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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 2206

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

1.1 A bill for an act
1.2 relating to impaired driving; specifying rehabilitation requirements for certain
1.3 repeat impaired driving offenders as a condition for a limited license to drive to
1.4 work; proposing coding for new law in Minnesota Statutes, chapter 169A.

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

1.6 Section 1. **[169A.56] REHABILITATION AND REFRESHER COURSE.**

1.7 Subdivision 1. **Application.** (a) A person is not eligible for a driver's license
1.8 or conditional driver's license until the person has completed a prescribed portion of
1.9 rehabilitation and has agreed to continuing abstinence from and monitoring for alcohol
1.10 and controlled substances as described in this section when the person's driver's license
1.11 or driving privileges have been canceled or denied upon conviction for a violation of
1.12 section 169A.20, impaired driving, or 609.21, subdivision 1, clauses (2) to (6), criminal
1.13 vehicular operation:

1.14 (1) within ten years of two or more qualified prior impaired driving incidents; or

1.15 (2) after having been subject at any time previously to the requirements of
1.16 rehabilitation under this section or under rules established by the commissioner.

1.17 (b) Following cancellation and denial of a person's driver's license or driving
1.18 privileges upon conviction for a violation of this section, section 171.09, subdivision 1,
1.19 paragraph (d), clause (1), restricted driver's license, or 171.30, subdivision 4, limited
1.20 driver's license, work permit, the person is not eligible for a driver's license or conditional
1.21 driver's license until the person has completed a prescribed portion of an approved
1.22 rehabilitation refresher course and has agreed to continuing abstinence from and
1.23 monitoring for alcohol and controlled substances as described in this section.

2.1 (c) Under the authority provided by chapter 171, the commissioner shall not
2.2 reinstate the driver's license or driving privileges of a person subject to the rehabilitation
2.3 or rehabilitation refresher course requirements of this section until the commissioner
2.4 determines that the person has completed a portion of the required rehabilitation or
2.5 rehabilitation refresher course, as prescribed in section 169A.58.

2.6 Subd. 2. **Rehabilitation requirements.** To complete rehabilitation or a
2.7 rehabilitation refresher course, a person must meet the following requirements, as
2.8 prescribed by the commissioner and this section:

2.9 (1) successfully complete chemical dependency treatment;

2.10 (2) participate regularly in a generally recognized support group based on ongoing
2.11 abstinence;

2.12 (3) continuously abstain from the use of alcohol and controlled substances for a
2.13 documented period of time;

2.14 (4) refrain from any violation of section 171.24, driving without valid license; and

2.15 (5) present a certificate of successful completion from the course instructor or course
2.16 supervisor for the rehabilitation refresher course, or submit to a rehabilitation review
2.17 interview following rehabilitation.

2.18 Subd. 3. **Abstinence period.** (a) The required period of documented abstinence
2.19 from alcohol and controlled substances is:

2.20 (1) one year for rehabilitation; and

2.21 (2) 30 days for a rehabilitation refresher course.

2.22 (b) Rehabilitation and the rehabilitation refresher course is not complete if the
2.23 commissioner has sufficient cause to believe that the person has not abstained from the use
2.24 of alcohol or a controlled substance for the period claimed.

2.25 (c) Any time spent by the person living in a correctional institution, halfway
2.26 house, or other correctional environment during rehabilitation counts at half rate toward
2.27 the person's completion of the required abstinence period. A minimum of six months
2.28 must be spent by the person living outside a controlled correctional environment
2.29 immediately before submitting evidence to the commissioner showing compliance with all
2.30 rehabilitation or rehabilitation refresher course requirements.

2.31 (d) This subdivision does not apply to the consumption of a controlled substance in
2.32 accordance with a medical prescription.

2.33 Subd. 4. **Continued chemical monitoring; violation.** (a) As a condition of
2.34 reinstatement by the commissioner of a person's driver's license or driving privileges
2.35 following the person's completion of rehabilitation or the rehabilitation refresher course,
2.36 the person must agree in writing to completely abstain from alcohol and controlled

3.1 substances for an additional period of five years following reinstatement, and to submit to
 3.2 continued chemical monitoring during that time period using periodic random urinalysis
 3.3 up to twice annually, or remote electronic alcohol monitoring for up to one month
 3.4 annually, as prescribed by the commissioner and paid for by the person. As deemed
 3.5 helpful to the person's continuing sobriety and recovery, the commissioner may adjust
 3.6 these chemical monitoring requirements, but may not increase them beyond the levels
 3.7 specified in this subdivision.

3.8 (b) The commissioner shall suspend the driver's license and driving privileges of a
 3.9 person on sufficient cause to believe that the person has consumed alcohol or a controlled
 3.10 substance during the continuing period of abstinence described in this subdivision.

3.11 (c) A person whose driver's license or driving privileges have been suspended under
 3.12 paragraph (b) is not eligible for reinstatement of a driver's license or driving privileges
 3.13 until successfully completing the rehabilitation refresher course required by subdivision 1,
 3.14 paragraph (b).

3.15 Subd. 5. **Fraudulent documentation.** If the commissioner determines by a
 3.16 preponderance of the evidence that a person has submitted fraudulent documentation
 3.17 of successful completion of rehabilitation or a rehabilitation refresher course, the
 3.18 commissioner shall impose an additional 90 days to the required time period for the
 3.19 person's rehabilitation or rehabilitation refresher course.

3.20 Subd. 6. **Payment.** Any costs, fees, and surcharges for treatment, rehabilitation, the
 3.21 rehabilitation refresher course, and continuing chemical monitoring are the responsibility
 3.22 of the offender using those services.

3.23 Subd. 7. **Program certification.** The commissioner is authorized to certify service
 3.24 providers to provide treatment, rehabilitation, the rehabilitation refresher course, and
 3.25 continuing chemical monitoring required by this section.

3.26 Subd. 8. **Rules; additional requirements prohibited.** The commissioner may
 3.27 adopt rules to carry out the provisions of this section, but is prohibited from imposing any
 3.28 additional requirements, penalties, or sanctions regarding rehabilitation, the rehabilitation
 3.29 refresher course, or continuing chemical monitoring that are inconsistent with this section.

3.30 Sec. 2. **[169A.57] CONDITIONAL DRIVER'S LICENSE; B-CARD; LICENSE**
 3.31 **REINSTATEMENT.**

3.32 (a) Notwithstanding any provision of section 171.09, subdivision 1, paragraph (d),
 3.33 to the contrary, a person who to the satisfaction of the commissioner has completed a
 3.34 prescribed portion of rehabilitation or a rehabilitation refresher course as required by
 3.35 section 169A.56, and who has completed any other examination, fee, and insurance

4.1 requirements for a restricted driver's license under chapter 171, is eligible for reinstatement
 4.2 of the person's driver's license and driving privileges, subject to the restriction of no use of
 4.3 alcohol or controlled substances, in accordance with section 171.09. The restricted driver's
 4.4 license may be commonly referred to as a "B-card" or "B-card license."

4.5 (b) Notwithstanding any provision of chapter 171 to the contrary, a person who
 4.6 to the satisfaction of the commissioner has completed the required five-year period
 4.7 of continuing abstinence following rehabilitation or a rehabilitation refresher course as
 4.8 required by section 169A.56, and who has completed all other requirements of chapter
 4.9 171 for a driver's license, is eligible for reinstatement of the person's driver's license
 4.10 and driving privileges without further restriction to the condition of no use of alcohol
 4.11 or controlled substances.

4.12 **Sec. 3. [169A.58] ISSUANCE OF LIMITED LICENSE; WORK PERMIT.**

4.13 Notwithstanding any provision of section 171.30 or any other section to the contrary,
 4.14 the waiting period for issuance of a limited license is 90 days for a person subject to and
 4.15 in full compliance with the rehabilitation requirements of section 169A.56, subdivision
 4.16 1, paragraph (a), and 15 days for a person subject to and in full compliance with the
 4.17 requirements of a rehabilitation refresher course under section 169A.56, subdivision 1,
 4.18 paragraph (b).

4.19 **Sec. 4. [169A.59] DRIVING RECORD PRIVATE AFTER TEN YEARS.**

4.20 (a) Notwithstanding any provision of chapter 171 to the contrary, upon the date ten
 4.21 years following a person's most recent driver's license revocation or cancellation for
 4.22 violation of this chapter, the driver's license record or records pertaining to prior violations
 4.23 by the person are classified as private data on individuals according to section 13.02,
 4.24 subdivision 12.

4.25 (b) Notwithstanding paragraph (a), upon revocation or cancellation of a person's
 4.26 driver's license record under section 169A.54, any driving record or records classified as
 4.27 private data on individuals according to paragraph (a) and section 13.02, subdivision 12,
 4.28 must be reclassified as public data on individuals according to section 13.02, subdivision
 4.29 15.

4.30 **Sec. 5. EFFECTIVE DATE.**

4.31 Sections 1 to 4 are effective August 1, 2009, and apply to licensing actions and
 4.32 administrative procedures resulting from driving incidents occurring on or after that date.