

1.1 moves to amend H.F. No. 3106 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2008, section 169.13, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 4. **Revocation; alcohol related incidents.** A person who was arrested for
1.6 an offense listed in section 169A.20, subdivision 1, clause (5), and is convicted of a
1.7 violation of this section based on the same set of circumstances is subject to driver's
1.8 license revocation as described in section 169A.54, subdivision 1a.

1.9 Sec. 2. Minnesota Statutes 2008, section 169A.20, subdivision 2, is amended to read:

1.10 Subd. 2. **Refusal to submit to chemical test crime.** It is a crime for any person to
1.11 refuse to submit to a chemical test of the person's blood, breath, or urine under section
1.12 169A.51 (~~chemical tests for intoxication~~), chemical tests for intoxication, or 169A.52 (~~test~~
1.13 ~~refusal or failure; revocation of license~~), test refusal or failure.

1.14 Sec. 3. Minnesota Statutes 2009 Supplement, section 169A.275, subdivision 7, is
1.15 amended to read:

1.16 Subd. 7. **Exception.** ~~(a)~~ A judge is not required to sentence a person as provided in
1.17 ~~this section subdivisions 1 to 4~~ if the judge requires the person as a condition of probation
1.18 to drive only motor vehicles equipped with an ignition interlock device meeting the
1.19 standards described in section 171.306.

1.20 ~~(b) This subdivision expires July 1, 2011.~~

1.21 Sec. 4. Minnesota Statutes 2008, section 169A.44, subdivision 2, is amended to read:

1.22 Subd. 2. **Felony violations.** (a) A person charged with violating section 169A.20
1.23 within ten years of the first of three or more qualified prior impaired driving incidents may
1.24 be released from detention only if the following conditions are imposed:

- 2.1 (1) the conditions described in subdivision 1, paragraph (b), if applicable;
- 2.2 ~~(2) the impoundment of the registration plates of the vehicle used to commit the~~
- 2.3 ~~violation, unless already impounded;~~
- 2.4 ~~(3) if the vehicle used to commit the violation was an off-road recreational vehicle~~
- 2.5 ~~or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;~~
- 2.6 ~~(4)~~ (2) a requirement that the person report weekly to a probation agent;
- 2.7 ~~(5)~~ (3) a requirement that the person abstain from consumption of alcohol and
- 2.8 controlled substances and submit to random alcohol tests or urine analyses at least weekly;
- 2.9 ~~(6)~~ (4) a requirement that, if convicted, the person reimburse the court or county for
- 2.10 the total cost of these services; and
- 2.11 ~~(7)~~ (5) any other conditions of release ordered by the court.
- 2.12 (b) In addition to setting forth conditions of release under paragraph (a), if required
- 2.13 by court rule, the court shall also fix the amount of money bail without other conditions
- 2.14 upon which the defendant may obtain release.

2.15 Sec. 5. Minnesota Statutes 2008, section 169A.47, is amended to read:

2.16 **169A.47 NOTICE OF ENHANCED PENALTY.**

2.17 When a court sentences a person for a violation of sections 169A.20 to 169A.31

2.18 ~~(impaired driving offenses),~~ impaired driving offenses, it shall inform the defendant of

2.19 the statutory provisions that provide for enhancement of criminal penalties for repeat

2.20 violators, and the provisions that provide for ~~administrative~~ license plate impoundment

2.21 and forfeiture of motor vehicles used to commit an impaired driving offense. The notice

2.22 must describe the conduct and the time periods within which the conduct must occur in

2.23 order to result in increased penalties, license plate impoundment, or forfeiture. The failure

2.24 of a court to provide this information to a defendant does not affect the future applicability

2.25 of these enhanced penalties to that defendant.

2.26 Sec. 6. Minnesota Statutes 2008, section 169A.52, subdivision 1, is amended to read:

2.27 Subdivision 1. **Test refusal.** If a person refuses to permit a test, then a test must not

2.28 be given, but the peace officer shall report the refusal to ~~the commissioner and~~ the authority

2.29 having responsibility for prosecution of impaired driving offenses for the jurisdiction in

2.30 which the acts occurred. However, if a peace officer has probable cause to believe that

2.31 the person has violated section 609.21 ~~(criminal vehicular homicide and injury),~~ criminal

2.32 vehicular homicide and injury, a test may be required and obtained despite the person's

2.33 refusal. A refusal to submit to an alcohol concentration test does not constitute a violation

3.1 of section 609.50 (~~obstructing legal process~~), obstructing legal process, unless the refusal
 3.2 was accompanied by force or violence or the threat of force or violence.

3.3 Sec. 7. Minnesota Statutes 2008, section 169A.52, subdivision 2, is amended to read:

3.4 Subd. 2. **Reporting test failure.** ~~(a)~~ If a person submits to a test, the results of that
 3.5 test must be reported to ~~the commissioner and to~~ the authority having responsibility for
 3.6 prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if
 3.7 the test results indicate:

3.8 (1) an alcohol concentration of 0.08 or more;

3.9 (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or
 3.10 in physical control of a commercial motor vehicle at the time of the violation; ~~or~~

3.11 (3) the presence of a controlled substance listed in schedule I or II or its metabolite,
 3.12 other than marijuana or tetrahydrocannabinols; or

3.13 ~~(b) If a person submits to a test and the test results indicate~~ (4) the presence of a
 3.14 hazardous substance, ~~the results of that test must be reported to the authority having~~
 3.15 ~~responsibility for prosecution of impaired driving offenses for the jurisdiction in which the~~
 3.16 ~~acts occurred.~~

3.17 Sec. 8. Minnesota Statutes 2008, section 169A.52, subdivision 4, is amended to read:

3.18 Subd. 4. **Direct certification of test failure; license revocation results.** ~~(a) Upon~~
 3.19 ~~certification by the peace officer that there existed probable cause to believe the person~~
 3.20 ~~had been driving, operating, or in physical control of a motor vehicle in violation of~~
 3.21 ~~section 169A.20 (driving while impaired) and that the person submitted to a test and~~
 3.22 ~~the test results indicate an alcohol concentration of 0.08 or more or the presence of a~~
 3.23 ~~controlled substance listed in schedule I or II or its metabolite, other than marijuana or~~
 3.24 ~~tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit~~
 3.25 ~~to drive, or nonresident operating privilege:~~

3.26 (1) ~~for a period of 90 days;~~

3.27 (2) ~~if the person is under the age of 21 years, for a period of six months;~~

3.28 (3) ~~for a person with a qualified prior impaired driving incident within the past ten~~
 3.29 ~~years, for a period of 180 days; or~~

3.30 (4) ~~if the test results indicate an alcohol concentration of 0.20 or more, for twice~~
 3.31 ~~the applicable period in clauses (1) to (3):~~

3.32 ~~(b) On certification by the peace officer that there existed probable cause to believe~~
 3.33 ~~the person had been driving, operating, or in physical control of a commercial motor~~
 3.34 ~~vehicle with any presence of alcohol and that the person submitted to a test and the~~

4.1 ~~test results indicated an alcohol concentration of 0.04 or more, the commissioner shall~~
 4.2 ~~disqualify the person from operating a commercial motor vehicle under section 171.165~~
 4.3 ~~(commercial driver's license disqualification).~~

4.4 (e) If the test is of a person's blood or urine by a laboratory operated by the Bureau
 4.5 of Criminal Apprehension, or authorized by the bureau to conduct the analysis of a
 4.6 blood or urine sample, the laboratory may directly certify to the commissioner the test
 4.7 results to the authority having responsibility for prosecution of impaired driving offenses
 4.8 for the jurisdiction in which the acts occurred, and the peace officer shall certify to the
 4.9 commissioner that same authority that there existed probable cause to believe the person
 4.10 had been driving, operating, or in physical control of a motor vehicle in violation of
 4.11 section 169A.20 and that the person submitted to a test. ~~Upon receipt of both certifications,~~
 4.12 ~~the commissioner shall undertake the license actions described in paragraphs (a) and (b).~~

4.13 Sec. 9. Minnesota Statutes 2008, section 169A.52, subdivision 8, is amended to read:

4.14 Subd. 8. **Notice of action to other states.** When a nonresident's privilege to operate
 4.15 a motor vehicle in this state has been revoked or denied upon conviction for an offense
 4.16 described in this chapter, the commissioner shall give information in writing of the action
 4.17 taken to the official in charge of traffic control or public safety of the state of the person's
 4.18 residence and of any state in which the person has a license.

4.19 Sec. 10. Minnesota Statutes 2009 Supplement, section 169A.54, subdivision 1, is
 4.20 amended to read:

4.21 Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in
 4.22 subdivision 7, the commissioner shall revoke the driver's license of a person convicted
 4.23 of violating section 169A.20 (driving while impaired) or an ordinance in conformity
 4.24 with it, as follows:

4.25 (1) for an offense under section 169A.20, subdivision 1 (driving while impaired
 4.26 crime); ~~not less than 30~~ 90 days;

4.27 (2) for an offense under section 169A.20, subdivision 2 (refusal to submit to
 4.28 chemical test crime); ~~not less than 90 days~~ one year;

4.29 (3) for an offense occurring within ten years of a qualified prior impaired driving
 4.30 incident; ~~or occurring after two qualified prior impaired driving incidents,~~

4.31 ~~(i) if the current conviction is for a violation of section 169A.20, subdivision 1, 1a,~~
 4.32 ~~1b, or 1c, not less than 180 days~~ two years and until the court has certified that treatment
 4.33 or rehabilitation has been successfully completed where prescribed in accordance with
 4.34 section 169A.70 (chemical use assessments); ~~or~~

5.1 ~~(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not~~
 5.2 ~~less than one year and until the court has certified that treatment or rehabilitation has been~~
 5.3 ~~successfully completed where prescribed in accordance with section 169A.70;~~

5.4 (4) for an offense occurring within ten years of the first of two qualified prior
 5.5 impaired driving incidents; or occurring after three qualified prior impaired driving
 5.6 incidents, not less than one year three years, together with denial under section 171.04,
 5.7 subdivision 1, clause (10), until rehabilitation is established ~~in accordance with~~ according
 5.8 to standards established by the commissioner; ~~or~~

5.9 (5) for an offense occurring within ten years of the first of three ~~or more~~ qualified
 5.10 prior impaired driving incidents; ~~not less than two~~ four years, together with denial under
 5.11 section 171.04, subdivision 1, clause (10), until rehabilitation is established ~~in accordance~~
 5.12 ~~with~~ according to standards established by the commissioner; or

5.13 (6) for an offense occurring after four or more qualified prior impaired driving
 5.14 incidents, not less than six years, together with denial under section 171.04, subdivision
 5.15 1, clause (10), until rehabilitation is established according to standards established by
 5.16 the commissioner.

5.17 Sec. 11. Minnesota Statutes 2008, section 169A.54, is amended by adding a
 5.18 subdivision to read:

5.19 Subd. 1a. **Conviction for another offense.** A person who was arrested for an
 5.20 offense listed in section 169A.20, subdivision 1, clause (5), who is convicted of a violation
 5.21 of section 169.13, reckless or careless driving arising out of the same circumstances is
 5.22 subject to the driver's license revocation as described in subdivision 1, clause (1).

5.23 Sec. 12. Minnesota Statutes 2008, section 169A.54, subdivision 2, is amended to read:

5.24 **Subd. 2. Driving while impaired by person under age 21.** If the person convicted
 5.25 of violating section 169A.20 (driving while impaired) is under the age of 21 years at the
 5.26 time of the violation, the commissioner shall revoke the offender's driver's license or
 5.27 operating privileges for a period of ~~six months~~ not less than 180 days or for the appropriate
 5.28 period of time under subdivision 1, clauses (1) to ~~(5)~~ (6), for the offense committed,
 5.29 whichever is the ~~greatest~~ longer period.

5.30 Sec. 13. Minnesota Statutes 2008, section 169A.54, subdivision 5, is amended to read:

5.31 **Subd. 5. Violations involving alcohol concentration of ~~0.20~~ 0.15 or more.** If the
 5.32 person has no qualified prior impaired driving incidents within the past ten years and is
 5.33 convicted of violating section 169A.20 (driving while impaired) while having an alcohol

6.1 concentration of ~~0.20~~ 0.15 or more as measured at the time, or within two hours of the
 6.2 time, of the offense, the commissioner shall revoke the person's driver's license for ~~twice~~
 6.3 ~~the period of time otherwise provided for in this section~~ not less than one year.

6.4 Sec. 14. Minnesota Statutes 2008, section 169A.55, is amended to read:

6.5 **169A.55 LICENSE REVOCATION TERMINATION; LICENSE**
 6.6 **REINSTATEMENT.**

6.7 Subdivision 1. **Termination of revocation period.** If the commissioner receives
 6.8 notice of the driver's attendance at a driver improvement clinic, attendance at counseling
 6.9 sessions, or participation in treatment for an alcohol problem, the commissioner ~~may~~
 6.10 shall, 30 days prior to the time the revocation period would otherwise expire, terminate
 6.11 the revocation period. The commissioner shall not terminate the revocation period under
 6.12 this subdivision for a driver who has had a license revoked under section ~~169A.52~~
 6.13 ~~(license revocation for test failure or refusal); 169A.54 (impaired driving convictions and~~
 6.14 ~~adjudications; administrative penalties); or Minnesota Statutes 1998, section 169.121~~
 6.15 ~~(driving under the influence of alcohol or controlled substances); or 169.123 (implied~~
 6.16 ~~consent), impaired driving convictions and adjudications; administrative penalties for~~
 6.17 another incident during the preceding three-year period.

6.18 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of
 6.19 a period of revocation under section ~~169A.52 (license revocation for test failure or~~
 6.20 ~~refusal) or 169A.54 (impaired driving convictions and adjudications; administrative~~
 6.21 ~~penalties), impaired driving convictions and adjudications; administrative penalties, the~~
 6.22 commissioner shall notify the person of the terms upon which driving privileges can be
 6.23 reinstated, and new registration plates issued, which terms are: (1) successful completion
 6.24 of an examination and proof of compliance with any terms of alcohol treatment or
 6.25 counseling previously prescribed, if any; and (2) any other requirements imposed by
 6.26 the commissioner and applicable to that particular case. The commissioner shall notify
 6.27 the owner of a motor vehicle subject to an impoundment order under section 169A.60
 6.28 ~~(administrative impoundment of plates), administrative impoundment of license plates,~~
 6.29 as a result of the violation of the procedures for obtaining new registration plates, if the
 6.30 owner is not the violator. The commissioner shall also notify the person that if driving is
 6.31 resumed without reinstatement of driving privileges or without valid registration plates
 6.32 and registration certificate, the person will be subject to criminal penalties.

6.33 Subd. 3. **Juveniles; reinstatement or issuance of provisional license.** The
 6.34 commissioner shall not issue a provisional or regular driver's license to a person whose
 6.35 provisional driver's license was revoked for conviction as a juvenile of a violation of

7.1 section 169A.20, driving while impaired, 169A.33, underage drinking and driving, or
 7.2 169A.35, open bottle law; ~~a violation of a provision of sections 169A.50 to 169A.53~~; or a
 7.3 crash-related moving violation; until the person, following the violation, reaches the age
 7.4 of 18 and satisfactorily:

7.5 (1) completes a formal course in driving instruction approved by the commissioner
 7.6 of public safety;

7.7 (2) completes an additional three months' experience operating a motor vehicle, as
 7.8 documented to the satisfaction of the commissioner;

7.9 (3) completes the written examination for a driver's license with a passing score; and

7.10 (4) complies with all other laws for reinstatement of a provisional or regular driver's
 7.11 license, as applicable.

7.12 Sec. 15. Minnesota Statutes 2008, section 169A.55, is amended by adding a
 7.13 subdivision to read:

7.14 **Subd. 4. Reinstatement of driving privileges; multiple incidents.** (a) A person
 7.15 whose driver's license has been canceled or denied as a result of three or more qualified
 7.16 impaired driving incidents shall not be eligible for reinstatement of driving privileges
 7.17 without an ignition interlock restriction until the person:

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

7.20 (2) has submitted verification of abstinence from alcohol and controlled substances,
 7.21 as evidenced by the person's use of an ignition interlock device or other chemical
 7.22 monitoring device approved by the commissioner.

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

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

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

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

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

8.1 Sec. 16. **[169A.59] ADMINISTRATIVE SANCTIONS LIMITED.**

8.2 Notwithstanding any provision of this chapter or chapter 171 to the contrary,
 8.3 drivers license actions under section 169A.54, license plate impoundment under section
 8.4 169A.60, and vehicle forfeiture under section 169A.63 are permitted only following
 8.5 conviction for the qualifying violation or designated offense, and when ordered by the
 8.6 court as a condition of pretrial release from custody in accordance with the provisions of
 8.7 sections 169A.44 and 169A.54.

8.8 Sec. 17. Minnesota Statutes 2008, section 169A.60, is amended to read:

8.9 **169A.60 ADMINISTRATIVE LICENSE PLATE IMPOUNDMENT OF**
 8.10 **PLATES.**

8.11 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 8.12 meanings given in this subdivision.

8.13 (b) "Family or household member" has the meaning given in section 169A.63,
 8.14 subdivision 1.

8.15 (c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in
 8.16 operation or an off-road recreational vehicle.

8.17 (d) "Plate impoundment violation" includes:

8.18 (1) conviction or adjudication for a violation of section 169A.20 (~~driving while~~
 8.19 ~~impaired~~), driving while impaired or 169A.52 (~~license revocation for test failure or~~
 8.20 ~~refusal~~), or a conforming ordinance from this state or a conforming statute or ordinance
 8.21 from another state, ~~that results in the revocation of a person's driver's license or driving~~
 8.22 ~~privileges~~, within ten years of a qualified prior impaired driving incident;

8.23 (2) ~~a license disqualification under section 171.165 (commercial driver's license~~
 8.24 ~~disqualification) resulting from a violation of section 169A.52 within ten years of a~~
 8.25 ~~qualified prior impaired driving incident;~~

8.26 (3) (2) conviction or adjudication for a violation of section 169A.20 or 169A.52
 8.27 while having an alcohol concentration of ~~0.20~~ 0.15 or more as measured at the time, or
 8.28 within two hours of the time, of the offense;

8.29 (4) (3) conviction or adjudication for a violation of section 169A.20 or 169A.52
 8.30 while having a child under the age of 16 in the vehicle if the child is more than 36 months
 8.31 younger than the offender; and

8.32 (5) (4) conviction or adjudication for a violation of section 171.24 (~~driving without~~
 8.33 ~~valid license~~), driving without valid license by a person whose driver's license or driving
 8.34 privileges have been canceled under section 171.04, subdivision 1, clause (10) (~~persons~~

9.1 ~~not eligible for driver's license, inimical to public safety), persons not eligible for driver's~~
9.2 ~~license, inimical to public safety.~~

9.3 (e) "Violator" means a person who was driving, operating, or in physical control of
9.4 the motor vehicle when the plate impoundment violation occurred.

9.5 Subd. 2. **Plate impoundment violation; impoundment order.** (a) The
9.6 commissioner shall issue a registration plate impoundment order ~~when:~~

9.7 ~~(1) a person's driver's license or driving privileges are revoked for a plate~~
9.8 ~~impoundment violation; or~~

9.9 ~~(2) a person is arrested for or charged with a plate impoundment violation upon~~
9.10 ~~receiving notification by the court that a person has been convicted of a plate impoundment~~
9.11 ~~violation described in subdivision 1, paragraph (d), clause (5).~~

9.12 (b) The order must require the impoundment of the registration plates of the motor
9.13 vehicle involved in the plate impoundment violation and all motor vehicles owned by,
9.14 registered, or leased in the name of the violator, including motor vehicles registered jointly
9.15 or leased in the name of the violator and another. The commissioner shall not issue an
9.16 impoundment order for the registration plates of a rental vehicle, as defined in section
9.17 168.041, subdivision 10, or a vehicle registered in another state.

9.18 Subd. 3. **Notice of impoundment.** An impoundment order is effective when
9.19 the commissioner ~~or a peace officer acting on behalf of the commissioner~~ notifies the
9.20 violator or the registered owner of the motor vehicle of the intent to impound and order of
9.21 impoundment. The notice must advise the violator of the duties and obligations ~~set forth~~
9.22 ~~in for the surrender of plates under subdivision 6 (surrender of plates) and of the right to~~
9.23 ~~obtain administrative and judicial review.~~ The notice to the registered owner who is not
9.24 the violator must include the procedure to obtain new registration plates under subdivision
9.25 8. If mailed, the notice and order of impoundment is deemed received three days after
9.26 mailing to the last known address of the violator or the registered owner.

9.27 ~~Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the~~
9.28 ~~commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a~~
9.29 ~~plate impoundment violation shall also serve a notice of intent to impound and an order of~~
9.30 ~~impoundment. On behalf of the commissioner, a peace officer who is arresting a person~~
9.31 ~~for or charging a person with a plate impoundment violation described in subdivision 1,~~
9.32 ~~paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of~~
9.33 ~~impoundment. If the vehicle involved in the plate impoundment violation is accessible~~
9.34 ~~to the officer at the time the impoundment order is issued, the officer shall seize the~~
9.35 ~~registration plates subject to the impoundment order. The officer shall destroy all plates~~
9.36 ~~seized or impounded under this section. The officer shall send to the commissioner~~

10.1 ~~copies of the notice of intent to impound and the order of impoundment and a notice that~~
10.2 ~~registration plates impounded and seized under this section have been destroyed.~~

10.3 Subd. 5. **Temporary permit Delay for notice.** If the motor vehicle is registered to
10.4 the violator, the ~~officer~~ commissioner shall ~~issue a temporary vehicle permit that is valid~~
10.5 ~~for seven days when the officer issues the notices under subdivision 4~~ provide seven days
10.6 notice to the violator before revoking the license plates. If the motor vehicle is registered
10.7 in the name of another, the ~~officer~~ commissioner shall ~~issue a temporary vehicle permit~~
10.8 ~~that is valid for 45 days when the notices are issued under subdivision 3. The permit must~~
10.9 ~~be in a form determined by the registrar and whenever practicable must be posted on the~~
10.10 ~~left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for~~
10.11 ~~which it is issued~~ provide 45 days notice to the owner before revoking the license plates.

10.12 Subd. 6. **Surrender of plates.** ~~Within seven days after issuance of the impoundment~~
10.13 ~~notice,~~ A person who receives a notice of impoundment and impoundment order shall
10.14 surrender all registration plates subject to the impoundment order ~~that were not seized~~
10.15 ~~by a peace officer under subdivision 4~~ by the date specified in the notice issued under
10.16 subdivision 5. Registration plates required to be surrendered under this subdivision must
10.17 be surrendered to a Minnesota police department, sheriff, or the State Patrol, along with a
10.18 copy of the impoundment order. A law enforcement agency receiving registration plates
10.19 under this subdivision shall destroy the plates and notify the commissioner that they
10.20 have been destroyed. The notification to the commissioner shall also include a copy of
10.21 the impoundment order.

10.22 Subd. 7. **Vehicle ~~not~~ no longer owned by violator.** A violator may file a sworn
10.23 statement with the commissioner within seven days of the issuance of an impoundment
10.24 order stating any material information relating to the impoundment order, including that
10.25 the vehicle has been sold or destroyed, and supplying the date, name, location, and
10.26 address of the person or entity that purchased or destroyed the vehicle. The commissioner
10.27 shall rescind the impoundment order if the violator shows that the impoundment order
10.28 was not properly issued.

10.29 A violator may file a sworn statement with the commissioner at any time during a
10.30 plate impoundment order stating that the vehicle subject to that order has been sold,
10.31 destroyed or otherwise disposed of, and supplying the date, name, location, and address of
10.32 the person or entity that purchased or destroyed the vehicle. Unless the commissioner can
10.33 establish that the new owner is a family or household member, the plate impoundment
10.34 order must be rescinded.

11.1 Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind
11.2 the impoundment order of a person subject to an order under this section, other than
11.3 the violator, if:

11.4 (1) the violator had a valid driver's license on the date of the plate impoundment
11.5 violation and the person files with the commissioner an acceptable sworn statement
11.6 containing the following information:

11.7 (i) that the person is the registered owner of the vehicle from which the plates have
11.8 been impounded under this section;

11.9 (ii) that the person is the current owner and possessor of the vehicle used in the
11.10 violation;

11.11 (iii) the date on which the violator obtained the vehicle from the registered owner;

11.12 (iv) the residence addresses of the registered owner and the violator on the date the
11.13 violator obtained the vehicle from the registered owner;

11.14 (v) that the person was not a passenger in the vehicle at the time of the plate
11.15 impoundment violation; and

11.16 (vi) that the person knows that the violator may not drive, operate, or be in physical
11.17 control of a vehicle without a valid driver's license; or

11.18 (2) the violator did not have a valid driver's license on the date of the plate
11.19 impoundment violation and the person made a report to law enforcement before the
11.20 violation stating that the vehicle had been taken from the person's possession or was
11.21 being used without permission.

11.22 (b) A person who has failed to make a report as provided in paragraph (a), clause
11.23 (2), may be issued special registration plates under subdivision 13 for a period of one year
11.24 from the effective date of the impoundment order. Following this period, the person
11.25 may apply for regular registration plates.

11.26 (c) If the order is rescinded, the owner shall receive new registration plates at no
11.27 cost, if the plates were seized and destroyed.

11.28 ~~Subd. 9. **Administrative review.** (a) At any time during the effective period of an~~
11.29 ~~impoundment order, a person may request in writing a review of the impoundment order~~
11.30 ~~by the commissioner. On receiving a request, the commissioner or the commissioner's~~
11.31 ~~designee shall review the order, the evidence upon which the order was based, and any~~
11.32 ~~other material information brought to the attention of the commissioner, and determine~~
11.33 ~~whether sufficient cause exists to sustain the order. The commissioner shall report in~~
11.34 ~~writing the results of the review within 15 days of receiving the request. The review~~
11.35 ~~provided in this subdivision is not subject to the contested case provisions of the~~
11.36 ~~Administrative Procedure Act in sections 14.001 to 14.69. As a result of this review, the~~

12.1 ~~commissioner may authorize the issuance at no cost of new registration plates to the~~
12.2 ~~registered owner of the vehicle if the registered owner's license or driving privileges were~~
12.3 ~~not revoked as a result of the plate impoundment violation.~~

12.4 ~~(b) Review under this subdivision must take place, if possible, at the same time~~
12.5 ~~as any administrative review of the person's license revocation under section 169A.53~~
12.6 ~~(administrative and judicial review of license revocation).~~

12.7 ~~Subd. 10. **Petition for judicial review.** (a) Within 30 days following receipt of a~~
12.8 ~~notice and order of impoundment under this section, a person may petition the court~~
12.9 ~~for review. The petition must include proof of service of a copy of the petition on the~~
12.10 ~~commissioner. The petition must include the petitioner's date of birth, driver's license~~
12.11 ~~number, and date of the plate impoundment violation, as well as the name of the violator~~
12.12 ~~and the law enforcement agency that issued the plate impoundment order. The petition~~
12.13 ~~must state with specificity the grounds upon which the petitioner seeks rescission of the~~
12.14 ~~order for impoundment. The petition may be combined with any petition filed under~~
12.15 ~~section 169A.53 (administrative and judicial review of license revocation).~~

12.16 ~~(b) Except as otherwise provided in this section, the judicial review and hearing are~~
12.17 ~~governed by section 169A.53 and must take place at the same time as any judicial review~~
12.18 ~~of the person's license revocation under section 169A.53. The filing of the petition does~~
12.19 ~~not stay the impoundment order. The reviewing court may order a stay of the balance of~~
12.20 ~~the impoundment period if the hearing has not been conducted within 60 days after filing~~
12.21 ~~of the petition upon terms the court deems proper. The court shall order either that the~~
12.22 ~~impoundment be rescinded or sustained, and forward the order to the commissioner. The~~
12.23 ~~court shall file its order within 14 days following the hearing.~~

12.24 ~~(c) In addition to the issues described in section 169A.53, subdivision 3 (judicial~~
12.25 ~~review of license revocation), the scope of a hearing under this subdivision is limited to:~~

12.26 ~~(1) if the impoundment is based on a plate impoundment violation described in~~
12.27 ~~subdivision 1, paragraph (d), clause (3) or (4), whether the peace officer had probable~~
12.28 ~~cause to believe the violator committed the plate impoundment violation and whether the~~
12.29 ~~evidence demonstrates that the plate impoundment violation occurred; and~~

12.30 ~~(2) for all other cases, whether the peace officer had probable cause to believe the~~
12.31 ~~violator committed the plate impoundment violation.~~

12.32 ~~(d) In a hearing under this subdivision, the following records are admissible in~~
12.33 ~~evidence:~~

12.34 ~~(1) certified copies of the violator's driving record; and~~

12.35 ~~(2) certified copies of vehicle registration records bearing the violator's name.~~

12.36 ~~Subd. 11. **Rescission of revocation and dismissal or acquittal; new plates.** If:~~

13.1 ~~(1) the driver's license revocation that is the basis for an impoundment order is~~
 13.2 ~~rescinded; and~~

13.3 ~~(2) the charges for the plate impoundment violation have been dismissed with~~
 13.4 ~~prejudice or the violator has been acquitted of the plate impoundment violation;~~
 13.5 ~~then the registrar of motor vehicles shall issue new registration plates for the vehicle~~
 13.6 ~~at no cost, when the registrar receives an application that includes a copy of the order~~
 13.7 ~~rescinding the driver's license revocation and either the order dismissing the charges or~~
 13.8 ~~the judgment of acquittal.~~

13.9 Subd. 12. **Charge for reinstatement of plates in certain situations.** When the
 13.10 registrar of motor vehicles reinstates a person's registration plates after impoundment ~~for~~
 13.11 ~~reasons other than those described in subdivision 11,~~ the registrar shall charge the person
 13.12 \$50 for each vehicle for which the registration plates are being reinstated.

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

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

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

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

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

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

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

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

13.31 (d) The commissioner may issue the special registration plates on payment of a \$50
 13.32 fee for each vehicle for which special or regular plates are requested.

13.33 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
 13.34 ~~new~~ regular registration plates for a vehicle for which the registration plates have been
 13.35 impounded if:

13.36 (1) the impoundment order is rescinded;

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

14.2 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under
14.3 section 168.27, a financial institution that has submitted a repossession affidavit, or a
14.4 government agency.

14.5 Subd. 14. **Sale of vehicle subject to impoundment order.** (a) A ~~registered owner~~
14.6 violin may not sell or transfer a motor vehicle during the time its registration plates
14.7 have been ordered impounded or during the time its registration plates bear a special
14.8 series number, unless:

14.9 (1) the sale is for a valid consideration;

14.10 (2) the transferee and the registered owner are not family or household members;

14.11 (3) the transferee signs an acceptable sworn statement with the commissioner
14.12 attesting that:

14.13 (i) the transferee and the violator are not family or household members;

14.14 (ii) the transferee understands that the vehicle is subject to an impoundment order;

14.15 and

14.16 (iii) it is a crime under section 169A.37 to file a false statement under this section or
14.17 to allow the previously registered owner to drive, operate, or be in control of the vehicle
14.18 during the impoundment period; and

14.19 (4) all elements of section 168A.10 (~~transfer of interest by owner~~), transfer of
14.20 interest by owner, are satisfied.

14.21 (b) If the conditions of paragraph (a) are satisfied, the registrar ~~may~~ must transfer
14.22 the title to the new owner upon proper application and issue ~~new~~ regular registration
14.23 plates for the vehicle.

14.24 Subd. 15. **Acquiring another vehicle.** If the violator applies to the commissioner
14.25 for registration plates for any vehicle during the effective period of the plate impoundment,
14.26 the commissioner shall not issue registration plates unless the violator qualifies for special
14.27 registration plates under subdivision 13 and unless the plates issued are special plates
14.28 as described in subdivision 13.

14.29 Subd. 16. **Fees credited.** Fees collected from the sale or reinstatement of license
14.30 plates under this section must be paid into the state treasury and credited one-half to
14.31 the vehicle services operating account in the special revenue fund specified in section
14.32 299A.705 and one-half to the general fund.

14.33 Subd. 17. **Plate impoundment; penalty.** Criminal penalties for violating this
14.34 section are governed by section 169A.37.

14.35 ~~Subd. 18. **Stop of vehicles bearing special plates.** The authority of a peace officer~~
14.36 ~~to stop a vehicle bearing special plates is governed by section 168.0422.~~

15.1 Sec. 18. Minnesota Statutes 2008, section 169A.63, is amended to read:

15.2 **169A.63 VEHICLE FORFEITURE.**

15.3 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
15.4 the meanings given them.

15.5 (b) "Appropriate agency" means a law enforcement agency that has the authority to
15.6 make an arrest for a violation of a designated offense or to require a test under section
15.7 169A.51 (chemical tests for intoxication).

15.8 (c) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold
15.9 or security interest in a motor vehicle.

15.10 ~~(d) "Designated license revocation" includes a license revocation under section~~
15.11 ~~169A.52 (license revocation for test failure or refusal) or a license disqualification under~~
15.12 ~~section 171.165 (commercial driver's license disqualification) resulting from a violation~~
15.13 ~~of section 169A.52, within ten years of the first of two or more qualified prior impaired~~
15.14 ~~driving incidents.~~

15.15 ~~(e)~~ (d) "Designated offense" includes:

15.16 (1) a violation of section 169A.20 ~~(driving while impaired)~~, driving while impaired,
15.17 under the circumstances described in section 169A.24 ~~(first-degree driving while~~
15.18 ~~impaired)~~, first-degree driving while impaired, or 169A.25 ~~(second-degree driving while~~
15.19 ~~impaired)~~, second-degree driving while impaired; or

15.20 (2) a violation of section 169A.20 or an ordinance in conformity with it:

15.21 (i) by a person whose driver's license or driving privileges have been canceled
15.22 as inimical to public safety under section 171.04, subdivision 1, clause (10), and not
15.23 reinstated; or

15.24 (ii) by a person who is subject to a restriction on the person's driver's license under
15.25 section 171.09 ~~(commissioner's license restrictions)~~, commissioner's license restrictions,
15.26 which provides that the person may not use or consume any amount of alcohol or a
15.27 controlled substance.

15.28 ~~(f)~~ (e) "Family or household member" means:

15.29 (1) a parent, stepparent, or guardian;

15.30 (2) any of the following persons related by blood, marriage, or adoption: brother,
15.31 sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
15.32 great-grandparent, great-uncle, great-aunt; or

15.33 (3) persons residing together or persons who regularly associate and communicate
15.34 with one another outside of a workplace setting.

15.35 ~~(g)~~ (f) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen
15.36 or taken in violation of the law.

16.1 ~~(h)~~ (g) "Owner" means a person legally entitled to possession, use, and control of
 16.2 a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term
 16.3 of 180 days or more. There is a rebuttable presumption that a person registered as the
 16.4 owner of a motor vehicle according to the records of the Department of Public Safety
 16.5 is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by
 16.6 two or more people, each owner's interest extends to the whole of the vehicle and is not
 16.7 subject to apportionment.

16.8 ~~(i)~~ (h) "Prosecuting authority" means the attorney in the jurisdiction in which the
 16.9 designated offense occurred who is responsible for prosecuting violations of a designated
 16.10 offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible
 16.11 for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's
 16.12 Office or its designee may initiate forfeiture under this section.

16.13 ~~(j)~~ (i) "Security interest" means a bona fide security interest perfected according to
 16.14 section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is
 16.15 required to be registered under chapter 168, is listed on the vehicle's title.

16.16 Subd. 2. **Forfeiture and seizure.** (a) A motor vehicle is subject to forfeiture under
 16.17 this section if it was used in a designated offense and the driver is convicted of that offense.

16.18 (b) A motor vehicle subject to forfeiture under this section may be seized by the
 16.19 appropriate agency upon process issued by any court having jurisdiction over the ~~vehicle~~
 16.20 criminal case.

16.21 ~~(b) Property may be seized without process if:~~

16.22 ~~(1) the seizure is incident to a lawful arrest or a lawful search;~~

16.23 ~~(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of~~
 16.24 ~~the state in a criminal injunction or forfeiture proceeding under this section; or~~

16.25 ~~(3) the appropriate agency has probable cause to believe that the delay occasioned~~
 16.26 ~~by the necessity to obtain process would result in the removal or destruction of the~~
 16.27 ~~vehicle. If property is seized without process under this clause, the prosecuting authority~~
 16.28 ~~must institute a forfeiture action under this section as soon as is reasonably possible by~~
 16.29 ~~serving a notice of seizure and intent to forfeit at the address of the owner as listed in the~~
 16.30 ~~records of the Department of Public Safety.~~

16.31 Subd. 3. **Right to possession vests immediately; custody.** All right, title, and
 16.32 interest in a vehicle subject to forfeiture under this section vests in the appropriate agency
 16.33 upon ~~commission of the conduct resulting in~~ conviction for the designated offense ~~or~~
 16.34 ~~designated license revocation~~ giving rise to the forfeiture. Any vehicle seized under this
 16.35 section is not subject to replevin, except as described in subdivision 4, but is deemed to
 16.36 be in the custody of the appropriate agency subject to the orders and decrees of the court

17.1 having jurisdiction over the forfeiture proceedings. When a vehicle is seized under this
 17.2 section, the appropriate agency may:

- 17.3 (1) place the vehicle under seal;
- 17.4 (2) remove the vehicle to a place designated by it;
- 17.5 (3) place a disabling device on the vehicle; and
- 17.6 (4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

17.7 Subd. 4. **Bond by owner for possession.** (a) Notwithstanding subdivision 3, if the
 17.8 owner of a vehicle that has been seized under this section seeks possession of the vehicle
 17.9 before the forfeiture action is determined, the owner may, ~~subject to the approval of the~~
 17.10 appropriate agency, ~~give security or post bond payable to the appropriate agency in an~~
 17.11 amount equal to the retail value of the seized vehicle. ~~On posting the security or bond,~~
 17.12 the seized vehicle may be returned to the owner only if a disabling device is attached
 17.13 to the vehicle. The forfeiture action must proceed against the security as if it were the
 17.14 seized vehicle. ~~surrender the vehicle's certificate of title to the appropriate agency in~~
 17.15 exchange for the vehicle. The motor vehicle must be returned to the owner within 24
 17.16 hours if the owner surrenders the motor vehicle's certificate of title to the appropriate
 17.17 agency, pending resolution of the forfeiture action. If the certificate is surrendered, the
 17.18 owner must not be ordered to post security or bond as a condition of release of the vehicle.
 17.19 When a certificate of title is surrendered under this provision, the agency shall notify the
 17.20 Department of Public Safety and any secured party noted on the certificate. The agency
 17.21 shall also notify the department and the secured party when it returns a surrendered title to
 17.22 the motor vehicle owner.

17.23 Subd. 5. **Evidence.** Certified copies of court records and motor vehicle and driver's
 17.24 license records concerning qualified prior impaired driving incidents are admissible as
 17.25 substantive evidence where necessary to prove the commission of a designated offense
 17.26 ~~or the occurrence of a designated license revocation.~~

17.27 Subd. 6. **~~Vehicle~~ Motorboat subject to forfeiture.** (a) ~~A motor vehicle~~ motorboat
 17.28 is subject to forfeiture under this section if it was used in the commission of a designated
 17.29 offense ~~or was used in conduct resulting in a designated license revocation,~~ and the driver
 17.30 is convicted of that offense.

17.31 (b) Motorboats subject to seizure and forfeiture under this section also include
 17.32 their trailers.

17.33 Subd. 7. **Limitations on vehicle forfeiture.** (a) ~~A vehicle is presumed subject to~~
 17.34 ~~forfeiture under this section if:~~

- 17.35 ~~(1) the driver is convicted of the designated offense upon which the forfeiture~~
 17.36 ~~is based;~~

18.1 ~~(2) the driver fails to appear for a scheduled court appearance with respect to the~~
18.2 ~~designated offense charged and fails to voluntarily surrender within 48 hours after the~~
18.3 ~~time required for appearance; or~~

18.4 ~~(3) the driver's conduct results in a designated license revocation and the driver~~
18.5 ~~fails to seek judicial review of the revocation in a timely manner as required by section~~
18.6 ~~169A.53, subdivision 2, (petition for judicial review), or the license revocation is judicially~~
18.7 ~~reviewed and sustained under section 169A.53, subdivision 2.~~

18.8 ~~(b)~~ A vehicle encumbered by a security interest perfected according to section
18.9 168A.17, subdivision 2, or subject to a lease ~~that has a term of 180 days or more~~, is subject
18.10 to the interest of the secured party or lessor unless the party or lessor had knowledge of or
18.11 consented to the act upon which the forfeiture is based. However, when the proceeds of the
18.12 sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate
18.13 agency shall remit all proceeds of the sale to the secured party after deducting the agency's
18.14 costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the
18.15 vehicle is conducted in a commercially reasonable manner consistent with the provisions
18.16 of section 336.9-610, the agency is not liable to the secured party for any amount owed on
18.17 the loan in excess of the sale proceeds. The validity and amount of a nonperfected security
18.18 interest must be established by its holder by clear and convincing evidence.

18.19 ~~(e)~~ (b) Notwithstanding paragraph ~~(b)~~ (a), the secured party's or lessor's interest in a
18.20 vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge
18.21 of the act or omission upon which the forfeiture is based if the secured party or lessor
18.22 demonstrates by clear and convincing evidence that the party or lessor took reasonable
18.23 steps to terminate use of the vehicle by the offender.

18.24 ~~(d)~~ (c) A motor vehicle is not subject to forfeiture under this section if its owner
18.25 can demonstrate by clear and convincing evidence that the owner did not have actual
18.26 or constructive knowledge that the vehicle would be used or operated in any manner
18.27 contrary to law or that the owner took reasonable steps to prevent use of the vehicle by the
18.28 offender. If the offender is a family or household member of the owner and has three or
18.29 more prior impaired driving convictions, the owner is presumed to know of any vehicle
18.30 use by the offender that is contrary to law. "Vehicle use contrary to law" includes, but is
18.31 not limited to, violations of the following statutes:

18.32 (1) section 171.24 ~~(violations; driving without valid license)~~, violations; driving
18.33 without valid license;

18.34 (2) section 169.791 ~~(criminal penalty for failure to produce proof of insurance)~~,
18.35 criminal penalty for failure to produce proof of insurance;

19.1 (3) section 171.09 (~~driving restrictions; authority, violations~~), driving restrictions;
 19.2 authority, violations;

19.3 (4) section 169A.20 (~~driving while impaired~~), driving while impaired;

19.4 (5) section 169A.33 (~~underage drinking and driving~~), underage drinking and driving;
 19.5 and

19.6 (6) section 169A.35 (~~open bottle law~~), open bottle law.

19.7 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit
 19.8 a designated offense ~~or used in conduct resulting in a designated license revocation~~ is
 19.9 subject to administrative forfeiture under this subdivision.

19.10 (b) When a motor vehicle is seized under subdivision 2, or within a reasonable time
 19.11 after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a
 19.12 notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is
 19.13 seized under subdivision 2, or within a reasonable time after that, all persons known to
 19.14 have an ownership, possessory, or security interest in the vehicle must be notified of the
 19.15 seizure and the intent to forfeit the vehicle. For those vehicles required to be registered
 19.16 under chapter 168, the notification to a person known to have a security interest in the
 19.17 vehicle is required only if the vehicle is registered under chapter 168 and the interest
 19.18 is listed on the vehicle's title. Notice mailed by certified mail to the address shown
 19.19 in Department of Public Safety records is sufficient notice to the registered owner of
 19.20 the vehicle. For motor vehicles not required to be registered under chapter 168, notice
 19.21 mailed by certified mail to the address shown in the applicable filing or registration for
 19.22 the vehicle is sufficient notice to a person known to have an ownership, possessory, or
 19.23 security interest in the vehicle. Otherwise, notice may be given in the manner provided by
 19.24 law for service of a summons in a civil action.

19.25 (c) The notice must be in writing and contain:

19.26 (1) a description of the vehicle seized;

19.27 (2) the date of seizure; ~~and~~

19.28 (3) the name and office mailing address of the appropriate agency and prosecuting
 19.29 authority; and

19.30 (4) notice of the right to obtain judicial review of the forfeiture and of the procedure
 19.31 for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially
 19.32 the following language must appear conspicuously: "IF YOU DO NOT DEMAND
 19.33 JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES,
 19.34 SECTION 169A.63, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL
 19.35 DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU
 19.36 MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO

20.1 PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE
20.2 TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY
20.3 FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY
20.4 THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS
20.5 THAN \$500."

20.6 (d) Within ~~30~~ 45 days following service of a notice of seizure and forfeiture
20.7 under this subdivision, a claimant may file a demand for a judicial determination of the
20.8 forfeiture. The demand must be in the form of a civil complaint and must be filed with
20.9 the court administrator in the county in which the seizure occurred, together with proof
20.10 of service by U.S. mail of a copy of the complaint on the prosecuting authority having
20.11 jurisdiction over the forfeiture and the appropriate agency that initiated the forfeiture,
20.12 including the standard filing fee for civil actions unless the petitioner has the right to sue in
20.13 forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less,
20.14 the claimant may file an action in conciliation court for recovery of the seized vehicle. A
20.15 copy of the conciliation court statement of claim must be served personally or by mail
20.16 on the prosecuting authority having jurisdiction over the forfeiture, as well as on the
20.17 appropriate agency that initiated the forfeiture, within ~~30~~ 45 days following service of the
20.18 notice of seizure and forfeiture under this subdivision. If the value of the seized property
20.19 is less than \$500, the claimant does not have to pay the conciliation court filing fee.

20.20 No responsive pleading is required of the prosecuting authority and no court fees
20.21 may be charged for the prosecuting authority's appearance in the matter. The prosecuting
20.22 authority may appear for the appropriate agency. Pleadings, filings, and methods of
20.23 service are governed by the Rules of Civil Procedure.

20.24 (e) The complaint must be captioned in the name of the claimant as plaintiff and
20.25 the seized vehicle as defendant, and must state with specificity the grounds on which the
20.26 claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle
20.27 seized, and any affirmative defenses the claimant may have. Notwithstanding any law
20.28 to the contrary, an action for the return of a vehicle seized under this section may not be
20.29 maintained by or on behalf of any person who has been served with a notice of seizure and
20.30 forfeiture unless the person has complied with this subdivision.

20.31 (f) If the claimant makes a timely demand for a judicial determination under this
20.32 subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

20.33 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial
20.34 determinations of the forfeiture of a motor vehicle used to commit a designated offense
20.35 ~~or used in conduct resulting in a designated license revocation.~~ An action for forfeiture is

21.1 a civil in rem action and is independent of any criminal prosecution. All proceedings are
21.2 governed by the Rules of Civil Procedure.

21.3 (b) If no demand for judicial determination of the forfeiture is pending, the
21.4 prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a
21.5 separate complaint against the vehicle, describing it, specifying that it was used in the
21.6 commission of a designated offense ~~or was used in conduct resulting in a designated~~
21.7 ~~license revocation~~, and specifying the time and place of its unlawful use.

21.8 (c) The prosecuting authority may file an answer to a properly served demand
21.9 for judicial determination, including an affirmative counterclaim for forfeiture. The
21.10 prosecuting authority is not required to file an answer.

21.11 (d) A judicial determination under this subdivision must not precede adjudication in
21.12 the criminal prosecution of the designated offense without the consent of the prosecuting
21.13 authority. The district court administrator shall schedule the hearing as soon as practicable
21.14 after adjudication in the criminal prosecution. The district court administrator shall
21.15 establish procedures to ensure efficient compliance with this subdivision. The hearing is
21.16 to the court without a jury.

21.17 (e) There is a presumption that a vehicle seized under this section is subject
21.18 to forfeiture if the prosecuting authority establishes that the vehicle was used in the
21.19 commission of a designated offense ~~or designated license revocation~~. A claimant bears the
21.20 burden of proving any affirmative defense raised.

21.21 (f) If the forfeiture is based on the commission of a designated offense and the person
21.22 charged with the designated offense appears in court as required and is not convicted of
21.23 the offense, the court shall order the property returned to the person legally entitled to
21.24 it upon that person's compliance with the redemption requirements of section 169A.42.
21.25 ~~If the forfeiture is based on a designated license revocation, and the license revocation is~~
21.26 ~~rescinded under section 169A.53, subdivision 3 (judicial review hearing, issues, order,~~
21.27 ~~appeal), the court shall order the property returned to the person legally entitled to it upon~~
21.28 ~~that person's compliance with the redemption requirements of section 169A.42.~~

21.29 (g) If the lawful ownership of the vehicle used in the commission of a designated
21.30 offense ~~or used in conduct resulting in a designated license revocation~~ can be determined
21.31 and the owner makes the demonstration required under subdivision 7, paragraph (d), the
21.32 vehicle must be returned immediately upon the owner's compliance with the redemption
21.33 requirements of section 169A.42.

21.34 (h) If the court orders the return of a seized vehicle under this subdivision it must
21.35 order that filing fees be reimbursed to the person who filed the demand for judicial
21.36 determination. In addition, the court may order sanctions under section 549.211 (sanctions

22.1 in civil actions). Any reimbursement fees or sanctions must be paid from other forfeiture
22.2 proceeds of the law enforcement agency and prosecuting authority involved and in the
22.3 same proportion as distributed under subdivision 10, paragraph (b).

22.4 Subd. 10. **Use or disposition of forfeited vehicle.** (a) If the vehicle is
22.5 ~~administratively~~ forfeited under ~~subdivision 8~~, or if the court finds under ~~subdivision~~
22.6 ~~9 that the vehicle is subject to forfeiture under subdivisions 6 and 7~~ this section, the
22.7 appropriate agency shall:

22.8 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

22.9 (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for
22.10 official use, it shall make reasonable efforts to ensure that the motor vehicle is available
22.11 for use by the agency's officers who participate in the drug abuse resistance education
22.12 program.

22.13 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,
22.14 towing, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the
22.15 property, must be distributed as follows:

22.16 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for
22.17 deposit as a supplement to the state or local agency's operating fund or similar fund for use
22.18 in DWI-related enforcement, training, and education; and

22.19 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting
22.20 authority that handled the forfeiture for deposit as a supplement to its operating fund or
22.21 similar fund for prosecutorial purposes.

22.22 Subd. 11. **Sale of forfeited vehicle by secured party.** (a) A financial institution
22.23 with a valid security interest in or a valid lease covering a forfeited vehicle may choose to
22.24 dispose of the vehicle under this subdivision, in lieu of the appropriate agency using or
22.25 ~~disposing of the vehicle under subdivision 9~~. A financial institution wishing to dispose of
22.26 a vehicle under this subdivision shall notify the appropriate agency of its intent, in writing,
22.27 within ~~30~~ 45 days after receiving notice of the seizure and forfeiture. The appropriate
22.28 agency shall release the vehicle to the financial institution or its agent after the financial
22.29 institution presents proof of its valid security agreement or of its lease agreement and the
22.30 financial institution agrees not to sell the vehicle to a member of the violator's household,
22.31 unless the violator is not convicted of the offense on which the forfeiture is based. The
22.32 financial institution shall dispose of the vehicle in a commercially reasonable manner
22.33 as defined in section 336.9-610.

22.34 (b) After disposing of the forfeited vehicle, the financial institution shall reimburse
22.35 the appropriate agency for its seizure, storage, and forfeiture costs. The financial
22.36 institution may then apply the proceeds of the sale to its storage costs, to its sale

23.1 expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the
23.2 financial institution shall forward the proceeds to the state treasury, which shall credit the
23.3 appropriate fund as specified in subdivision ~~9~~ 10.

23.4 Sec. 19. Minnesota Statutes 2008, section 169A.75, is amended to read:

23.5 **169A.75 IMPAIRED DRIVING-RELATED RULES.**

23.6 (a) The commissioner may adopt rules to carry out the provisions of this chapter.
23.7 The rules may include the format for notice of intention to revoke ~~that describe clearly the~~
23.8 ~~right to a hearing, the procedure for requesting a hearing, and the consequences of failure~~
23.9 ~~to request a hearing,~~ the format for revocation and notice of reinstatement of driving
23.10 privileges as provided in section 169A.55~~2~~ and the format for temporary licenses.

23.11 (b) Rules adopted pursuant to this section are subject to the procedures in chapter 14
23.12 ~~(Administrative Procedure Act), Administrative Procedure Act.~~

23.13 (c) Additionally, the commissioner may adopt rules indicating the commissioner's
23.14 approval of instruments for preliminary screening or chemical tests for intoxication under
23.15 sections 169A.41 and 169A.51 using the procedures specified in section 14.389 ~~(expedited~~
23.16 ~~process), expedited process.~~

23.17 Sec. 20. Minnesota Statutes 2008, section 171.09, is amended to read:

23.18 **171.09 DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.**

23.19 Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause
23.20 appears, may impose restrictions suitable to the licensee's driving ability or other
23.21 restrictions applicable to the licensee as the commissioner may determine to be appropriate
23.22 to assure the safe operation of a motor vehicle by the licensee.

23.23 (b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant
23.24 for a commercial driver's license either does not successfully complete the air brake
23.25 component of the knowledge test, or does not successfully complete the skills test
23.26 in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal
23.27 Regulations, title 49, part 384, the department shall indicate on the class C, class B,
23.28 or class A commercial driver's license, if issued, that the individual is restricted from
23.29 operating a commercial motor vehicle equipped with air brakes.

23.30 (c) Upon receiving satisfactory evidence of any violation of the restrictions on the
23.31 license, the commissioner may suspend or revoke the license. A license suspension under
23.32 this section is subject to section 171.18, subdivisions 2 and 3.

24.1 (d) A person who drives, operates, or is in physical control of a motor vehicle while
24.2 in violation of the restrictions imposed in a restricted driver's license issued to that person
24.3 under this section is guilty of a crime as follows:

24.4 (1) if the restriction relates to the possession or consumption of alcohol or controlled
24.5 substances, the person is guilty of a gross misdemeanor; or

24.6 (2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

24.7 (e) It is a misdemeanor for a person who holds a restricted license issued under
24.8 section 171.306 to drive, operate, or be in physical control of any motor vehicle that is not
24.9 equipped with a functioning ignition interlock device certified by the commissioner.

24.10 Sec. 21. Minnesota Statutes 2008, section 171.165, subdivision 2, is amended to read:

24.11 Subd. 2. **Implied consent revocation.** The commissioner shall disqualify a person
24.12 from operating commercial motor vehicles for a revocation under section ~~169A.52~~
24.13 169A.54 or a statute or ordinance from another state or jurisdiction in conformity with it,
24.14 for a period that is equivalent in duration under the driver disqualifications and penalties in
24.15 Code of Federal Regulations, title 49, part 383, subpart D, that pertain to a conviction of
24.16 being under the influence of alcohol or refusal to be tested.

24.17 Sec. 22. Minnesota Statutes 2008, section 171.29, subdivision 1, is amended to read:

24.18 Subdivision 1. **Examination required.** No person whose driver's license has been
24.19 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
24.20 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792 or
24.21 ~~169A.52~~ 169A.54 shall be issued another license unless and until that person shall have
24.22 successfully passed an examination as required by the commissioner of public safety.
24.23 This subdivision does not apply to an applicant for early reinstatement under section
24.24 169.792, subdivision 7a.

24.25 Sec. 23. Minnesota Statutes 2008, section 171.30, subdivision 1, is amended to read:

24.26 Subdivision 1. **Conditions of issuance.** (a) In any case where a person's license
24.27 has been suspended under section 171.18, 171.173, or 171.186, ~~or~~ ~~2~~ revoked under section
24.28 169.792, 169.797, ~~169A.52, 169A.54~~, 171.17, or 171.172; or revoked, canceled, or denied
24.29 under section 169A.54, subdivision 1, clause (4), (5), or (6), the commissioner may issue a
24.30 limited license to the driver including under the following conditions:

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

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

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

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

25.13 (c) For purposes of this subdivision, "homemaker" refers to the person primarily
25.14 performing the domestic tasks in a household of residents consisting of at least the person
25.15 and the person's dependent child or other dependents.

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

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

25.22 (f) If the person's driver's license or permit to drive has been revoked under section
25.23 169.792 or 169.797, the commissioner may ~~only~~ issue a limited license to the person
25.24 only after the person has presented an insurance identification card, policy, or written
25.25 statement indicating that the driver or owner has insurance coverage satisfactory to
25.26 the commissioner of public safety. The commissioner of public safety may require
25.27 the insurance identification card provided to satisfy this subdivision be certified by the
25.28 insurance company to be noncancelable for a period not to exceed 12 months.

25.29 (g) The limited license issued by the commissioner to a person under section
25.30 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
25.31 must not issue a limited license to a person who previously has been issued a limited
25.32 license under section 171.186, subdivision 4.

25.33 (h) The commissioner shall not issue a limited driver's license to any person
25.34 described in section 171.04, subdivision 1, clause (6), (7), (8), ~~(10)~~, (11), or (14).

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

26.1 Sec. 24. Minnesota Statutes 2008, section 171.30, subdivision 2a, is amended to read:

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

26.4 ~~(1) 15 days, to a person whose license or privilege has been revoked or suspended~~
26.5 ~~for a violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance~~
26.6 ~~from another state in conformity with either of those sections;~~

26.7 ~~(2) 90~~ 30 days, to a person who submitted to testing under sections 169A.50 to
26.8 ~~169A.53~~ if the person's license or privilege has been revoked ~~or~~ suspended, canceled,
26.9 or denied for a ~~second~~ third violation within ten years or a ~~third~~ fourth or subsequent
26.10 violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance ~~from~~
26.11 ~~another state~~ in conformity with ~~either~~ one of those sections;

26.12 ~~(3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53~~
26.13 ~~if the person's license or privilege has been revoked or suspended for a second violation~~
26.14 ~~within ten years or a third or subsequent violation of sections 169A.20, 169A.50 to~~
26.15 ~~169A.53, or a statute or ordinance from another state in conformity with either of those~~
26.16 ~~sections; or~~

26.17 ~~(4)~~ (2) one year, to a person whose license or privilege has been revoked or
26.18 suspended for committing manslaughter resulting from the operation of a motor vehicle,
26.19 committing criminal vehicular homicide or injury under section 609.21, or violating a
26.20 statute or ordinance from another state in conformity with either of those offenses.

26.21 Sec. 25. Minnesota Statutes 2008, section 171.30, subdivision 4, is amended to read:

26.22 Subd. 4. **Penalty.** A person who violates a condition or limitation of a limited
26.23 license issued under subdivision 1 or fails to have the license in immediate possession at
26.24 all times when operating a motor vehicle is guilty of a misdemeanor. In addition, except as
26.25 otherwise provided in the ignition interlock program under section 171.306, a person who
26.26 violates a condition or limitation of a limited license may not operate a motor vehicle for
26.27 the remainder of the period of suspension or revocation, or 30 days, whichever is longer.

26.28 Sec. 26. Minnesota Statutes 2008, section 171.306, as amended by Laws 2009, chapter
26.29 29, sections 2 and 3, is amended to read:

26.30 **171.306 IGNITION INTERLOCK DEVICE PILOT PROJECT PROGRAM.**

26.31 Subdivision 1. ~~Pilot project established; reports~~ **Definitions.** ~~The commissioner~~
26.32 ~~shall conduct a statewide two-year ignition interlock device pilot project as provided~~
26.33 ~~in this section. The pilot project must begin on July 1, 2009, and continue until June~~
26.34 ~~30, 2011. The commissioner shall submit a preliminary report by September 30, 2010,~~

27.1 ~~and a final report by September 30, 2011, to the chairs and ranking minority members~~
27.2 ~~of the senate and house of representatives committees having jurisdiction over criminal~~
27.3 ~~justice policy and funding. The reports must evaluate the successes and failures of the~~
27.4 ~~pilot project, provide information on participation rates, and make recommendations on~~
27.5 ~~continuing the project. (a) As used in this section, the terms in this subdivision have~~
27.6 ~~the meanings given them.~~

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

27.11 (c) "Program participant" means a person whose driver's license has been revoked,
27.12 canceled, or denied under section 169A.54, and who has qualified to take part in the
27.13 ignition interlock program under this section.

27.14 (d) "Qualified prior impaired driving incident" has the meaning given in section
27.15 169A.03, subdivision 22.

27.16 Subd. 2. **Performance standards; certification.** The commissioner shall
27.17 ~~determine appropriate~~ establish performance standards and a ~~certification~~ process for
27.18 ~~ignition interlock certifying devices for used in the pilot project. Only devices certified~~
27.19 ~~by the commissioner as meeting the performance standards may be used in the pilot~~
27.20 ~~project.~~ ignition interlock program. The manufacturer of a device must apply annually
27.21 for certification of the device by submitting the form prescribed by the commissioner.
27.22 The commissioner shall require manufacturers of certified devices to provide device
27.23 installation, servicing, and monitoring to indigent program participants at a discounted
27.24 rate, according to the standards established by the commissioner.

27.25 Subd. 3. **Pilot project components Program requirements.** (a) ~~Under the pilot~~
27.26 ~~project, the commissioner shall issue a driver's license to an individual whose driver's~~
27.27 ~~license has been revoked under chapter 169A for an impaired driving incident if the~~
27.28 ~~person qualifies under this section and agrees to all of the conditions of the project. The~~
27.29 commissioner shall establish guidelines for participation in the ignition interlock program.
27.30 A person who seeks to participate in the program shall sign a written acknowledgment that
27.31 the person has received, reviewed, and agreed to abide by the program guidelines.

27.32 (b) The commissioner must ~~denote the person's driver's license~~ enter a notation
27.33 on a person's driving record to indicate that the person's participation in the person is a
27.34 program participant. The license must authorize the person to drive only vehicles having
27.35 functioning ignition interlock devices conforming with the requirements of subdivision 2.

28.1 ~~(c) Notwithstanding any statute or rule to the contrary, the commissioner has~~
28.2 ~~authority to and shall determine the appropriate period for which a person participating~~
28.3 ~~in the ignition interlock pilot program shall be subject to this program, and when the~~
28.4 ~~person is eligible to be issued: A person under the age of 18 years is not eligible to be a~~
28.5 ~~program participant.~~

28.6 ~~(1) a limited driver's license subject to the ignition interlock restriction;~~

28.7 ~~(2) full driving privileges subject to the ignition interlock restriction; and~~

28.8 ~~(3) a driver's license without an ignition interlock restriction.~~

28.9 ~~(d) A program participant shall pay costs associated with an ignition interlock device~~
28.10 ~~on every motor vehicle that the participant operates or intends to operate.~~

28.11 ~~(e) A person participating in this pilot project program participant shall agree to~~
28.12 ~~participate in any treatment recommended by in a chemical use assessment report.~~

28.13 ~~(e) The commissioner shall determine guidelines for participation in the project.~~

28.14 ~~A person participating in the project shall sign a written agreement accepting these~~
28.15 ~~guidelines and agreeing to comply with them.~~

28.16 ~~(f) It is a misdemeanor for a person who is licensed under this section for driving~~
28.17 ~~a vehicle equipped with an ignition interlock device to drive, operate, or be in physical~~

28.18 ~~control of a motor vehicle other than a vehicle properly equipped with an A program~~

28.19 ~~participant shall bring the device-equipped motor vehicle or vehicles operated by the~~

28.20 ~~program participant to an approved service provider for device calibration and servicing~~

28.21 ~~according to the schedule established by the commissioner and as indicated by the ignition~~
28.22 ~~interlock device.~~

28.23 ~~Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class~~

28.24 ~~D driver's license, subject to the applicable limitations and restrictions of this section,~~

28.25 ~~to a program participant who meets the requirements of this section and the program~~

28.26 ~~guidelines. The commissioner shall not issue a license unless the program participant has~~

28.27 ~~provided satisfactory proof that a certified ignition interlock device has been installed on~~

28.28 ~~the participant's motor vehicle at an installation service center designated by the device's~~

28.29 ~~manufacturer. A license issued under authority of this section must contain a restriction~~

28.30 ~~prohibiting the program participant from driving, operating, or being in physical control of~~

28.31 ~~any motor vehicle not equipped with a functioning ignition interlock device certified by~~

28.32 ~~the commissioner.~~

28.33 ~~(b) A program participant whose driver's license has been revoked under section~~

28.34 ~~169A.54, subdivision 1, clause (1) or (2), may apply, after 15 days of the revocation~~

28.35 ~~period have elapsed, for conditional reinstatement of the driver's license, subject to the~~

28.36 ~~ignition interlock restriction.~~

29.1 (c) A program participant whose driver's license has been revoked under section
29.2 169A.54, subdivision 1, clause (3), may apply, after 30 days of the revocation period
29.3 have elapsed, for conditional reinstatement of the driver's license, subject to the ignition
29.4 interlock restriction.

29.5 (d) A program participant whose driver's license has been revoked, canceled, or
29.6 denied under section 169A.54, subdivision 1, clause (4), (5), or (6), may apply for a
29.7 limited license, subject to the ignition interlock restriction, if the program participant
29.8 is enrolled in a licensed chemical dependency treatment or rehabilitation program as
29.9 recommended in a chemical use assessment, and if the participant meets the waiting
29.10 period and other applicable requirements of section 171.30. After completing a licensed
29.11 chemical dependency treatment or rehabilitation program and one year of limited license
29.12 use without violating the ignition interlock restriction, the conditions of limited license
29.13 use, or program guidelines, the participant may apply for conditional reinstatement of the
29.14 driver's license, subject to the ignition interlock restriction. If the program participant's
29.15 ignition interlock device subsequently registers a positive breath alcohol concentration
29.16 of 0.02 or higher, the commissioner shall cancel the driver's license, and the program
29.17 participant may apply for another limited license according to this paragraph, except
29.18 that no waiting period shall apply.

29.19 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
29.20 authority to determine when a program participant is eligible for restoration of full driving
29.21 privileges, except that the commissioner shall not reinstate full driving privileges until the
29.22 program participant has met all applicable prerequisites for reinstatement under section
29.23 169A.55 and until the program participant's device has registered no positive breath
29.24 alcohol concentrations of 0.02 or higher during the preceding 90 days.

29.25 Subd. 5. **Penalties; program violations.** (a) If a program participant tampers
29.26 with, circumvents, or bypasses a device; drives, operates, or exercises physical control
29.27 over a motor vehicle not equipped with a device certified by the commissioner; violates a
29.28 condition of a limited license issued under subdivision 4 and section 171.30; or violates
29.29 the program guidelines of subdivision 2, the commissioner shall extend the person's
29.30 revocation period under section 169A.54 by:

- 29.31 (1) 180 days for a first violation;
29.32 (2) one year for a second violation; or
29.33 (3) 545 days for a third and each subsequent violation.

29.34 (b) Notwithstanding paragraph (a), the commissioner may terminate participation
29.35 in the program by any person when, in the commissioner's judgment, termination is
29.36 necessary to the interests of public safety and welfare. In the event of termination, the

30.1 commissioner shall not reduce the applicable revocation period under section 169A.54
30.2 by the amount of time during which the person possessed a limited or restricted driver's
30.3 license issued under the authority of subdivision 4.

30.4 Subd. 6. **Penalties; tampering.** (a) A person who knowingly lends, rents, or
30.5 leases a motor vehicle that is not equipped with a functioning ignition interlock device
30.6 certified by the commissioner to a person with a license issued under this section is guilty
30.7 of a misdemeanor.

30.8 (b) A person who tampers with, circumvents, or bypasses the ignition interlock
30.9 device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a
30.10 misdemeanor.

30.11 (c) The penalties of this subdivision do not apply if the action was taken for
30.12 emergency purposes or for mechanical repair, and the person limited to the use of an
30.13 ignition interlock device does not operate the motor vehicle while the device is disengaged.

30.14 Subd. 7. **Rulemaking.** In establishing the performance standards and certification
30.15 process of subdivision 1 and the program guidelines of subdivision 2, the commissioner
30.16 is exempt from chapter 14, including section 14.386. If rules are otherwise necessary to
30.17 implement this section, the commissioner may adopt, amend, and repeal rules using the
30.18 exempt procedures of section 14.386, except that paragraph (b) shall not apply.

30.19 Sec. 27. Minnesota Statutes 2008, section 609.131, subdivision 2, is amended to read:

30.20 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a
30.21 misdemeanor violation of section 169A.20; 171.09, subdivision 1, paragraph (e); 171.306,
30.22 subdivision 6; 609.224; 609.2242; 609.226; 609.324, subdivision 3; 609.52; or 617.23,
30.23 or an ordinance that conforms in substantial part to any of those sections. A violation
30.24 described in this subdivision must be treated as a misdemeanor unless the defendant
30.25 consents to the certification of the violation as a petty misdemeanor.

30.26 Sec. 28. **RULEMAKING.**

30.27 The commissioner may adopt, amend, or repeal rules as needed to administer
30.28 Minnesota Statutes, section 169A.55, subdivision 4, using the exempt procedures of
30.29 Minnesota Statutes, section 14.386, except that paragraph (b) shall not apply.

30.30 Sec. 29. **REVISOR'S INSTRUCTION.**

30.31 The revisor of statutes shall make any cross-reference and technical language
30.32 changes to Minnesota Statutes made necessary by this act.

