

1.1 moves to amend H.F. No. 100, the seventh engrossment, as follows:

1.2 Page 167, delete section 24 and insert:

1.3 "Sec. 24. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

1.4 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
1.5 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
1.6 169A.03, subdivision 15, within this state or on any boundary water of this state when:

1.7 (1) the person is under the influence of alcohol;

1.8 (2) the person is under the influence of a controlled substance;

1.9 (3) the person is under the influence of an intoxicating substance and the person knows
1.10 or has reason to know that the substance has the capacity to cause impairment;

1.11 (4) the person is under the influence of a combination of any two or more of the elements
1.12 named in clauses (1) to (3);

1.13 (5) the person's alcohol concentration at the time, or as measured within two hours of
1.14 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
1.15 more;

1.16 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at
1.17 the time, or as measured within two hours of the time, of driving, operating, or being in
1.18 physical control of the commercial motor vehicle is 0.04 or more; or

1.19 (7) the person's body contains any amount of a controlled substance listed in Schedule
1.20 I or II, or its metabolite, ~~other than~~ or any amount of cannabis flower, a cannabinoid product,
1.21 an artificially derived cannabinoid, marijuana, or tetrahydrocannabinols."

1.22 Pages 169 to 170, delete sections 26 and 27 and insert:

2.1 "Sec. 26. Minnesota Statutes 2022, section 169A.51, subdivision 1, is amended to read:

2.2 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
2.3 operates, or is in physical control of a motor vehicle within this state or on any boundary
2.4 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
2.5 consent law), and section 169A.20 (driving while impaired), to a chemical test of that
2.6 person's blood, breath, or urine for the purpose of determining the presence of alcohol;₂ a
2.7 controlled substance or its metabolite;₂ cannabis flower, a cannabinoid product, artificially
2.8 derived cannabinoids, marijuana, or tetrahydrocannabinols; or an intoxicating substance.
2.9 The test must be administered at the direction of a peace officer.

2.10 (b) The test may be required of a person when an officer has probable cause to believe
2.11 the person was driving, operating, or in physical control of a motor vehicle in violation of
2.12 section 169A.20 (driving while impaired), and one of the following conditions exist:

2.13 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
2.14 an ordinance in conformity with it;

2.15 (2) the person has been involved in a motor vehicle accident or collision resulting in
2.16 property damage, personal injury, or death;

2.17 (3) the person has refused to take the screening test provided for by section 169A.41
2.18 (preliminary screening test); or

2.19 (4) the screening test was administered and indicated an alcohol concentration of 0.08
2.20 or more.

2.21 (c) The test may also be required of a person when an officer has probable cause to
2.22 believe the person was driving, operating, or in physical control of a commercial motor
2.23 vehicle with the presence of any alcohol.

2.24 Sec. 27. Minnesota Statutes 2022, section 169A.51, subdivision 4, is amended to read:

2.25 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
2.26 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
2.27 been administered if there is probable cause to believe that:

2.28 (1) there is impairment by a controlled substance or an intoxicating substance that is not
2.29 subject to testing by a breath test;

2.30 (2) a controlled substance listed in Schedule I or II or its metabolite, ~~other than~~ or cannabis
2.31 flower, a cannabinoid product, artificially derived cannabinoids, marijuana,₂ or
2.32 tetrahydrocannabinols, is present in the person's body; or

3.1 (3) the person is unconscious or incapacitated to the point that the peace officer providing
3.2 a breath test advisory, administering a breath test, or serving the search warrant has a
3.3 good-faith belief that the person is mentally or physically unable to comprehend the breath
3.4 test advisory or otherwise voluntarily submit to chemical tests.

3.5 Action may be taken against a person who refuses to take a blood test under this
3.6 subdivision only if a urine test was offered and action may be taken against a person who
3.7 refuses to take a urine test only if a blood test was offered. This limitation does not apply
3.8 to an unconscious person under the circumstances described in clause (3)."

3.9 Pages 173 to 177, delete sections 31 to 36 and insert:

3.10 "Sec. 31. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

3.11 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
3.12 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
3.13 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
3.14 person causes the death of a human being not constituting murder or manslaughter as a
3.15 result of operating a motor vehicle:

3.16 (1) in a grossly negligent manner;

3.17 (2) in a negligent manner while under the influence of:

3.18 (i) alcohol;

3.19 (ii) a controlled substance; or

3.20 (iii) any combination of those elements;

3.21 (3) while having an alcohol concentration of 0.08 or more;

3.22 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
3.23 of the time of driving;

3.24 (5) in a negligent manner while under the influence of an intoxicating substance and the
3.25 person knows or has reason to know that the substance has the capacity to cause impairment;

3.26 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
3.27 I or II, or its metabolite, ~~other than~~ or cannabis flower, a cannabinoid product, artificially
3.28 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;

3.29 (7) where the driver who causes the collision leaves the scene of the collision in violation
3.30 of section 169.09, subdivision 1 or 6; or

4.1 (8) where the driver had actual knowledge that a peace officer had previously issued a
4.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual
4.3 knowledge that remedial action was not taken, the driver had reason to know that the defect
4.4 created a present danger to others, and the death was caused by the defective maintenance.

4.5 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
4.6 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
4.7 maximum sentence of imprisonment is 15 years.

4.8 Sec. 32. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

4.9 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
4.10 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
4.11 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
4.12 bodily harm to another not constituting attempted murder or assault as a result of operating
4.13 a motor vehicle:

4.14 (1) in a grossly negligent manner;

4.15 (2) in a negligent manner while under the influence of:

4.16 (i) alcohol;

4.17 (ii) a controlled substance; or

4.18 (iii) any combination of those elements;

4.19 (3) while having an alcohol concentration of 0.08 or more;

4.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
4.21 of the time of driving;

4.22 (5) in a negligent manner while under the influence of an intoxicating substance and the
4.23 person knows or has reason to know that the substance has the capacity to cause impairment;

4.24 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
4.25 I or II, or its metabolite, ~~other than~~ or cannabis flower, a cannabinoid product, artificially
4.26 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;

4.27 (7) where the driver who causes the accident leaves the scene of the accident in violation
4.28 of section 169.09, subdivision 1 or 6; or

4.29 (8) where the driver had actual knowledge that a peace officer had previously issued a
4.30 citation or warning that the motor vehicle was defectively maintained, the driver had actual

5.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
5.2 created a present danger to others, and the injury was caused by the defective maintenance.

5.3 Sec. 33. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

5.4 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
5.5 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
5.6 than three years or to payment of a fine of not more than \$10,000, or both, if the person
5.7 causes substantial bodily harm to another as a result of operating a motor vehicle:

5.8 (1) in a grossly negligent manner;

5.9 (2) in a negligent manner while under the influence of:

5.10 (i) alcohol;

5.11 (ii) a controlled substance; or

5.12 (iii) any combination of those elements;

5.13 (3) while having an alcohol concentration of 0.08 or more;

5.14 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
5.15 of the time of driving;

5.16 (5) in a negligent manner while under the influence of an intoxicating substance and the
5.17 person knows or has reason to know that the substance has the capacity to cause impairment;

5.18 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
5.19 I or II, or its metabolite, ~~other than~~ or cannabis flower, a cannabinoid product, artificially
5.20 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;

5.21 (7) where the driver who causes the accident leaves the scene of the accident in violation
5.22 of section 169.09, subdivision 1 or 6; or

5.23 (8) where the driver had actual knowledge that a peace officer had previously issued a
5.24 citation or warning that the motor vehicle was defectively maintained, the driver had actual
5.25 knowledge that remedial action was not taken, the driver had reason to know that the defect
5.26 created a present danger to others, and the injury was caused by the defective maintenance.

5.27 Sec. 34. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:

5.28 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
5.29 bodily harm and may be sentenced to imprisonment for not more than one year or to payment

6.1 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
6.2 result of operating a motor vehicle:

6.3 (1) in a grossly negligent manner;

6.4 (2) in a negligent manner while under the influence of:

6.5 (i) alcohol;

6.6 (ii) a controlled substance; or

6.7 (iii) any combination of those elements;

6.8 (3) while having an alcohol concentration of 0.08 or more;

6.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
6.10 of the time of driving;

6.11 (5) in a negligent manner while under the influence of an intoxicating substance and the
6.12 person knows or has reason to know that the substance has the capacity to cause impairment;

6.13 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
6.14 I or II, or its metabolite, ~~other than~~ or cannabis flower, a cannabinoid product, artificially
6.15 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;

6.16 (7) where the driver who causes the accident leaves the scene of the accident in violation
6.17 of section 169.09, subdivision 1 or 6; or

6.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
6.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
6.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
6.21 created a present danger to others, and the injury was caused by the defective maintenance.

6.22 Sec. 35. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

6.23 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
6.24 person is guilty of criminal vehicular operation resulting in death to an unborn child and
6.25 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
6.26 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
6.27 of operating a motor vehicle:

6.28 (1) in a grossly negligent manner;

6.29 (2) in a negligent manner while under the influence of:

6.30 (i) alcohol;

- 7.1 (ii) a controlled substance; or
- 7.2 (iii) any combination of those elements;
- 7.3 (3) while having an alcohol concentration of 0.08 or more;
- 7.4 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 7.5 of the time of driving;
- 7.6 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 7.7 person knows or has reason to know that the substance has the capacity to cause impairment;
- 7.8 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 7.9 I or II, or its metabolite, ~~other than~~ cannabis flower, a cannabinoid product, artificially
- 7.10 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;
- 7.11 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 7.12 of section 169.09, subdivision 1 or 6; or
- 7.13 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 7.14 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 7.15 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 7.16 created a present danger to others, and the injury was caused by the defective maintenance.
- 7.17 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 7.18 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 7.19 maximum sentence of imprisonment is 15 years.

7.20 Sec. 36. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:

7.21 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation

7.22 resulting in injury to an unborn child and may be sentenced to imprisonment for not more

7.23 than five years or to payment of a fine of not more than \$10,000, or both, if the person

7.24 causes the great bodily harm to an unborn child subsequently born alive as a result of

7.25 operating a motor vehicle:

- 7.26 (1) in a grossly negligent manner;
- 7.27 (2) in a negligent manner while under the influence of:
- 7.28 (i) alcohol;
- 7.29 (ii) a controlled substance; or
- 7.30 (iii) any combination of those elements;

8.1 (3) while having an alcohol concentration of 0.08 or more;

8.2 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
8.3 of the time of driving;

8.4 (5) in a negligent manner while under the influence of an intoxicating substance and the
8.5 person knows or has reason to know that the substance has the capacity to cause impairment;

8.6 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
8.7 I or II, or its metabolite, ~~other than~~ or cannabis flower, a cannabinoid product, artificially
8.8 derived cannabinoids, marijuana, or tetrahydrocannabinols, is present in the person's body;

8.9 (7) where the driver who causes the accident leaves the scene of the accident in violation
8.10 of section 169.09, subdivision 1 or 6; or

8.11 (8) where the driver had actual knowledge that a peace officer had previously issued a
8.12 citation or warning that the motor vehicle was defectively maintained, the driver had actual
8.13 knowledge that remedial action was not taken, the driver had reason to know that the defect
8.14 created a present danger to others, and the injury was caused by the defective maintenance."