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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3106

February 22, 2010

 Authorized by Bigham, Hilstrom, Cornish, Lieder, Smith and others

 The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 11, 2010

 Committee Recommendation and Adoption of Report:

 To Pass as Amended and re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections

March 17, 2010

 Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Civil Justice

March 23, 2010

 Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Finance

April 12, 2010

 Committee Recommendation and Adoption of Report:

 To Pass as Amended and re-referred to the Committee on Ways and Means

April 15, 2010

 Committee Recommendation and Adoption of Report:

 To Pass

 Read Second Time

A bill for an act

relating to public safety; amending first-degree driving while impaired crime to include prior felony convictions from other states; modifying implied consent, driving while impaired, and ignition interlock provisions; amending Minnesota Statutes 2008, sections 169A.24, subdivision 1; 169A.52, subdivisions 3, 4; 169A.54, subdivisions 2, 5; 169A.55, by adding a subdivision; 169A.60, subdivision 1; 171.09; 171.30, subdivisions 1, 2a, 4; 171.306, as amended; 609.131, subdivision 2; Minnesota Statutes 2009 Supplement, sections 169A.275, subdivision 7; 169A.54, subdivision 1; repealing Minnesota Statutes 2008, sections 169A.54, subdivision 11; 169A.55, subdivision 1; 171.30, subdivision 2c; 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11.

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

Section 1. Minnesota Statutes 2008, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;

(2) has previously been convicted of a felony under this section; ~~or~~

(3) has previously been convicted of a felony under section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6); or

(4) has previously been convicted of a felony under a statute from another state in conformity with any provision listed in clause (1), (2), or (3).

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to crimes committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2009 Supplement, section 169A.275, subdivision 7, is
2.2 amended to read:

2.3 Subd. 7. **Exception.** ~~(a)~~ A judge is not required to sentence a person as provided in
2.4 ~~this section~~ subdivisions 1 to 4 if the judge requires the person as a condition of probation
2.5 to drive only motor vehicles equipped with an ignition interlock device meeting the
2.6 standards described in section 171.306.

2.7 ~~(b) This subdivision expires July 1, 2011.~~

2.8 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.9 Sec. 3. Minnesota Statutes 2008, section 169A.52, subdivision 3, is amended to read:

2.10 Subd. 3. **Test refusal; license revocation.** (a) Upon certification by the peace
2.11 officer that there existed probable cause to believe the person had been driving, operating,
2.12 or in physical control of a motor vehicle in violation of section 169A.20 (driving while
2.13 impaired), and that the person refused to submit to a test, the commissioner shall revoke
2.14 the person's license or permit to drive, or nonresident operating privilege, ~~for a period of~~
2.15 ~~one year~~ even if a test was obtained pursuant to this section after the person refused to
2.16 submit to testing. The commissioner shall revoke the license, permit, or nonresident
2.17 operating privilege:

2.18 (1) for a person with no qualified prior impaired driving incidents within the past ten
2.19 years, for a period of not less than one year;

2.20 (2) for a person under the age of 21 years and with no qualified prior impaired
2.21 driving incidents within the past ten years, for a period of not less than one year;

2.22 (3) for a person with one qualified prior impaired driving incident within the past
2.23 ten years, or two qualified prior impaired driving incidents, for a period of not less than
2.24 two years;

2.25 (4) for a person with two qualified prior impaired driving incidents within the past
2.26 ten years, or three qualified prior impaired driving incidents, for a period of not less than
2.27 three years;

2.28 (5) for a person with three qualified prior impaired driving incidents within the past
2.29 ten years, for a period of not less than four years; or

2.30 (6) for a person with four or more qualified prior impaired driving incidents, for a
2.31 period of not less than six years.

2.32 (b) Upon certification by the peace officer that there existed probable cause to
2.33 believe the person had been driving, operating, or in physical control of a commercial
2.34 motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving
2.35 while impaired), and that the person refused to submit to a test, the commissioner shall

3.1 disqualify the person from operating a commercial motor vehicle and shall revoke the
3.2 person's license or permit to drive or nonresident operating privilege according to the
3.3 federal regulations adopted by reference in section 171.165, subdivision 2.

3.4 **EFFECTIVE DATE.** This section is effective July 1, 2011.

3.5 Sec. 4. Minnesota Statutes 2008, section 169A.52, subdivision 4, is amended to read:

3.6 Subd. 4. **Test failure; license revocation.** (a) Upon certification by the peace
3.7 officer that there existed probable cause to believe the person had been driving, operating,
3.8 or in physical control of a motor vehicle in violation of section 169A.20 (driving
3.9 while impaired) and that the person submitted to a test and the test results indicate an
3.10 alcohol concentration of 0.08 or more or the presence of a controlled substance listed in
3.11 schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, then
3.12 the commissioner shall revoke the person's license or permit to drive, or nonresident
3.13 operating privilege:

3.14 (1) for a period of 90 days, or, if the test results indicate an alcohol concentration
3.15 of 0.20 or more, not less than one year;

3.16 (2) if the person is under the age of 21 years, for a period of ~~six months~~ not less than
3.17 180 days or, if the test results indicate an alcohol concentration of 0.20 or more, not
3.18 less than one year;

3.19 (3) for a person with ~~a one~~ qualified prior impaired driving incident within the past
3.20 ten years, or two qualified prior impaired driving incidents, for a period of ~~180 days~~
3.21 not less than one year, or if the test results indicate an alcohol concentration of 0.20 or
3.22 more, not less than two years; or

3.23 (4) ~~if the test results indicate an alcohol concentration of 0.20 or more, for twice~~
3.24 ~~the applicable period in clauses (1) to (3).~~ for a person with two qualified prior impaired
3.25 driving incidents within the past ten years, or three qualified prior impaired driving
3.26 incidents, for a period of not less than three years;

3.27 (5) for a person with three qualified prior impaired driving incidents within the past
3.28 ten years, for a period of not less than four years; or

3.29 (6) for a person with four or more qualified prior impaired driving incidents, for a
3.30 period of not less than six years.

3.31 (b) On certification by the peace officer that there existed probable cause to believe
3.32 the person had been driving, operating, or in physical control of a commercial motor
3.33 vehicle with any presence of alcohol and that the person submitted to a test and the
3.34 test results indicated an alcohol concentration of 0.04 or more, the commissioner shall

4.1 disqualify the person from operating a commercial motor vehicle under section 171.165
4.2 (commercial driver's license disqualification).

4.3 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau
4.4 of Criminal Apprehension, or authorized by the bureau to conduct the analysis of a blood
4.5 or urine sample, the laboratory may directly certify to the commissioner the test results,
4.6 and the peace officer shall certify to the commissioner that there existed probable cause to
4.7 believe the person had been driving, operating, or in physical control of a motor vehicle
4.8 in violation of section 169A.20 and that the person submitted to a test. Upon receipt
4.9 of both certifications, the commissioner shall undertake the license actions described
4.10 in paragraphs (a) and (b).

4.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

4.12 Sec. 5. Minnesota Statutes 2009 Supplement, section 169A.54, subdivision 1, is
4.13 amended to read:

4.14 Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in
4.15 subdivision 7, the commissioner shall revoke the driver's license of a person convicted
4.16 of violating section 169A.20 (driving while impaired) or an ordinance in conformity
4.17 with it, as follows:

4.18 (1) for an offense under section 169A.20, subdivision 1 (driving while impaired
4.19 crime)~~;~~ not less than 30 days;

4.20 (2) for an offense under section 169A.20, subdivision 2 (refusal to submit to
4.21 chemical test crime)~~;~~ not less than ~~90 days~~ one year;

4.22 (3) for an offense occurring within ten years of a qualified prior impaired driving
4.23 incident~~;~~ or occurring after two qualified prior impaired driving incidents,

4.24 ~~(i) if the current conviction is for a violation of section 169A.20, subdivision 1,~~
4.25 ~~1a, 1b, or 1c,~~ not less than ~~180 days~~ one year, or if the test results indicate an alcohol
4.26 concentration of 0.20 or more, not less than two years and until the court has certified
4.27 that treatment or rehabilitation has been successfully completed where prescribed in
4.28 accordance with section 169A.70 (chemical use assessments); ~~or~~

4.29 ~~(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not~~
4.30 ~~less than one year and until the court has certified that treatment or rehabilitation has been~~
4.31 ~~successfully completed where prescribed in accordance with section 169A.70;~~

4.32 (4) for an offense occurring within ten years of the first of two qualified prior
4.33 impaired driving incidents~~;~~ or occurring after three qualified prior impaired driving
4.34 incidents, not less than ~~one year~~ three years, together with denial under section 171.04,

5.1 subdivision 1, clause (10), until rehabilitation is established ~~in accordance with~~ according
5.2 to standards established by the commissioner; ~~or~~

5.3 (5) for an offense occurring within ten years of the first of three ~~or more~~ qualified
5.4 prior impaired driving incidents; ~~2~~ not less than ~~two~~ four years, together with denial under
5.5 section 171.04, subdivision 1, clause (10), until rehabilitation is established ~~in accordance~~
5.6 ~~with~~ according to standards established by the commissioner; or

5.7 (6) for an offense occurring after four or more qualified prior impaired driving
5.8 incidents, not less than six years, together with denial under section 171.04, subdivision
5.9 1, clause (10), until rehabilitation is established according to standards established by
5.10 the commissioner.

5.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.12 Sec. 6. Minnesota Statutes 2008, section 169A.54, subdivision 2, is amended to read:

5.13 Subd. 2. **Driving while impaired by person under age 21.** If the person convicted
5.14 of violating section 169A.20 (driving while impaired) is under the age of 21 years at the
5.15 time of the violation, the commissioner shall revoke the offender's driver's license or
5.16 operating privileges for a period of ~~six months~~ not less than 180 days or for the appropriate
5.17 period of time under subdivision 1, clauses (1) to ~~(5)~~ (6), for the offense committed,
5.18 whichever is the ~~greatest~~ longer period.

5.19 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.20 Sec. 7. Minnesota Statutes 2008, section 169A.54, subdivision 5, is amended to read:

5.21 Subd. 5. **Violations involving alcohol concentration of 0.20 or more.** If the
5.22 person has no qualified prior impaired driving incidents within the past ten years and is
5.23 convicted of violating section 169A.20 (driving while impaired) while having an alcohol
5.24 concentration of 0.20 or more as measured at the time, or within two hours of the time,
5.25 of the offense, the commissioner shall revoke the person's driver's license for ~~twice the~~
5.26 ~~period of time otherwise provided for in this section~~ not less than one year.

5.27 **EFFECTIVE DATE.** This section is effective July 1, 2011.

5.28 Sec. 8. Minnesota Statutes 2008, section 169A.55, is amended by adding a subdivision
5.29 to read:

5.30 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person
5.31 whose driver's license has been canceled or denied as a result of three or more qualified

6.1 impaired driving incidents shall not be eligible for reinstatement of driving privileges
6.2 without an ignition interlock restriction until the person:

6.3 (1) has completed rehabilitation according to rules adopted by the commissioner or
6.4 been granted a variance from the rules by the commissioner; and

6.5 (2) has submitted verification of no detectable use of alcohol and controlled
6.6 substances while driving, operating, or in physical control of a motor vehicle, as evidenced
6.7 by monitoring the person's use of an ignition interlock device.

6.8 (b) The verification of no detectable use of alcohol and controlled substances while
6.9 driving, operating, or being in physical control of a motor vehicle must be for a period of
6.10 not less than:

6.11 (1) three years, for a person whose driver's license was canceled or denied for an
6.12 offense occurring within ten years of the first of two qualified prior impaired driving
6.13 incidents, or occurring after three qualified prior impaired driving incidents;

6.14 (2) four years, for a person whose driver's license was canceled or denied for an
6.15 offense occurring within ten years of the first of three qualified prior impaired driving
6.16 incidents; or

6.17 (3) six years, for a person whose driver's license was canceled or denied for an
6.18 offense occurring after four or more qualified prior impaired driving incidents.

6.19 (c) A person whose driver's license has been restricted as a result of three or more
6.20 qualified impaired driving incidents shall not be eligible for an unrestricted driver's license
6.21 until the person has completed the required time period of no alcohol and controlled
6.22 substance violations.

6.23 **EFFECTIVE DATE.** This section is effective July 1, 2011.

6.24 Sec. 9. Minnesota Statutes 2008, section 169A.60, subdivision 1, is amended to read:

6.25 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
6.26 meanings given in this subdivision.

6.27 (b) "Family or household member" has the meaning given in section 169A.63,
6.28 subdivision 1.

6.29 (c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in
6.30 operation or an off-road recreational vehicle.

6.31 (d) "Plate impoundment violation" includes:

6.32 (1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license
6.33 revocation for test failure or refusal), or ~~a conforming an~~ ordinance from this state or a
6.34 ~~conforming~~ statute or ordinance from another state in conformity with either of those

7.1 sections, that results in the revocation of a person's driver's license or driving privileges,
7.2 within ten years of a qualified prior impaired driving incident;

7.3 (2) a refusal to submit to a chemical test under section 169A.52 or a violation of
7.4 section 169A.20, subdivision 2, or an ordinance from this state or a statute or ordinance
7.5 from another state in conformity with either of those sections, that results in the revocation
7.6 of a person's driver's license or driving privileges;

7.7 (3) a license disqualification under section 171.165 (commercial driver's license
7.8 disqualification) resulting from a violation of section 169A.52 within ten years of a
7.9 qualified prior impaired driving incident;

7.10 ~~(3)~~ (4) a violation of section 169A.20 or 169A.52 while having an alcohol
7.11 concentration of 0.20 or more as measured at the time, or within two hours of the time,
7.12 of the offense;

7.13 ~~(4)~~ (5) a violation of section 169A.20 or 169A.52 while having a child under the age
7.14 of 16 in the vehicle if the child is more than 36 months younger than the offender; ~~and~~ or

7.15 ~~(5)~~ (6) a violation of section 171.24 (driving without valid license) by a person
7.16 whose driver's license or driving privileges have been canceled or denied under section
7.17 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to
7.18 public safety).

7.19 (e) "Violator" means a person who was driving, operating, or in physical control of
7.20 the motor vehicle when the plate impoundment violation occurred.

7.21 **EFFECTIVE DATE.** This section is effective July 1, 2011.

7.22 Sec. 10. Minnesota Statutes 2008, section 171.09, is amended to read:

7.23 **171.09 DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.**

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

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

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

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

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

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

8.10 (e) It is a misdemeanor for a person who holds a restricted license issued under
 8.11 section 171.306 to drive, operate, or be in physical control of any motor vehicle that is not
 8.12 equipped with a functioning ignition interlock device certified by the commissioner.

8.13 Subd. 3. **No-alcohol restriction.** (a) Upon proper application by a person having a
 8.14 valid driver's license containing the restriction that the person must consume no alcohol,
 8.15 who has not been documented as having consumed alcohol or having possessed or used
 8.16 a controlled substance within the past ten years, and whose driving record contains no
 8.17 impaired driving incident within the past ten years, the commissioner must issue to the
 8.18 person a duplicate driver's license that does not show that restriction. "Impaired driving
 8.19 incident" has the meaning given in section 169A.03, subdivision 22.

8.20 (b) Upon the issuance of a duplicate license to a person under paragraph (a),
 8.21 the no-alcohol restriction on the person's driving record is classified as private data on
 8.22 individuals, as defined in section 13.02, subdivision 12, but may be provided to requesting
 8.23 law enforcement agencies, probation and parole agencies, and courts.

8.24 **EFFECTIVE DATE.** This section is effective July 1, 2011.

8.25 Sec. 11. Minnesota Statutes 2008, section 171.30, subdivision 1, is amended to read:

8.26 Subdivision 1. **Conditions of issuance.** (a) In any case where a person's license
 8.27 has been suspended under section 171.18, 171.173, or 171.186; ~~or;~~ or revoked under section
 8.28 169.792; 169.797; 169A.52, ~~169A.54,~~ subdivision 3, paragraph (a), clause (4), (5), or
 8.29 (6), or subdivision 4, paragraph (a), clause (1), (2), if the test results indicate an alcohol
 8.30 concentration of less than 0.20, (4), (5), or (6); 171.17; or 171.172; or revoked, canceled,
 8.31 or denied under section 169A.54, subdivision 1, clause (4), (5), or (6), the commissioner
 8.32 may issue a limited license to the driver including under the following conditions:

8.33 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
 8.34 counseling program depends upon the use of the driver's license;

9.1 (2) if the use of a driver's license by a homemaker is necessary to prevent the
9.2 substantial disruption of the education, medical, or nutritional needs of the family of
9.3 the homemaker; or

9.4 (3) if attendance at a postsecondary institution of education by an enrolled student of
9.5 that institution depends upon the use of the driver's license.

9.6 (b) The commissioner in issuing a limited license may impose such conditions and
9.7 limitations as in the commissioner's judgment are necessary to the interests of the public
9.8 safety and welfare including reexamination as to the driver's qualifications. The license
9.9 may be limited to the operation of particular vehicles, to particular classes and times of
9.10 operation, and to particular conditions of traffic. The commissioner may require that an
9.11 applicant for a limited license affirmatively demonstrate that use of public transportation
9.12 or carpooling as an alternative to a limited license would be a significant hardship.

9.13 (c) For purposes of this subdivision, "homemaker" refers to the person primarily
9.14 performing the domestic tasks in a household of residents consisting of at least the person
9.15 and the person's dependent child or other dependents.

9.16 (d) The limited license issued by the commissioner shall clearly indicate the
9.17 limitations imposed and the driver operating under the limited license shall have the
9.18 license in possession at all times when operating as a driver.

9.19 (e) In determining whether to issue a limited license, the commissioner shall
9.20 consider the number and the seriousness of prior convictions and the entire driving record
9.21 of the driver and shall consider the number of miles driven by the driver annually.

9.22 (f) If the person's driver's license or permit to drive has been revoked under
9.23 section 169.792 or 169.797, the commissioner may only issue a limited license to the
9.24 person after the person has presented an insurance identification card, policy, or written
9.25 statement indicating that the driver or owner has insurance coverage satisfactory to
9.26 the commissioner of public safety. The commissioner of public safety may require
9.27 the insurance identification card provided to satisfy this subdivision be certified by the
9.28 insurance company to be noncancelable for a period not to exceed 12 months.

9.29 (g) The limited license issued by the commissioner to a person under section
9.30 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
9.31 must not issue a limited license to a person who previously has been issued a limited
9.32 license under section 171.186, subdivision 4.

9.33 (h) The commissioner shall not issue a limited driver's license to any person
9.34 described in section 171.04, subdivision 1, clause (6), (7), (8), ~~(10)~~, (11), or (14).

9.35 (i) The commissioner shall not issue a class A, class B, or class C limited license.

9.36 **EFFECTIVE DATE.** This section is effective July 1, 2011.

10.1 Sec. 12. Minnesota Statutes 2008, section 171.30, subdivision 2a, is amended to read:

10.2 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license
10.3 shall not be issued for a period of:

10.4 (1) 15 days, to a person whose license or privilege has been revoked or suspended
10.5 for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or
10.6 ordinance from another state in conformity with either of those sections;

10.7 (2) ~~90~~ 30 days, ~~to a person who submitted to testing under sections 169A.50 to~~
10.8 ~~169A.53~~ if the person's license or privilege has been revoked ~~or~~ suspended, canceled,
10.9 or denied for a ~~second~~ third violation within ten years or a ~~third~~ fourth or subsequent
10.10 violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance ~~from~~
10.11 ~~another state~~ in conformity with ~~either~~ one of those sections;

10.12 (3) ~~180~~ days, ~~to a person who refused testing under sections 169A.50 to 169A.53~~
10.13 ~~if the person's license or privilege has been revoked or suspended for a second violation~~
10.14 ~~within ten years or a third or subsequent violation of sections 169A.20, 169A.50 to~~
10.15 ~~169A.53, or a statute or ordinance from another state in conformity with either of those~~
10.16 ~~sections;~~ or

10.17 (4) ~~(3)~~ one year, to a person whose license or privilege has been revoked or
10.18 suspended for committing manslaughter resulting from the operation of a motor vehicle,
10.19 committing criminal vehicular homicide or injury under section 609.21, or violating a
10.20 statute or ordinance from another state in conformity with either of those offenses.

10.21 **EFFECTIVE DATE.** This section is effective July 1, 2011.

10.22 Sec. 13. Minnesota Statutes 2008, section 171.30, subdivision 4, is amended to read:

10.23 Subd. 4. **Penalty.** A person who violates a condition or limitation of a limited
10.24 license issued under subdivision 1 or fails to have the license in immediate possession at
10.25 all times when operating a motor vehicle is guilty of a misdemeanor. In addition, except as
10.26 otherwise provided in the ignition interlock program under section 171.306, a person who
10.27 violates a condition or limitation of a limited license may not operate a motor vehicle for
10.28 the remainder of the period of suspension or revocation, or 30 days, whichever is longer.

10.29 **EFFECTIVE DATE.** This section is effective July 1, 2011.

10.30 Sec. 14. Minnesota Statutes 2008, section 171.306, as amended by Laws 2009, chapter
10.31 29, sections 2 and 3, is amended to read:

10.32 **171.306 IGNITION INTERLOCK DEVICE ~~PILOT PROJECT~~ PROGRAM.**

11.1 Subdivision 1. ~~**Pilot project established; reports**~~ **Definitions.** ~~The commissioner~~
11.2 ~~shall conduct a statewide two-year ignition interlock device pilot project as provided~~
11.3 ~~in this section. The pilot project must begin on July 1, 2009, and continue until June~~
11.4 ~~30, 2011. The commissioner shall submit a preliminary report by September 30, 2010,~~
11.5 ~~and a final report by September 30, 2011, to the chairs and ranking minority members~~
11.6 ~~of the senate and house of representatives committees having jurisdiction over criminal~~
11.7 ~~justice policy and funding. The reports must evaluate the successes and failures of the~~
11.8 ~~pilot project, provide information on participation rates, and make recommendations on~~
11.9 ~~continuing the project.~~ (a) As used in this section, the terms in this subdivision have
11.10 the meanings given them.

11.11 (b) "Ignition interlock device" or "device" means equipment that is designed to
11.12 measure breath alcohol concentration and to prevent a motor vehicle's ignition from being
11.13 started by a person whose breath alcohol concentration measures 0.02 or higher on the
11.14 equipment.

11.15 (c) "Program participant" means a person whose driver's license has been revoked,
11.16 canceled, or denied under section 169A.52 or 169A.54, and who has qualified to take part
11.17 in the ignition interlock program under this section.

11.18 (d) "Qualified prior impaired driving incident" has the meaning given in section
11.19 169A.03, subdivision 22.

11.20 Subd. 2. **Performance standards; certification.** ~~The commissioner shall~~
11.21 ~~determine appropriate~~ establish performance standards and a ~~certification~~ process for
11.22 ~~ignition interlock certifying devices for used in the pilot project. Only devices certified~~
11.23 ~~by the commissioner as meeting the performance standards may be used in the pilot~~
11.24 ~~project.~~ ignition interlock program. The manufacturer of a device must apply annually
11.25 for certification of the device by submitting the form prescribed by the commissioner.
11.26 The commissioner shall require manufacturers of certified devices to provide device
11.27 installation, servicing, and monitoring to indigent program participants at a discounted
11.28 rate, according to the standards established by the commissioner.

11.29 Subd. 3. ~~**Pilot project components**~~ **Program requirements.** (a) ~~Under the pilot~~
11.30 ~~project, the commissioner shall issue a driver's license to an individual whose driver's~~
11.31 ~~license has been revoked under chapter 169A for an impaired driving incident if the~~
11.32 ~~person qualifies under this section and agrees to all of the conditions of the project. The~~
11.33 ~~commissioner shall establish guidelines for participation in the ignition interlock program.~~
11.34 A person who seeks to participate in the program shall sign a written acknowledgment that
11.35 the person has received, reviewed, and agreed to abide by the program guidelines.

12.1 (b) The commissioner must ~~denote the person's driver's license~~ enter a notation
12.2 on a person's driving record to indicate that the person's participation in the person is a
12.3 program participant. ~~The license must authorize the person to drive only vehicles having~~
12.4 ~~functioning ignition interlock devices conforming with the requirements of subdivision 2.~~

12.5 (c) ~~Notwithstanding any statute or rule to the contrary, the commissioner has~~
12.6 ~~authority to and shall determine the appropriate period for which a person participating~~
12.7 ~~in the ignition interlock pilot program shall be subject to this program, and when the~~
12.8 ~~person is eligible to be issued:~~ A person under the age of 18 years is not eligible to be a
12.9 program participant.

12.10 (1) ~~a limited driver's license subject to the ignition interlock restriction;~~
12.11 (2) ~~full driving privileges subject to the ignition interlock restriction; and~~
12.12 (3) ~~a driver's license without an ignition interlock restriction.~~

12.13 (d) A program participant shall pay costs associated with an ignition interlock device
12.14 on every motor vehicle that the participant operates or intends to operate.

12.15 (e) ~~A person participating in this pilot project~~ program participant shall agree to
12.16 participate in any treatment recommended by in a chemical use assessment report.

12.17 (e) ~~The commissioner shall determine guidelines for participation in the project.~~
12.18 ~~A person participating in the project shall sign a written agreement accepting these~~
12.19 ~~guidelines and agreeing to comply with them.~~

12.20 (f) ~~It is a misdemeanor for a person who is licensed under this section for driving~~
12.21 ~~a vehicle equipped with an ignition interlock device to drive, operate, or be in physical~~
12.22 ~~control of a motor vehicle other than a vehicle properly equipped with an~~ A program
12.23 participant shall bring the device-equipped motor vehicle or vehicles operated by the
12.24 program participant to an approved service provider for device calibration and servicing
12.25 according to the schedule established by the commissioner and as indicated by the ignition
12.26 interlock device.

12.27 **Subd. 4. Issuance of restricted license.** (a) The commissioner shall issue a class
12.28 D driver's license, subject to the applicable limitations and restrictions of this section,
12.29 to a program participant who meets the requirements of this section and the program
12.30 guidelines. The commissioner shall not issue a license unless the program participant has
12.31 provided satisfactory proof that: (1) a certified ignition interlock device has been installed
12.32 on the participant's motor vehicle at an installation service center designated by the device's
12.33 manufacturer; and (2) the participant has insurance coverage on the vehicle equipped with
12.34 the ignition interlock device. The commissioner shall require the participant to present an
12.35 insurance identification card, policy, or written statement as proof of insurance coverage,
12.36 and may require the insurance identification card provided be certified by the insurance

13.1 company to be noncancelable for a period not to exceed 12 months. A license issued under
13.2 authority of this section must contain a restriction prohibiting the program participant
13.3 from driving, operating, or being in physical control of any motor vehicle not equipped
13.4 with a functioning ignition interlock device certified by the commissioner.

13.5 (b) A program participant whose driver's license has been revoked under section
13.6 169A.52, subdivision 3, paragraph (a), clause (1) or (2), or subdivision 4, paragraph (a),
13.7 clause (1) or (2), or section 169A.54, subdivision 1, clause (1) or (2), may apply, after 15
13.8 days of the revocation period have elapsed, for conditional reinstatement of the driver's
13.9 license, subject to the ignition interlock restriction.

13.10 (c) A program participant whose driver's license has been revoked under section
13.11 169A.52, subdivision 3, paragraph (a), clause (3), or subdivision 4, paragraph (a),
13.12 clause (3), or section 169A.54, subdivision 1, clause (3), may apply, after 30 days of
13.13 the revocation period have elapsed, for conditional reinstatement of the driver's license,
13.14 subject to the ignition interlock restriction.

13.15 (d) A program participant whose driver's license has been revoked, canceled, or
13.16 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
13.17 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,
13.18 clause (4), (5), or (6), may apply for a limited license, subject to the ignition interlock
13.19 restriction, if the program participant is enrolled in a licensed chemical dependency
13.20 treatment or rehabilitation program as recommended in a chemical use assessment, and
13.21 if the participant meets the waiting period and other applicable requirements of section
13.22 171.30. After completing a licensed chemical dependency treatment or rehabilitation
13.23 program and one year of limited license use without violating the ignition interlock
13.24 restriction, the conditions of limited license use, or program guidelines, the participant
13.25 may apply for conditional reinstatement of the driver's license, subject to the ignition
13.26 interlock restriction. If the program participant's ignition interlock device subsequently
13.27 registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall
13.28 cancel the driver's license, and the program participant may apply for another limited
13.29 license according to this paragraph, except that no waiting period shall apply.

13.30 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
13.31 authority to determine when a program participant is eligible for restoration of full driving
13.32 privileges, except that the commissioner shall not reinstate full driving privileges until the
13.33 program participant has met all applicable prerequisites for reinstatement under section
13.34 169A.55 and until the program participant's device has registered no positive breath
13.35 alcohol concentrations of 0.02 or higher during the preceding 90 days.

14.1 Subd. 5. Penalties; program violations. (a) If a program participant tampers
14.2 with, circumvents, or bypasses a device; drives, operates, or exercises physical control
14.3 over a motor vehicle not equipped with a device certified by the commissioner; violates a
14.4 condition of a limited license issued under subdivision 4 and section 171.30; or violates
14.5 the program guidelines of subdivision 2, the commissioner shall extend the person's
14.6 revocation period under section 169A.52 or 169A.54 by:

- 14.7 (1) 180 days for a first violation;
14.8 (2) one year for a second violation; or
14.9 (3) 545 days for a third and each subsequent violation.

14.10 (b) Notwithstanding paragraph (a), the commissioner may terminate participation
14.11 in the program by any person when, in the commissioner's judgment, termination is
14.12 necessary to the interests of public safety and welfare. In the event of termination, the
14.13 commissioner shall not reduce the applicable revocation period under section 169A.52 or
14.14 169A.54 by the amount of time during which the person possessed a limited or restricted
14.15 driver's license issued under the authority of subdivision 4.

14.16 Subd. 6. Penalties; tampering. (a) A person who knowingly lends, rents, or leases
14.17 a motor vehicle that is not equipped with a functioning ignition interlock device certified
14.18 by the commissioner to a person with a license issued under this section is guilty of a
14.19 misdemeanor if the person lending, renting, or leasing the vehicle knows of the ignition
14.20 interlock restriction.

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

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

14.27 Subd. 7. Venue. In addition to the provisions of Rule 24 of the Rules of Criminal
14.28 Procedure and section 627.01, a violation of subdivision 6 or section 171.09, subdivision
14.29 1, paragraph (e), may be prosecuted in:

- 14.30 (1) the county in which the vehicle involved in the offense is found;
14.31 (2) the county in which the accused resides;
14.32 (3) any county through which the vehicle traveled in the course of the trip during or
14.33 after which the offense was committed; or
14.34 (4) the county in which the impaired driving incident occurred which resulted in the
14.35 accused being issued a driver's license with an ignition interlock restriction.

15.1 Subd. 8. **Positive breath alcohol concentration raised.** Beginning January 1,
15.2 2013, the reference to breath alcohol concentration of 0.02 in subdivision 1, paragraph (b),
15.3 and subdivision 4, paragraphs (d) and (e), shall be increased to 0.05.

15.4 Subd. 9. **Rulemaking.** In establishing the performance standards and certification
15.5 process of subdivision 2 and the program guidelines of subdivision 3, the commissioner
15.6 is exempt from chapter 14, including section 14.386. If rules are otherwise necessary to
15.7 implement this section, the commissioner may adopt, amend, and repeal rules using the
15.8 exempt procedures of section 14.386, except that paragraph (b) shall not apply.

15.9 **EFFECTIVE DATE.** Subdivisions 1 to 8 are effective July 1, 2011. Subdivision 9
15.10 is effective August 1, 2010.

15.11 Sec. 15. Minnesota Statutes 2008, section 609.131, subdivision 2, is amended to read:

15.12 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a
15.13 misdemeanor violation of section 169A.20; 171.09, subdivision 1, paragraph (e); 171.306,
15.14 subdivision 6; 609.224; 609.2242; 609.226; 609.324, subdivision 3; 609.52; or 617.23,
15.15 or an ordinance that conforms in substantial part to any of those sections. A violation
15.16 described in this subdivision must be treated as a misdemeanor unless the defendant
15.17 consents to the certification of the violation as a petty misdemeanor.

15.18 **EFFECTIVE DATE.** This section is effective July 1, 2011.

15.19 Sec. 16. **RULEMAKING.**

15.20 The commissioner may adopt, amend, or repeal rules as needed to administer
15.21 Minnesota Statutes, section 169A.55, subdivision 4, paragraph (a), using the exempt
15.22 procedures of Minnesota Statutes, section 14.386, except that paragraph (b) shall not apply.

15.23 **EFFECTIVE DATE.** This section is effective August 1, 2010.

15.24 Sec. 17. **REPEALER.**

15.25 Minnesota Statutes 2008, sections 169A.54, subdivision 11; 169A.55, subdivision
15.26 1; 171.30, subdivision 2c; and 171.305, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11, are
15.27 repealed effective July 1, 2011.