

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4939

(SENATE AUTHORS: MCEWEN)

DATE
03/13/2024

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Introduction and first reading
Referred to Transportation

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; establishing limited drivers' licenses for certain participants
1.3 in treatment court; requiring treatment court coordinators to provide certain
1.4 information; providing for notification of termination from treatment court;
1.5 classifying data; amending Minnesota Statutes 2022, sections 13.6905, by adding
1.6 a subdivision; 171.30, subdivision 1, by adding subdivisions.

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

1.8 Section 1. Minnesota Statutes 2022, section 13.6905, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 38. **Limited license data; treatment court information.** Access to data on limited
1.11 license holders who are treatment court participants is governed by section 171.30,
1.12 subdivision 6.

1.13 Sec. 2. Minnesota Statutes 2022, section 171.30, subdivision 1, is amended to read:

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

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

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

1.19 (i) 169.792;

1.20 (ii) 169.797;

1.21 (iii) 169A.52:

- 2.1 (A) subdivision 3, paragraph (a), clause (1) or (2); or
- 2.2 (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol
- 2.3 concentration of less than twice the legal limit;
- 2.4 (iv) 171.17; or
- 2.5 (v) 171.172;
- 2.6 (3) revoked, canceled, or denied under section 169A.54:
- 2.7 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
- 2.8 than twice the legal limit;
- 2.9 (ii) subdivision 1, clause (2); or
- 2.10 (iii) subdivision 2, if the person does not have a qualified prior impaired driving incident
- 2.11 as defined in section 169A.03, subdivision 22, on the person's record, and the test results
- 2.12 indicate an alcohol concentration of less than twice the legal limit; or
- 2.13 (4) revoked, canceled, or denied under section 171.177:
- 2.14 (i) subdivision 4, paragraph (a), clause (1) or (2); or
- 2.15 (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an alcohol
- 2.16 concentration of less than twice the legal limit.
- 2.17 (b) The following conditions for a limited license under paragraph (a) include:
- 2.18 (1) if the driver's livelihood or attendance at a substance use disorder treatment or
- 2.19 counseling program depends upon the use of the driver's license;
- 2.20 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
- 2.21 disruption of the education, medical, or nutritional needs of the family of the homemaker;
- 2.22 ~~or~~
- 2.23 (3) if attendance at a postsecondary institution of education by an enrolled student of
- 2.24 that institution depends upon the use of the driver's license; or
- 2.25 (4) if the use of a driver's license by a treatment court participant materially supports
- 2.26 successful attendance or participation in treatment court.
- 2.27 (c) Except as provided in subdivision 1a, the commissioner in issuing a limited license
- 2.28 may impose such conditions and limitations as in the commissioner's judgment are necessary
- 2.29 to the interests of the public safety and welfare including reexamination as to the driver's
- 2.30 qualifications. The license may be limited to the operation of particular vehicles, to particular
- 2.31 classes and times of operation, and to particular conditions of traffic. The commissioner

3.1 may require that an applicant for a limited license affirmatively demonstrate that use of
3.2 public transportation or carpooling as an alternative to a limited license would be a significant
3.3 hardship.

3.4 (d) For purposes of this subdivision:

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

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

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

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

3.16 (g) If the person's driver's license or permit to drive has been revoked under section
3.17 169.792 or 169.797, the commissioner may only issue a limited license to the person after
3.18 the person has presented an insurance identification card, policy, or written statement
3.19 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
3.20 of public safety. The commissioner of public safety may require the insurance identification
3.21 card provided to satisfy this subdivision be certified by the insurance company to be
3.22 noncancelable for a period not to exceed 12 months.

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

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

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

4.1 Sec. 3. Minnesota Statutes 2022, section 171.30, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 1a. **Treatment court participants.** (a) In issuing a limited license to a treatment
4.4 court participant, the commissioner may impose such conditions and limitations as in the
4.5 commissioner's judgment are necessary to the interests of the public safety and welfare,
4.6 including reexamination as to the driver's qualifications. The license may be limited to the
4.7 operation of particular vehicles, to particular classes and times of operation, and to particular
4.8 conditions of traffic. The commissioner must require continued participation in treatment
4.9 court as a condition of a limited license issued to a treatment court participant. The
4.10 commissioner must not impose any condition or limit that would prevent a treatment court
4.11 participant who qualifies for a limited license from participating in any hearings, meetings,
4.12 treatment or counseling programs, sober support activities, community service events, or
4.13 any other program or activity ordered or required by a treatment court.

4.14 (b) Upon request from the commissioner, a peace officer as defined in section 626.84,
4.15 subdivision 1, paragraph (c), or a law enforcement agency as defined in section 626.84,
4.16 subdivision 1, paragraph (f), a treatment court coordinator must verify whether a person is
4.17 a participant in treatment court and provide the date, time, and location of any hearings,
4.18 meetings, treatment or counseling programs, sober support activities, community service
4.19 events, or any other program or activity the treatment court has ordered or required the
4.20 person to attend.

4.21 (c) A treatment court coordinator must notify the commissioner if a person is terminated
4.22 from participation in treatment court. Notification must be made in a form and manner
4.23 established by the commissioner and may be made by a district court administrator.

4.24 Sec. 4. Minnesota Statutes 2022, section 171.30, is amended by adding a subdivision to
4.25 read:

4.26 Subd. 6. **Treatment court; data classification.** Court records and information on driving
4.27 restrictions for limited license holders who are treatment court participants are classified as
4.28 private data on individuals, as defined in section 13.02, subdivision 12, but may be disclosed
4.29 to chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies
4.30 with the power to arrest.