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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3555

02/19/2020 Authored by Moller, Baker, Howard, Lippert, Pinto and others

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

03/12/2020 Adoption of Report: Amended and re-referred to the Transportation Finance and Policy Division

1.1 A bill for an act

1.2 relating to driving while impaired; providing that DWI offenders are not required
1.3 to take a specified examination as a condition of driver's license reinstatement;
1.4 amending Minnesota Statutes 2018, sections 169A.55, subdivision 2; 169A.60,
1.5 subdivision 13; 171.29, subdivision 1; 171.30, subdivision 1; 171.306, subdivision
1.6 4.

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

1.8 Section 1. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

1.9 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
1.10 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
1.11 (impaired driving convictions and adjudications; administrative penalties), or 171.177
1.12 (revocation; search warrant), the commissioner shall notify the person of the terms upon
1.13 which driving privileges can be reinstated, and new registration plates issued, which terms
1.14 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
1.15 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
1.16 requirements imposed by the commissioner and applicable to that particular case. The
1.17 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
1.18 under section 169A.60 (administrative impoundment of plates) as a result of the violation
1.19 of the procedures for obtaining new registration plates, if the owner is not the violator. The
1.20 commissioner shall also notify the person that if driving is resumed without reinstatement
1.21 of driving privileges or without valid registration plates and registration certificate, the
1.22 person will be subject to criminal penalties.

2.1 Sec. 2. Minnesota Statutes 2018, section 169A.60, subdivision 13, is amended to read:

2.2 Subd. 13. **Special registration plates.** (a) At any time during the effective period of an
2.3 impoundment order, a violator or registered owner may apply to the commissioner for new
2.4 registration plates, which must bear a special series of numbers or letters so as to be readily
2.5 identified by traffic law enforcement officers. The commissioner may authorize the issuance
2.6 of special plates if:

2.7 (1) the violator has a qualified licensed driver whom the violator must identify;

2.8 (2) the violator or registered owner has a limited license issued under section 171.30;

2.9 (3) the registered owner is not the violator and the registered owner has a valid or limited
2.10 driver's license;

2.11 (4) a member of the registered owner's household has a valid driver's license; or

2.12 (5) the violator has been reissued a valid driver's license.

2.13 (b) The commissioner may not issue new registration plates for that vehicle subject to
2.14 plate impoundment for a period of at least one year from the date of the impoundment order.
2.15 In addition, if the owner is the violator, new registration plates may not be issued for the
2.16 vehicle unless the person has been reissued a valid driver's license in accordance with chapter
2.17 171.

2.18 (c) A violator may not apply for new registration plates for a vehicle at any time before
2.19 the person's driver's license is reinstated.

2.20 (d) The commissioner may issue the special plates on payment of a \$50 fee for each
2.21 vehicle for which special plates are requested.

2.22 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
2.23 new registration plates for a any vehicle owned by a violator or registered owner for which
2.24 the registration plates have been impounded if:

2.25 (1) the impoundment order is rescinded;

2.26 (2) the vehicle is transferred in compliance with subdivision 14; ~~or~~

2.27 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
2.28 168.27, a financial institution that has submitted a repossession affidavit, or a government
2.29 agency; or

2.30 (4) the violator becomes a program participant in the ignition interlock program under
2.31 section 171.306.

3.1 Sec. 3. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:

3.2 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
3.3 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
3.4 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
3.5 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
3.6 passed an examination as required by the commissioner of public safety. This subdivision
3.7 does not apply to an applicant for early reinstatement under section 169.792, subdivision
3.8 7a.

3.9 (b) The requirement to successfully pass the examination described in paragraph (a)
3.10 does not apply to a person whose driver's license has been revoked because of an impaired
3.11 driving offense.

3.12 Sec. 4. Minnesota Statutes 2018, section 171.30, subdivision 1, is amended to read:

3.13 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
3.14 to the driver under the conditions in paragraph (b) in any case where a person's license has
3.15 been:

3.16 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

3.17 (2) revoked, canceled, or denied under section:

3.18 (i) 169.792;

3.19 (ii) 169.797;

3.20 (iii) 169A.52:

3.21 (A) subdivision 3, paragraph (a), clause (1) or (2); or

3.22 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
3.23 ~~171.306;~~

3.24 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
3.25 alcohol concentration of less than twice the legal limit;

3.26 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
3.27 ~~171.306;~~

3.28 (iv) 171.17; or

3.29 (v) 171.172;

3.30 (3) revoked, canceled, or denied under section 169A.54:

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2); or

~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit; or

(4) revoked, canceled, or denied under section 171.177:

(i) subdivision 4, paragraph (a), clause (1) or (2); or

~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit; ~~or.~~

~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306.~~

(b) The following conditions for a limited license under paragraph (a) include:

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

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

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

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

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 2018, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. If the participant has previously been convicted of violating section 169.791, 169.793, or 169.797 or the participant's license has previously been suspended or canceled under section 169.792 or 169.797, the commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be that is certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been: (1) revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177, subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has fewer than two qualified prior impaired driving incidents within the past ten years or fewer than three qualified prior impaired driving incidents ever; may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been: (1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6), or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5, paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section

609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has two or more qualified prior impaired driving incidents within the past ten years or three or more qualified prior impaired driving incidents ever; may apply for a ~~limited~~ conditional reinstatement of the driver's license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, ~~and if the participant meets the other applicable requirements of section 171.30. After completing.~~ As a prerequisite to eligibility for eventual reinstatement of full driving privileges, a participant whose chemical use assessment recommended treatment or rehabilitation shall complete a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall ~~cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.~~ extend the time period that the participant must participate in the program until the participant has reached the required abstinence period described in section 169A.55, subdivision 4.

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