusal).
- 127.31 As used in this paragraph, "family or household member" has the meaning given in section
- 127.32 169A.63, subdivision 1, paragraph (f).
- 128.1 (b) A person whose driver's license has been canceled or denied as a result of three or
- 128.2 more qualified impaired driving incidents shall not be eligible for reinstatement of driving
- 128.3 privileges without an ignition interlock restriction until the person:
- 128.4 (1) has completed rehabilitation according to rules adopted by the commissioner or been
- 128.5 granted a variance from the rules by the commissioner; and
- 128.6 (2) has submitted verification of abstinence from alcohol and controlled substances
- 128.7 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
- 128.8 chemical monitoring device approved by the commissioner.
- 128.9 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
- 128.10 use of alcohol and controlled substances for a period of not less than:
- 128.11 (1) three years, for a person whose driver's license was canceled or denied for an offense
- 128.12 occurring within ten years of the first of two qualified prior impaired driving incidents, or
- 128.13 occurring after three qualified prior impaired driving incidents;
- 128.14 (2) four years, for a person whose driver's license was canceled or denied for an offense
- 128.15 occurring within ten years of the first of three qualified prior impaired driving incidents; or
- 128.16 (3) six years, for a person whose driver's license was canceled or denied for an offense
- 128.17 occurring after four or more qualified prior impaired driving incidents.
- 128.18 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
- 128.19 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
- 128.20 ~~from chapter 14, including section 14.386.~~
- 128.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
- 128.22 committed on or after that date.

128.23 Sec. 8. Minnesota Statutes 2018, section 169A.60, subdivision 4, is amended to read:

128.24 Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the  
128.25 commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a  
128.26 plate impoundment violation shall also serve a notice of intent to impound and an order of  
128.27 impoundment. On behalf of the commissioner, a peace officer who is arresting a person for  
128.28 or charging a person with a plate impoundment violation described in subdivision 1,  
128.29 paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of  
128.30 impoundment. If the vehicle involved in the plate impoundment violation is accessible to  
128.31 the officer at the time the impoundment order is issued, the officer shall seize the registration  
128.32 plates subject to the impoundment order. The officer shall destroy all plates seized or  
129.1 impounded under this section. Alternatively, the officer may invalidate the plates by affixing  
129.2 a permanent sticker on them. The officer shall send to the commissioner copies of the notice  
129.3 of intent to impound and the order of impoundment and a notice that registration plates  
129.4 impounded and seized under this section have been destroyed or have been affixed with the  
129.5 permanent sticker.

129.6 Sec. 9. Minnesota Statutes 2018, section 169A.60, subdivision 5, is amended to read:

129.7 Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the  
129.8 plate impoundment violation is predicated on the results of a chemical test of the violator's  
129.9 breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle  
129.10 permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision  
129.11 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of  
129.12 the violator's blood or urine. If the motor vehicle is registered in the name of another, the  
129.13 officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are  
129.14 issued under subdivision 3. The permit must be in a form determined by the registrar and  
129.15 whenever practicable must be posted on the left side of the inside rear window of the vehicle.  
129.16 A permit is valid only for the vehicle for which it is issued.

129.17 Sec. 10. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

129.18 Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the  
129.19 impoundment order of a person subject to an order under this section, other than the violator,  
129.20 if:

129.21 (1) the violator had a valid driver's license on the date of the plate impoundment violation  
129.22 and the person files with the commissioner an acceptable sworn statement containing the  
129.23 following information:

129.24 (i) that the person is the registered owner of the vehicle from which the plates have been  
129.25 impounded under this section;

129.26 (ii) that the person is the current owner and possessor of the vehicle used in the violation;

129.27 (iii) the date on which the violator obtained the vehicle from the registered owner;

- 129.28 (iv) the residence addresses of the registered owner and the violator on the date the  
 129.29 violator obtained the vehicle from the registered owner;
- 129.30 (v) that the person was not a passenger in the vehicle at the time of the plate impoundment  
 129.31 violation; and
- 130.1 (vi) that the person knows that the violator may not drive, operate, or be in physical  
 130.2 control of a vehicle without a valid driver's license; or
- 130.3 (2) the violator did not have a valid driver's license on the date of the plate impoundment  
 130.4 violation and the person made a report to law enforcement before the violation stating that  
 130.5 the vehicle had been taken from the person's possession or was being used without  
 130.6 permission.
- 130.7 (b) A person who has failed to make a report as provided in paragraph (a), clause (2),  
 130.8 may be issued special registration plates under subdivision 13 for a period of one year from  
 130.9 the effective date of the impoundment order. Following this period, the person may apply  
 130.10 for regular registration plates.
- 130.11 (c) If the order is rescinded, the owner shall receive new registration plates at no cost,  
 130.12 if the plates were seized and destroyed or have been affixed with a permanent sticker.
- 130.13 Sec. 11. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision  
 130.14 to read:
- 130.15 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the  
 130.16 designated offense or whose conduct resulted in the designated license revocation becomes  
 130.17 a program participant in the ignition interlock program under section 171.306 within 60  
 130.18 days following service of the Notice of Seizure and Intent to Forfeit under this section.
- 130.19 (b) Notwithstanding paragraph (a), if the program participant described in paragraph (a)  
 130.20 subsequently operates the motor vehicle to commit a designated offense or in a manner that  
 130.21 results in a designated license revocation, the vehicle must be seized and summarily forfeited.
- 130.22 (c) Notwithstanding paragraph (a), if the program participant described in paragraph (a)  
 130.23 either voluntarily or involuntarily ceases to participate in the program, or fails to successfully  
 130.24 complete it, the vehicle used in the underlying designated offense must be seized and  
 130.25 summarily forfeited.
- 130.26 (d) Paragraph (b) applies only if the described subsequent vehicle operation occurs  
 130.27 before the participant has been restored to full driving privileges or within three years of  
 130.28 the original designated offense or designated license revocation, whichever occurs latest.
- 130.29 **EFFECTIVE DATE.** This section is effective August 1, 2019.
- 131.1 Sec. 12. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:
- 131.2 Subdivision 1. **Examination required.** (a) No person whose driver's license has been  
 131.3 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under

131.4 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~  
 131.5 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully  
 131.6 passed an examination as required by the commissioner of public safety. This subdivision  
 131.7 does not apply to an applicant for early reinstatement under section 169.792, subdivision  
 131.8 7a.

131.9 (b) The requirement to successfully pass the examination described in paragraph (a)  
 131.10 does not apply to a person whose driver's license has been revoked because of an impaired  
 131.11 driving offense.

131.12 Sec. 13. Minnesota Statutes 2018, section 171.306, subdivision 2, is amended to read:

131.13 Subd. 2. **Performance standards; certification; manufacturer and provider**  
 131.14 **requirements.** (a) The commissioner shall establish performance standards and a process  
 131.15 for certifying devices used in the ignition interlock program, except that the commissioner  
 131.16 may not establish standards that, directly or indirectly, require devices to use or enable  
 131.17 location tracking capabilities without a court order.

131.18 (b) The manufacturer of a device must apply annually for certification of the device by  
 131.19 submitting the form prescribed by the commissioner. The commissioner shall require  
 131.20 manufacturers of certified devices to:

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

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

131.27 (3) include in an ignition interlock device contract a provision that requires manufacturers  
 131.28 of certified devices to pay any towing or repair costs caused by device failure or malfunction,  
 131.29 or by damage caused during device installation, servicing, or monitoring.

131.30 (c) The manufacturer of a certified device must include with an ignition interlock device  
 131.31 contract a separate notice to the program participant regarding any location tracking  
 131.32 capabilities of the device.