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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2325**

March 23, 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 public safety; providing for use of ignition interlocks by DWI
1.3 offenders; amending Minnesota Statutes 2006, section 171.305.

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

1.5 Section 1. Minnesota Statutes 2006, section 171.305, is amended to read:

1.6 **171.305 IGNITION INTERLOCK DEVICE.**

1.7 Subdivision 1. **Definition.** "Ignition interlock device" or "device" means breath
1.8 alcohol ignition equipment designed to prevent a motor vehicle's ignition from being
1.9 started by a person whose alcohol concentration exceeds the calibrated setting on the
1.10 device.

1.11 Subd. 3. **Performance standards.** ~~The commissioner shall specify performance~~
1.12 ~~standards for ignition interlock devices, including standards relating to accuracy, safe~~
1.13 ~~operation of the vehicle, and degree of difficulty rendering the device inoperative.~~

1.14 The interlock ignition device must be designed to operate from a 12-volt DC vehicle
1.15 battery and be capable of locking a motor vehicle's ignition when a minimum alcohol
1.16 concentration of 0.020 grams of ethyl alcohol per 210 liters of breath is introduced into the
1.17 device. The device must also require a breath sample to determine alcohol concentration
1.18 at variable time intervals ranging from five to 30 minutes while the engine is running.

1.19 The interlock device must have the capability to identify the motorist who provides a
1.20 breath sample, either by taking a photo of that individual, or by employing other biometric
1.21 technology that will specifically identify the person providing the breath sample. The
1.22 device must also be capable of recording information, and photographs or other biometric
1.23 markers, for later review that includes the date and time of any use of the vehicle or
1.24 any attempt to use the vehicle, including all times that the vehicle engine was started

2.1 or stopped and the alcohol concentration of each breath sample provided. The person
 2.2 who provides the ignition interlock device (provider) shall submit monthly reports to the
 2.3 designated monitoring authority after each calibration, as well as making all data available
 2.4 to the designated monitoring authority. The provider must agree to maintain all documents
 2.5 (including calibration reports, maintenance records, and other necessary documents),
 2.6 electronically or otherwise, during the entire period of time that the motorist is required
 2.7 to use an interlock device. The provider shall perform a monthly physical inspection of
 2.8 the ignition interlock device to ensure proper installation and to prevent circumvention or
 2.9 tampering with the ignition interlock device.

2.10 Subd. 4. **Certification.** The commissioner shall certify ignition interlock devices
 2.11 that meet the performance standards and may charge the manufacturer of the ignition
 2.12 interlock device a certification fee. ~~A manufacturer who submits a device for certification~~
 2.13 ~~must provide an application for certification on a form prescribed by the department~~
 2.14 Devices that have been certified by an independent laboratory to comply with National
 2.15 Traffic Highway Safety Administration specifications and comply with any additional
 2.16 standards in subdivision 3, must qualify for certification under this section.

2.17 Subd. 5. **Issuance of limited license.** Unless an individual's privileges have been
 2.18 withdrawn for another reason, the commissioner ~~may~~ shall issue a limited license to a
 2.19 person whose driver's license has been canceled and denied due to an alcohol or controlled
 2.20 substance-related incident under section 171.04, subdivision 1, clause (10), under the
 2.21 following conditions:

2.22 (1) at least one-half of the person's required abstinence period has expired;

2.23 (2) the person has successfully completed chemical dependency treatment and
 2.24 is currently participating in a generally recognized support group based on ongoing
 2.25 abstinence; ~~and~~

2.26 (3) the person agrees to drive only a motor vehicle equipped with a functioning and
 2.27 certified ignition interlock device;;

2.28 (4) the person agrees to provide five letters, which must document the person's
 2.29 abstinence from alcohol and controlled substances, from people who meet the guidelines
 2.30 set forth by rule of the commissioner;

2.31 (5) the person agrees to provide the license number of a vehicle that the person
 2.32 intends to drive, along with a statement that the applicant agrees to only drive a vehicle
 2.33 with an ignition interlock device installed; and

2.34 (6) the person agrees to drive to any applicable driver evaluation site to meet with
 2.35 a designated driver evaluator and also any location that is necessary to calibrate the
 2.36 ignition interlock device.

3.1 Subd. 6. **Monitoring.** The ignition interlock device must be monitored for proper
3.2 use and accuracy by an entity approved by the commissioner.

3.3 Subd. 7. **Payment.** The commissioner shall require that the person issued a limited
3.4 license under subdivision 5 pay all costs associated with use of the device. A provider
3.5 shall, at the time of payment for services, collect a user fee of three percent of the costs,
3.6 which must be remitted to the state for the purpose of funding compliance monitoring.

3.7 Subd. 8. **Proof of installation.** A person approved for a limited license must
3.8 provide proof of installation prior to issuance of the limited license.

3.9 Subd. 9. **Misdemeanor.** (a) A person who knowingly lends, rents, or leases a motor
3.10 vehicle that is not equipped with a functioning ignition interlock device to a person with a
3.11 limited license issued under subdivision 5 is guilty of a misdemeanor.

3.12 (b) A person who tampers with, circumvents, or bypasses the ignition interlock
3.13 device, or assists another to tamper with, circumvent, or bypass the device, is guilty
3.14 of a misdemeanor.

3.15 (c) The penalties of this subdivision do not apply if the action was taken for
3.16 emergency purposes or for mechanical repair, and the person limited to the use of an
3.17 ignition interlock device does not operate the motor vehicle while the device is disengaged.

3.18 Subd. 10. **Cancellation of limited license.** The commissioner shall cancel a limited
3.19 license issued under this section if the device registers a positive reading for use of alcohol
3.20 or the person violates any conditions of the limited license.