

ARTICLE 7

DWI

85.1

85.2

85.3 Section 1. Minnesota Statutes 2016, section 169A.24, subdivision 1, is amended to read:

85.4 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while

85.5 impaired) is guilty of first-degree driving while impaired if the person:

85.6 (1) commits the violation within ten years of the first of three or more qualified prior

85.7 impaired driving incidents;

85.8 (2) has previously been convicted of a felony under this section; or

85.9 (3) has previously been convicted of a felony under:

85.10 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,

85.11 substance-related offenses), subdivision 1, clauses (2) to (6);

85.12 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,

85.13 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to

85.14 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,

85.15 clauses (2) to (6); ~~or~~

85.16 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses

85.17 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,

85.18 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

85.19 (iv) a statute from this state or another state in conformity with any provision listed in

85.20 clause (i), (ii), or (iii).

85.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses

85.22 committed on or after that date.

85.23 Sec. 2. Minnesota Statutes 2016, section 169A.55, subdivision 4, is amended to read:

85.24 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose

85.25 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall

85.26 not be eligible for reinstatement of driving privileges without an ignition interlock restriction

85.27 until the commissioner certifies that the person has neither owned nor leased a vehicle, the

85.28 person has not transferred ownership of a vehicle to a family or household member, no

ARTICLE 21

PUBLIC SAFETY

346.12

346.13

346.14 Section 1. Minnesota Statutes 2016, section 169A.24, subdivision 1, is amended to read:

346.15 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while

346.16 impaired) is guilty of first-degree driving while impaired if the person:

346.17 (1) commits the violation within ten years of the first of three or more qualified prior

346.18 impaired driving incidents;

346.19 (2) has previously been convicted of a felony under this section; or

346.20 (3) has previously been convicted of a felony under:

346.21 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,

346.22 substance-related offenses), subdivision 1, clauses (2) to (6);

346.23 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,

346.24 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to

346.25 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,

346.26 clauses (2) to (6); ~~or~~

346.27 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses

346.28 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,

346.29 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

346.30 (iv) a statute from this state or another state in conformity with any provision listed in

346.31 item (i), (ii), or (iii).

347.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations

347.2 committed on or after that date.

85.29 family or household member owns or leases a vehicle which the person has express or  
85.30 implied consent to drive, and the person has not committed a violation of chapter 169A or  
86.1 171 during the revocation period; or the person has used the ignition interlock device and  
86.2 complied with section 171.306 for a period of not less than:

86.3 (1) one year, for a person whose driver's license was revoked for:

86.4 (i) an offense occurring within ten years of a qualified prior impaired driving incident;  
86.5 or

86.6 (ii) an offense occurring after two qualified prior impaired driving incidents; or

86.7 (2) two years, for a person whose driver's license was revoked for:

86.8 (i) an offense occurring under clause (1), and where the test results indicated an alcohol  
86.9 concentration of twice the legal limit or more; or

86.10 (ii) an offense occurring under clause (1), and where the current offense is for a violation  
86.11 of section 169A.20, subdivision 2 (test refusal).

86.12 As used in this paragraph, "family or household member" has the meaning given in section  
86.13 169A.63, subdivision 1, paragraph (f).

86.14 (b) A person whose driver's license has been canceled or denied as a result of three or  
86.15 more qualified impaired driving incidents shall not be eligible for reinstatement of driving  
86.16 privileges without an ignition interlock restriction until the person:

86.17 (1) has completed rehabilitation according to rules adopted by the commissioner or been  
86.18 granted a variance from the rules by the commissioner; and

86.19 (2) has submitted verification of abstinence from alcohol and controlled substances  
86.20 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other  
86.21 chemical monitoring device approved by the commissioner.

86.22 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the  
86.23 use of alcohol and controlled substances for a period of not less than:

86.24 (1) three years, for a person whose driver's license was canceled or denied for an offense  
86.25 occurring within ten years of the first of two qualified prior impaired driving incidents, or  
86.26 occurring after three qualified prior impaired driving incidents;

86.27 (2) four years, for a person whose driver's license was canceled or denied for an offense  
86.28 occurring within ten years of the first of three qualified prior impaired driving incidents; or

86.29 (3) six years, for a person whose driver's license was canceled or denied for an offense  
86.30 occurring after four or more qualified prior impaired driving incidents.

87.1 ~~(c) The commissioner shall establish performance standards and a process for certifying~~  
87.2 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~  
87.3 ~~from chapter 14, including section 14.386.~~

87.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
87.5 committed on or after that date.

87.6 Sec. 3. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to  
87.7 read:

87.8 Subd. 4a. **Driving after a DWI-related suspension, revocation, or cancellation;**  
87.9 **misdemeanor.** (a) Except as otherwise provided in subdivision 5, a person is guilty of a  
87.10 misdemeanor if:

87.11 (1) the person's driver's license or driving privilege has been suspended, revoked, or  
87.12 canceled under section 169A.52, 169A.54, or 171.177;

87.13 (2) the person has been given notice of or reasonably should know of the suspension,  
87.14 revocation, or cancellation; and

87.15 (3) the person disobeys the order by operating in this state any motor vehicle, the  
87.16 operation of which requires a driver's license, while the person's license or privilege is  
87.17 suspended, revoked, or canceled.

87.18 (b) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add  
87.19 a violation of this subdivision to the Statewide Payables List.

87.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
87.21 committed on or after that date.

87.22 Sec. 4. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 1, is amended  
87.23 to read:

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

- 87.27 ~~(1) suspended under section 171.18, 171.173, 171.186, or 171.187;~~
- 87.28 ~~(2) revoked, canceled, or denied under section:~~
- 87.29 ~~(i) 169.792;~~
- 87.30 ~~(ii) 169.797;~~
- 88.1 ~~(iii) 169A.52;~~
- 88.2 ~~(A) subdivision 3, paragraph (a), clause (1) or (2);~~
- 88.3 ~~(B) subdivision 3, paragraph (a), clause (3), for a violation of section 169A.20,~~  
88.4 ~~subdivision 1, clause (2), (3), (4), or (7);~~
- 88.5 ~~(C) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,~~  
88.6 ~~subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;~~
- 88.7 ~~(D) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,~~  
88.8 ~~subdivision 1, clause (2), (3), (4), or (7);~~
- 88.9 ~~(E) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an~~  
88.10 ~~alcohol concentration of less than twice the legal limit;~~
- 88.11 ~~(F) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision~~  
88.12 ~~1, clause (2), (3), (4), or (7);~~
- 88.13 ~~(G) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section~~  
88.14 ~~169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;~~
- 88.15 ~~(H) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,~~  
88.16 ~~subdivision 1, clause (2), (3), (4), or (7); or~~
- 88.17 ~~(iv) 171.17; or~~
- 88.18 ~~(v) 171.172;~~
- 88.19 ~~(3) revoked, canceled, or denied under section 169A.54;~~
- 88.20 ~~(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less~~  
88.21 ~~than twice the legal limit;~~

- 88.22 (ii) subdivision 1, clause (2);
- 88.23 (iii) subdivision 1, clause (3) or (4), for a violation of section 169A.20, subdivision 1,  
88.24 clause (2), (3), (4), or (7);
- 88.25 (iv) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision  
88.26 1, clause (1), (5), or (6), and if in compliance with section 171.306; ~~or~~
- 88.27 (v) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision  
88.28 1, clause (2), (3), (4), or (7); or
- 89.1 ~~(iv)~~ (vi) subdivision 2, if the person does not have a qualified prior impaired driving  
89.2 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test  
89.3 results indicate an alcohol concentration of less than twice the legal limit; or
- 89.4 (4) revoked, canceled, or denied under section 171.177;
- 89.5 (i) subdivision 4, paragraph (a), clause (1) or (2);
- 89.6 (ii) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision  
89.7 1, clause (2), (3), (4), or (7);
- 89.8 (iii) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,  
89.9 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 89.10 (iv) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,  
89.11 subdivision 1, clause (2), (3), (4), or (7);
- 89.12 ~~(iii)~~ (v) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an  
89.13 alcohol concentration of less than twice the legal limit; ~~or~~
- 89.14 (vi) subdivision 5, paragraph (a), clause (3), for a violation of section 169A.20,  
89.15 subdivision 1, clause (2), (3), (4), or (7);
- 89.16 ~~(iv)~~ (vii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section  
89.17 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;  
89.18 or
- 89.19 (viii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section  
89.20 169A.20, subdivision 1, clause (2), (3), (4), or (7).

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

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

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

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

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

90.5 (d) For purposes of this subdivision:

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

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

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

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

90.17 (g) If the person's driver's license or permit to drive has been revoked under section  
90.18 169.792 or 169.797, the commissioner may only issue a limited license to the person after  
90.19 the person has presented an insurance identification card, policy, or written statement  
90.20 indicating that the driver or owner has insurance coverage satisfactory to the commissioner  
90.21 of public safety. The commissioner of public safety may require the insurance identification

90.22 card provided to satisfy this subdivision be certified by the insurance company to be  
90.23 noncancelable for a period not to exceed 12 months.

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

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

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

90.31 EFFECTIVE DATE. This section is effective August 1, 2018, and applies to offenses  
90.32 committed on or after that date.

91.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 2a, is amended  
91.2 to read:

91.3 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall  
91.4 not be issued for a period of:

91.5 (1) 15 days, to a person whose license or privilege has been revoked or suspended for  
91.6 a first violation of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a  
91.7 statute or ordinance from another state in conformity with ~~either~~ any of those sections; or

91.8 (2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53,  
91.9 section 171.177, or a statute or ordinance from another state in conformity with any of those  
91.10 sections, if the person's license or privilege has been revoked or suspended for a violation  
91.11 of section 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of  
91.12 a qualified prior impaired driving incident, or after two qualified prior impaired driving  
91.13 incidents, for violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177,  
91.14 or a statute or ordinance from another state in conformity with any of those sections; or

91.15 (3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53, section  
91.16 171.177, or a statute or ordinance from another state in conformity with any of those sections,  
91.17 if the person's license or privilege has been revoked or suspended for a violation of section  
91.18 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified  
91.19 prior impaired driving incident, or after two qualified prior impaired driving incidents, for  
91.20 violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a statute  
91.21 or ordinance from another state in conformity with any of those sections; or

91.22 (4) one year, to a person whose license or privilege has been revoked or suspended for  
91.23 committing manslaughter resulting from the operation of a motor vehicle, committing  
91.24 criminal vehicular homicide or injury under section ~~609.21~~ 609.2112, subdivision 1, clause  
91.25 (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section  
91.26 ~~609.21~~ 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute  
91.27 or ordinance from another state in conformity with either of those offenses.

91.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
91.29 committed on or after that date.

91.30 Sec. 6. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 1, is amended  
91.31 to read:

91.32 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have  
91.33 the meanings given them.

92.1 (b) "Ignition interlock device" or "device" means equipment that is designed to measure  
92.2 breath alcohol concentration and to prevent a motor vehicle's ignition from being started  
92.3 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

92.4 (c) "Location tracking capabilities" means the ability of an electronic or wireless device  
92.5 to identify and transmit its geographic location through the operation of the device.

92.6 (d) "Program participant" means a person who has qualified to take part in the ignition  
92.7 interlock program under this section, and whose driver's license has been:

92.8 (1) revoked, canceled, or denied under section 169A.52; or 169A.54; for a violation of  
92.9 section 169A.20, subdivision 1, clause (1), (5), or (6);

92.10 (2) revoked, canceled, or denied under section 171.04, subdivision 1, clause (10); or  
92.11 171.177; for a violation of section 169A.20, subdivision 1, clause (1), (5), or (6); or

92.12 ~~(2)~~ (3) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or  
92.13 suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause  
92.14 (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or  
92.15 subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2),  
92.16 item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily  
92.17 harm.

92.18 (e) "Qualified prior impaired driving incident" has the meaning given in section 169A.03,  
92.19 subdivision 22.



- 92.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
92.21 committed on or after that date.
- 92.22 Sec. 7. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 2, is amended  
92.23 to read:
- 92.24 Subd. 2. **Performance standards; certification; manufacturer and provider**  
92.25 **requirements.** (a) The commissioner shall establish performance standards and a process  
92.26 for certifying devices used in the ignition interlock program, except that the commissioner  
92.27 may not establish standards that, directly or indirectly, require devices to use or enable  
92.28 location tracking capabilities without a court order.
- 92.29 (b) The manufacturer of a device must apply annually for certification of the device by  
92.30 submitting the form prescribed by the commissioner. The commissioner shall require  
92.31 manufacturers of certified devices to:
- 93.1 (1) provide device installation, servicing, and monitoring to indigent program participants  
93.2 at a discounted rate, according to the standards established by the commissioner; ~~and~~
- 93.3 (2) include in an ignition interlock device contract a provision that a program participant  
93.4 who voluntarily terminates participation in the program is only liable for servicing and  
93.5 monitoring costs incurred during the time the device is installed on the motor vehicle,  
93.6 regardless of whether the term of the contract has expired; and
- 93.7 (3) include in an ignition interlock device contract a provision that requires manufacturers  
93.8 of certified devices to pay any towing or repair costs caused by device failure or malfunction,  
93.9 or by damage caused during device installation, servicing, or monitoring.
- 93.10 (c) The manufacturer of a certified device must include with an ignition interlock device  
93.11 contract a separate notice to the program participant regarding any location tracking  
93.12 capabilities of the device.