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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1375

02/18/2019 Authored by Considine
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; establishing increased penalties for driving while distracted
1.3 or without a valid license and causing bodily harm or death; amending Minnesota
1.4 Statutes 2018, sections 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

1.7 Subdivision 1. Criminal vehicular homicide. (a) Except as provided in paragraph (b),
1.8 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
1.9 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
1.10 person causes the death of a human being not constituting murder or manslaughter as a
1.11 result of operating a motor vehicle:

1.12 (1) in a grossly negligent manner;

1.13 (2) in a negligent manner while under the influence of:

1.14 (i) alcohol;

1.15 (ii) a controlled substance; or

1.16 (iii) any combination of those elements;

1.17 (3) while having an alcohol concentration of 0.08 or more;

1.18 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
1.19 of the time of driving;

1.20 (5) in a negligent manner while under the influence of an intoxicating substance and the
1.21 person knows or has reason to know that the substance has the capacity to cause impairment;

2.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 2.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 2.3 person's body;

2.4 (7) where the driver who causes the collision leaves the scene of the collision in violation
 2.5 of section 169.09, subdivision 1 or 6; ~~or~~

2.6 (8) where the driver had actual knowledge that a peace officer had previously issued a
 2.7 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 2.8 knowledge that remedial action was not taken, the driver had reason to know that the defect
 2.9 created a present danger to others, and the death was caused by the defective maintenance;

2.10 (9) in a negligent manner while the driver is in violation of section 169.475; or

2.11 (10) in a negligent manner while the person's driver's license or driving privilege has
 2.12 been suspended, revoked, or canceled or the person has been disqualified from holding a
 2.13 commercial driver's license or been denied the privilege to operate a commercial motor
 2.14 vehicle pursuant to:

2.15 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
 2.16 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
 2.17 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
 2.18 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
 2.19 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
 2.20 or

2.21 (ii) a law from another state similar to those described in item (i).

2.22 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
 2.23 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
 2.24 maximum sentence of imprisonment is 15 years.

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

2.27 Sec. 2. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

2.28 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
 2.29 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
 2.30 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
 2.31 bodily harm to another not constituting attempted murder or assault as a result of operating
 2.32 a motor vehicle:

- 3.1 (1) in a grossly negligent manner;
- 3.2 (2) in a negligent manner while under the influence of:
- 3.3 (i) alcohol;
- 3.4 (ii) a controlled substance; or
- 3.5 (iii) any combination of those elements;
- 3.6 (3) while having an alcohol concentration of 0.08 or more;
- 3.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 3.8 of the time of driving;
- 3.9 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 3.10 person knows or has reason to know that the substance has the capacity to cause impairment;
- 3.11 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 3.12 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 3.13 person's body;
- 3.14 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 3.15 of section 169.09, subdivision 1 or 6; ~~or~~
- 3.16 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 3.17 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 3.18 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 3.19 created a present danger to others, and the injury was caused by the defective maintenance;
- 3.20 (9) in a negligent manner while the driver is in violation of section 169.475; or
- 3.21 (10) in a negligent manner while the person's driver's license or driving privilege has
- 3.22 been suspended, revoked, or canceled or the person has been disqualified from holding a
- 3.23 commercial driver's license or been denied the privilege to operate a commercial motor
- 3.24 vehicle pursuant to:
- 3.25 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
- 3.26 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
- 3.27 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
- 3.28 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
- 3.29 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
- 3.30 or
- 3.31 (ii) a law from another state similar to those described in item (i).

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

4.3 Sec. 3. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

4.4 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
4.5 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
4.6 than three years or to payment of a fine of not more than \$10,000, or both, if the person
4.7 causes substantial bodily harm to another as a result of operating a motor vehicle:

4.8 (1) in a grossly negligent manner;

4.9 (2) in a negligent manner while under the influence of:

4.10 (i) alcohol;

4.11 (ii) a controlled substance; or

4.12 (iii) any combination of those elements;

4.13 (3) while having an alcohol concentration of 0.08 or more;

4.14 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
4.15 of the time of driving;

4.16 (5) in a negligent manner while under the influence of an intoxicating substance and the
4.17 person knows or has reason to know that the substance has the capacity to cause impairment;

4.18 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
4.19 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
4.20 person's body;

4.21 (7) where the driver who causes the accident leaves the scene of the accident in violation
4.22 of section 169.09, subdivision 1 or 6; ~~or~~

4.23 (8) where the driver had actual knowledge that a peace officer had previously issued a
4.24 citation or warning that the motor vehicle was defectively maintained, the driver had actual
4.25 knowledge that remedial action was not taken, the driver had reason to know that the defect
4.26 created a present danger to others, and the injury was caused by the defective maintenance;

4.27 (9) in a negligent manner while the driver is in violation of section 169.475; or

4.28 (10) in a negligent manner while the person's driver's license or driving privilege has
4.29 been suspended, revoked, or canceled or the person has been disqualified from holding a
4.30 commercial driver's license or been denied the privilege to operate a commercial motor
4.31 vehicle pursuant to:

5.1 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
 5.2 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
 5.3 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
 5.4 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
 5.5 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
 5.6 or

5.7 (ii) a law from another state similar to those described in item (i).

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

5.10 Sec. 4. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

5.11 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
 5.12 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
 5.13 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
 5.14 result of operating a motor vehicle:

5.15 (1) in a grossly negligent manner;

5.16 (2) in a negligent manner while under the influence of:

5.17 (i) alcohol;

5.18 (ii) a controlled substance; or

5.19 (iii) any combination of those elements;

5.20 (3) while having an alcohol concentration of 0.08 or more;

5.21 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 5.22 of the time of driving;

5.23 (5) in a negligent manner while under the influence of an intoxicating substance and the
 5.24 person knows or has reason to know that the substance has the capacity to cause impairment;

5.25 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 5.26 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 5.27 person's body;

5.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
 5.29 of section 169.09, subdivision 1 or 6; ~~or~~

5.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
 5.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

6.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
6.2 created a present danger to others, and the injury was caused by the defective maintenance;

6.3 (9) in a negligent manner while the driver is in violation of section 169.475; or

6.4 (10) in a negligent manner while the person's driver's license or driving privilege has
6.5 been suspended, revoked, or canceled or the person has been disqualified from holding a
6.6 commercial driver's license or been denied the privilege to operate a commercial motor
6.7 vehicle pursuant to:

6.8 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
6.9 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
6.10 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
6.11 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
6.12 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
6.13 or

6.14 (ii) a law from another state similar to those described in item (i).

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