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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **91**

01/17/2019 Authored by Heintzeman and Lueck
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 and establishing minimum fines for
1.3 repeat violations of driving without a valid license; amending Minnesota Statutes
1.4 2018, section 171.24.

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

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

1.7 **171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.**

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

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

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

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

- 1.18 (1) the person's driver's license or driving privilege has been revoked;
- 1.19 (2) the person has been given notice of or reasonably should know of the revocation;
- 1.20 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:

2.29 (1) violates this section;

2.30 (i) and causes a collision resulting in substantial bodily harm, as defined in section
2.31 609.02, subdivision 7a, or death to another; or

3.1 (ii) within ten years of the first of two prior convictions under this section; and
3.2 (2) at the time of the violation the person's driver's license or driving privilege has been
3.3 suspended, revoked, or canceled or the person has been disqualified from holding a
3.4 commercial driver's license or been denied the privilege to operate a commercial motor
3.5 vehicle:

3.6 (i) pursuant to section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision
3.7 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause
3.8 (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11);
3.9 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444;
3.10 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter
3.11 169A; or

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

3.13 **Subd. 6. Responsibility for prosecution.** (a) The attorney in the jurisdiction in which
3.14 the violation occurred who is responsible for prosecution of misdemeanor violations of this
3.15 section is also responsible for prosecution of gross misdemeanor violations of this section.

3.16 (b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state
3.17 to prosecute or punish a person for conduct that constitutes any other crime under any other
3.18 law of this state.

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

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

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