

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2458

03/13/2019 Authored by Daniels
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; enhancing penalties for repeated driving after suspension,
1.3 revocation, or cancellation; amending Minnesota Statutes 2018, section 171.24.

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

1.5 Section 1. Minnesota Statutes 2018, section 171.24, is amended to read:

1.6 171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.

1.7 Subdivision 1. Driving after suspension; misdemeanor. Except as otherwise provided
1.8 in subdivision 5, a person is guilty of a misdemeanor if:

- 1.9 (1) the person's driver's license or driving privilege has been suspended;
1.10 (2) the person has been given notice of or reasonably should know of the suspension;

1.11 and

- 1.12 (3) the person disobeys the order by operating in this state any motor vehicle, the
1.13 operation of which requires a driver's license, while the person's license or privilege is
1.14 suspended.

1.15 Subd. 2. Driving after revocation; misdemeanor. Except as otherwise provided in
1.16 subdivision 5, a person is guilty of a misdemeanor if:

- 1.17 (1) the person's driver's license or driving privilege has been revoked;
1.18 (2) the person has been given notice of or reasonably should know of the revocation;

1.19 and

2.1 (3) the person disobeys the order by operating in this state any motor vehicle, the  
2.2 operation of which requires a driver's license, while the person's license or privilege is  
2.3 revoked.

2.4 Subd. 3. **Driving after cancellation; misdemeanor.** Except as otherwise provided in  
2.5 subdivision 5, a person is guilty of a misdemeanor if:

2.6 (1) the person's driver's license or driving privilege has been canceled;

2.7 (2) the person has been given notice of or reasonably should know of the cancellation;  
2.8 and

2.9 (3) the person disobeys the order by operating in this state any motor vehicle, the  
2.10 operation of which requires a driver's license, while the person's license or privilege is  
2.11 canceled.

2.12 Subd. 4. **Driving after disqualification; misdemeanor.** Except as otherwise provided  
2.13 in subdivision 5, a person is guilty of a misdemeanor if the person:

2.14 (1) has been disqualified from holding a commercial driver's license or been denied the  
2.15 privilege to operate a commercial motor vehicle;

2.16 (2) has been given notice of or reasonably should know of the disqualification; and

2.17 (3) disobeys the order by operating in this state a commercial motor vehicle while the  
2.18 person is disqualified to hold the license or privilege.

2.19 Subd. 5. **Gross misdemeanor violations.** (a) A person is guilty of a gross misdemeanor  
2.20 if:

2.21 (1) the person's driver's license or driving privilege has been canceled or denied under  
2.22 section 171.04, subdivision 1, clause (10);

2.23 (2) the person has been given notice of or reasonably should know of the cancellation  
2.24 or denial; and

2.25 (3) the person disobeys the order by operating in this state any motor vehicle, the  
2.26 operation of which requires a driver's license, while the person's license or privilege is  
2.27 canceled or denied.

2.28 (b) A person is guilty of a gross misdemeanor if the person violates this section:

2.29 (1) within one year of the first of four or more prior convictions under this section or a  
2.30 statute or ordinance in conformity with it; or

3.1 (2) within one month of the first of three prior convictions under this section or a statute  
3.2 or ordinance in conformity with it.

3.3 Subd. 5a. **Progressive fines; vehicle impoundment.** (a) A court must require a person  
3.4 who violates subdivision 1, 2, 3, or 4 to pay the following fine:

3.5 (1) for a first offense, a fine of \$225;

3.6 (2) for a second offense, a fine of \$325;

3.7 (3) for a third offense, a fine of \$425;

3.8 (4) for a fourth offense, a fine of \$525; and

3.9 (5) for a fifth or subsequent offense, a fine of \$625.

3.10 (b) If the defendant qualifies for the services of a public defender or the court finds on  
3.11 the record that the convicted person is indigent or that immediate payment of the fine would  
3.12 create undue hardship for the convicted person or that person's immediate family, the court  
3.13 may permit the defendant to perform community work service in lieu of a fine.

3.14 (c) A peace officer may take into custody and impound any motor vehicle operated in  
3.15 this state, the operation of which requires a driver's license, while the operator's driver's  
3.16 license or privilege is suspended, revoked, or canceled.

3.17 **Subd. 6. Responsibility for prosecution.** The attorney in the jurisdiction in which the  
3.18 violation occurred who is responsible for prosecution of misdemeanor violations of this  
3.19 section is also responsible for prosecution of gross misdemeanor violations of this section.

3.20 **Subd. 7. Sufficiency of notice.** (a) Notice of revocation, suspension, cancellation, or  
3.21 disqualification is sufficient if personally served, or if mailed by first class mail to the  
3.22 person's last known address or to the address listed on the person's driver's license. Notice  
3.23 is also sufficient if the person was informed that revocation, suspension, cancellation, or  
3.24 disqualification would be imposed upon a condition occurring or failing to occur, and where  
3.25 the condition has in fact occurred or failed to occur.

3.26 (b) It is not a defense that a person failed to file a change of address with the post office,  
3.27 or failed to notify the Department of Public Safety of a change of name or address as required  
3.28 under section 171.11.

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