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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2082**

March 14, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to drivers' licenses; modifying driver's license provisions relating to
1.3 alcohol-abstinence restrictions; amending Minnesota Statutes 2006, sections
1.4 171.09, subdivision 1; 171.12, subdivision 6; 171.30, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2006, section 171.09, subdivision 1, is amended to read:

1.7 Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause
1.8 appears, may impose restrictions suitable to the licensee's driving ability or other
1.9 restrictions applicable to the licensee as the commissioner may determine to be appropriate
1.10 to assure the safe operation of a motor vehicle by the licensee.

1.11 (b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant
1.12 for a commercial driver's license either does not successfully complete the air brake
1.13 component of the knowledge test, or does not successfully complete the skills test
1.14 in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal
1.15 Regulations, title 49, part 384, the department shall indicate on the class C, class B,
1.16 or class A commercial driver's license, if issued, that the individual is restricted from
1.17 operating a commercial motor vehicle equipped with air brakes.

1.18 (c) Upon receiving satisfactory evidence of any violation of the restrictions on the
1.19 license, the commissioner may suspend or revoke the license. A license suspension under
1.20 this section is subject to section 171.18, subdivisions 2 and 3.

1.21 (d) A person who drives, operates, or is in physical control of a motor vehicle while
1.22 in violation of the restrictions imposed in a restricted driver's license issued to that person
1.23 under this section is guilty of a crime as follows:

2.1 (1) if the restriction relates to the possession or consumption of alcohol or controlled
 2.2 substances, the person is guilty of a gross misdemeanor; or

2.3 (2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

2.4 (e) However, if a person is found to be in violation of paragraph (d), clause (1),
 2.5 solely because a test of the person's blood, breath, or urine showed the person's alcohol
 2.6 concentration was 0.02 or less, in violation of an alcohol-abstinence restriction, the
 2.7 commissioner shall issue, without a waiting period being required under section 171.30,
 2.8 to the violator a restricted, limited license for work purposes under section 171.30,
 2.9 subdivision 1, paragraph (a), clause (1).

2.10 (f) The commissioner shall issue a driver's license that does not show the
 2.11 alcohol-abstinence restriction to a person if the person has abstained from alcohol for
 2.12 seven consecutive years, as documented according to rules of the commissioner.

2.13 Sec. 2. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

2.14 Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph
 2.15 ~~(b)~~ (c), the department shall not keep on the record of a driver any conviction for a
 2.16 violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a
 2.17 speed greater than ten miles per hour in excess of a 55 miles per hour speed limit, or more
 2.18 than five miles per hour in excess of a 60 miles per hour speed limit.

2.19 (b) Except as provided in paragraph (c), the department shall not keep on the record
 2.20 of a driver any conviction for a violation described in section 171.09, subdivision 1,
 2.21 paragraph (e).

2.22 ~~(b)~~ (c) This subdivision does not apply to (1) a violation that occurs in a commercial
 2.23 motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial
 2.24 driver's license, without regard to whether the violation was committed in a commercial
 2.25 motor vehicle or another vehicle.

2.26 Sec. 3. Minnesota Statutes 2006, section 171.30, subdivision 4, is amended to read:

2.27 Subd. 4. **Penalty.** A person who violates a condition or limitation of a limited
 2.28 license issued under subdivision 1 or fails to have the license in immediate possession
 2.29 at all times when operating a motor vehicle is guilty of a misdemeanor. In addition, a
 2.30 person who violates a condition or limitation of a limited license may not operate a motor
 2.31 vehicle for the remainder of the period of suspension or revocation, or 30 days, whichever
 2.32 is longer; provided that, if the person commits a violation described in section 171.09,
 2.33 subdivision 1, paragraph (e), the commissioner shall issue, without a waiting period being

- 3.1 required under this subdivision or section 171.30, to the violator a restricted, limited
- 3.2 license for work purposes under section 171.30, subdivision 1, paragraph (a), clause (1).