

House Research Act Summary

CHAPTER: 478

SESSION: 2000 Regular Session

TOPIC: Recodification of DWI Laws

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Overview

This act restructures and simplifies current Minnesota laws relating to impaired driving. The laws replaced by the act include those provisions of chapter 169, the Traffic Code, that specifically relate to impaired driving (Minn. Stat. §§ 169.121 to 169.129, plus related definitions in Minn. Stat. § 169.01) and the administrative plate impoundment law (Minn. Stat. § 168.042) currently located in chapter 168, the motor vehicle registration law. No other existing Minnesota laws indirectly connected to impaired driving, such as careless or reckless driving laws or criminal vehicular operation, are affected by the act.

Structural changes. The most obvious changes made by the act relate to the organization of the impaired driving laws. The act creates a new chapter of Minnesota Statutes, known as the Impaired Driving Code, that specifically addresses impaired driving. Within that chapter, the impaired driving laws are organized as follows:

- General Provisions (citation, definitions, application, etc.)etc.)
- Criminal Provisions
- Procedural Provisions
- Administrative Provisions
- Miscellaneous Provisions.

This new structure reorganizes the existing laws in a more logical manner and, thereby, helps users of the law find relevant provisions more easily.

Another way the act makes the impaired driving laws more "user friendly" is by dividing sections of the current laws into shorter statutory sections and subdivisions wherever possible. The benefit of this structural change is that each separate section and subdivision has its own headnote. These headnotes are another way of helping users find relevant provisions more easily.

Stylistic changes. The act also contains a number of stylistic changes to make the impaired driving laws easier to read and use. For example, all internal cross-references to statutes are accompanied by a parenthetical description of the law being referenced so that users of the Impaired Driving Code are not required to recognize the cross-reference solely by its statutory coding. Additionally, lists of terms that are repeated often throughout the current laws are replaced by shorter "umbrella terms" in order to reduce redundancy. Finally, the act rewrites current provisions, where necessary, to correct grammatical mistakes or resolve ambiguities.

Substantive changes. With one major exception, the act is not intended to be a substantive revision of current impaired driving laws. In most cases, changes to the language used in current law are stylistic only and have no substantive effect.

The act does, however, change the structure, scope and effect of the criminal and administrative DWI provisions with the general objective of making these laws easier to apply. These changes have a substantive impact.

Specifically, the act creates three degrees of the impaired driving crime.

"Third degree driving while impaired" is the core criminal provision and includes driving while impaired under any of the circumstances recognized in current law. This core provision also includes the conduct currently covered by the separate commercial driver DWI crime, *i.e.* driving a commercial vehicle while having an alcohol concentration of 0.04 or more. The new third degree crime is a misdemeanor offense.

"Second degree driving while impaired" includes impaired driving, as defined above, if one aggravating factor was present at the time the crime was committed. The new second degree crime is a gross misdemeanor offense and a person convicted of it is subject to the administrative penalty of plate impoundment and may be subject to certain mandatory minimum sentencing provisions.

"First degree driving while impaired" includes impaired driving, as defined above, if two or more aggravating factors were present at the time the crime was committed. The new first degree crime also is a gross misdemeanor offense. A person convicted of this offense is subject to mandatory custodial arrest as well as the administrative sanctions of plate impoundment and vehicle forfeiture. The offender also may be subject to mandatory minimum sentencing provisions and restrictive pretrial release conditions.

The aggravating factors that subject an offender to more severe penalties for impaired driving are the same or similar to enhancement provisions in current law, although they are not currently identified by the term "aggravating factor." They include the following:

- a prior impaired driving conviction or alcohol-related loss of license within the ten-year period preceding the current offense,
- an alcohol concentration of 0.20 or more at the time of the offense or within two hours of the time of driving, and
- driving while impaired with a child under the age of 16 in the vehicle, if the driver is more than 36 months older than the child (child endangerment).

An enhancement factor that exists in current law, but which is not included in the act's definition of "aggravating factor," is driving while impaired while also committing a railroad crossing violation.

These structural changes to the driving while impaired crimes change the scope and effect of current law in the following ways:

Commercial drivers who violate the 0.04 alcohol concentration standard but whose alcohol concentration is below 0.10 will be subject to new sanctions if their conduct includes one or more aggravating factors. Depending on the commercial driver's conduct and past impaired driving record, these new sanctions may include plate impoundment, vehicle forfeiture, custodial arrest, restrictive pretrial release conditions, and mandatory minimum sentences. However, as under current law, commercial drivers will not lose their personal driver's licenses unless their alcohol concentration is 0.10 or more.

The current "aggravated DWI crime" (*i.e.* driving while impaired while one's driver's license is revoked, suspended, or canceled) is eliminated as a separate offense. The conduct will remain unlawful, however, and likely will be punished as a first or second degree driving while impaired crime.

Prior offenses and alcohol-related losses of license will count as aggravating factors if they occurred within ten years of the current offense. This uniform ten-year "look back" provision replaces "look back" provisions of varying durations in current law ranging from five years to a period equal to the offender's life time.

Certain first-time offenders will be subject to plate impoundment and vehicle forfeiture if their conduct includes either a 0.20 or greater alcohol concentration or child endangerment or both. Under current law, these sanctions (except for plate impoundment, in certain cases) do not apply to first-time offenders.

The remainder of this act summary consists of a chart describing Article 1 of the act section by section. For each act section, the chart describes the subject matter of the provision, provides the statutory derivation in current law for the provision, if any, and explains how the provision differs from current law. A summary of Article 2 follows the chart. Article 2 contains mainly technical conforming amendments and miscellaneous changes. The act's effective date is January 1, 2001.

**Article 1
Driving While Impaired
Criminal and Administrative Sanctions**

New Codification Section	Description	Derivation Section	Comments/Changes ⁽¹⁾
General Provisions			
169A.01, subdivision 1	Citation	None	
169A.01, subdivision 2	Application	169.02 and 169.022, first sentence	Numerous changes to apply more specifically to this chapter
169A.01, subdivision 3	Local ordinances	169.022	Minor technical changes
169A.03	Definitions	Various	Combines all impaired-drivingimpaireddriving definitions with general applicability into one section.

Some special definitions with limited applicability are used later in chapter.

Adds definitions of "misdemeanor" and "gross misdemeanor" for clarity.

Definitions of "drug recognition evaluation" and "drug recognition expert" (currently defined in section 169.01) omitted because of nonuse.

169A.03, subdivision 1, paragraph (b)	Scope of definitions, terms defined in traffic code	None	Guards against inadvertent omission of a term that needs a definition.
169A.03, subdivision 3	Definition of "aggravating factor"	None	New term describing the factors that elevate a third degree DWI crime to a first or second degree crime. All current enhancement factors are included in the definition with the exception of the "DWI plus railroad crossing" violation.
169A.03, subdivision 21	Definition of "prior impaired driving related loss of license"	169.121, subdivision 3	Uses this term rather than prior license revocation because it more accurately reflects the term's meaning.
169A.03, subdivision 22	Definition of "qualified prior impaired driving incident"	None	New umbrella term that encompasses prior impaired driving-related losses of license and prior impaired driving convictions. This term is used throughout chapter and avoids needless repetition.
169A.05	Parenthetical References	None	Language is very similar to section 645.49
169A.07	First time DWI violators, ATVs/motorboats	169.121, subdivision 1d	
169A.09	Sanctions for prior behavior to be based on separate courses of conduct	None	This allows the deletion of "based on separate incidents" language, which is sprinkled throughout the current DWI law
169A.095	Determining number of aggravating factors	None	This clarifies that each prior conviction within the ten-year "look back" period that is based on a separate course of conduct qualifies as a separate aggravating factor.

Criminal Provisions

169A.20, subdivision 1	DWI crime	169.121, subdivision 1	Numerous structural and stylistic changes. BAC of 0.20 or more is moved to definition of "aggravating factor." Commercial driving with a BAC of 0.04 or more is included in this "core"
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crime and is no longer in a separate statute.

169A.20, subdivision 2	Refusal to test crime	169.121, subdivision 1a	
169A.20, subdivision 3	DWI sentence	None	
169A.25, subdivision 1	First-degree driving while impaired crime	None	Applies to "core" DWI conduct plus two or more aggravating circumstances.
169A.25, subdivision 2	Criminal penalty	None	Provides a gross misdemeanor penalty and indicates that other sanctions may be applicable.
169A.26, subdivision 1	Second degree driving while impaired	None	Applies to "core" DWI conduct plus one aggravating circumstance.
169A.26, subdivision 2	Criminal penalty		Provides a gross misdemeanor penalty and indicates that other sanctions may be applicable.
169A.27, subdivision 1	Third degree driving while impaired	None	Applies to "core" DWI conduct with no aggravating factors
169A.27, subdivision 2	Criminal penalty	None	Provides a misdemeanor penalty.
169A.275	Mandatory penalties for repeat violators	169.121, subdivision 3d for paragraphs (a) to (g)	Minor technical changes. Uses the new uniform ten-year "look back" provision for counting repeat offenses.
		169.121, subdivision 3b for paragraph (h)	
169A.277	Long-term monitoring	169.121, subdivision 3f	Minor technical changes. Uses the new uniform ten-year "look back" provision.
169A.28, subdivision 1	Mandatory consecutive sentencing	169.121, subdivision 3, paragraphs (f) and (i); 609.035, subdivision 2, paragraph (g)	Minor technical changes. Uses the new uniform ten-year "look back" provision.
169A.28, subdivision 2	Permissive consecutive sentencing; multiple offenses	169.121, subdivision 3, paragraph (h); 609.035, subdivision 2, paragraph (g)	Language in section 609.035, subd. 2, par. (g), in the Criminal Code is repeated here in the Impaired Driving Code in order to make these permissive consecutive sentencing provisions more accessible to users of the DWI law. The bill does not repeal the Criminal Code provision because it also applies to crimes that are codified elsewhere in Minnesota Statutes.
169A.28, subdivision 3	Permissive consecutive sentencing; previous	169.121, subdivision 3, paragraph (f)	Minor technical changes

	offenses		
169A.283, subdivision 1	Stay of execution of sentence, stay authorized	169.121, subdivision 5	Changes current law to provide that if a stayed sentence is pronounced by the court, the stay may only be a stay of execution, not a stay of imposition.
169A.283, subdivision 2	Stay of execution of sentence; manner and length of stay, required report	169.121, subdivision 5, and 169.121, subdivision 3, paragraph (g)	Combines provisions from two areas of DWI law.
169A.283, subdivision 3	Stay of execution of sentence; no stay of driver's license revocation	169.121, subdivision 5	
169A.284	Chemical dependency assessment charge	169.121, subdivision 5a	Minor technical changes
169A.285	Penalty assessment	169.121, subdivision 5b	Minor technical changes
169A.31, subdivision 1	Alcohol-related school bus or Head Start bus DWI; crimes described	169.1211, subdivision 1	Retains as a separate crime the prohibition in current law against driving a school or Head Start bus with the presence of any alcohol in one's body. All other commercial DWI crimes are included in the core DWI offense in 169A.20.
169A.31, subdivision 2	Gross misdemeanor penalty	169.1211, subdivision 5, paragraph (b)	Minor technical changes DWI while committing a railroad crossing violation is not included in gross misdemeanor crime uniform ten-year "look-back" time period added.
169A.31, subdivision 3	Misdemeanor penalty	169.1211, subdivision 5, paragraph (a)	
169A.33, subdivision 1	Underage drinking and driving crime definition	None	Special definition necessary so as to not expand the crime to include underage persons operating motorboats.
169A.33, subdivision 2	Underage drinking and driving crime described	169.1218, paragraph (a)	Language changed to make this crime more similar to school bus/Head Start bus "not a drop" law.
169A.33, subdivision 3	Underage drinking and driving criminal penalty	169.1218, paragraph (a)	
169A.33, subdivision 4	Underage drinking and driving administrative penalty	169.1218, paragraph (b)	
169A.33, subdivision 5	Underage drinking and driving penalty exception	169.1218, paragraph (c)	

169A.33, subdivision 6	Underage drinking and driving jurisdiction	169.1218, paragraph (d)	
169A.35, subdivision 1	Open bottle law, definition of "motor vehicle"	None	Special definition of "motor vehicle" added to avoid expanding open bottle crime to include motorboats and snowmobiles. Crime clarified to apply to all public streets and highways, not just roads designated as highways.
169A.35, subdivision 2	Drinking and consumption crime described	169.122, subdivision 1	Minor technical changes
169A.35, subdivision 3	Possession crime described	169.122, subdivision 2	Minor technical changes The exception regarding the trunk is moved to subdivision 6
169A.35, subdivision 4	Liability of nonpresent owner crime described	169.122, subdivision 3	Minor technical changes The exception regarding the trunk is moved to subdivision 6
169A.35, subdivision 5	Criminal penalties	169.122, subdivision 4	Minor technical changes
169A.35, subdivision 6	Exceptions to open bottle law crime	169.122, subdivision 5 for paragraph (a)	Language that a utility or glove compartment is deemed to be within the area occupied by the driver and passengers is now made applicable to both subdivisions 3 and 4
		169.122, subdivisions 2 and 3 for paragraph (b)	
169A.37, subdivision 1	License plate impoundment violation crime described	168.042, subdivision 14	Criminal penalty for plate impoundment violations moved to its own section under "criminal provisions." A cross-reference to this crime appears in the license plate impoundment provision (169A.60, subdivision 17).
169A.37, subdivision 2	License plate impoundment violation crime, criminal penalty		

Procedural Provisions

169A.40, subdivision 1	Probable cause arrest for DWI	169.121, subdivision 1b	Splits current law into three separate subdivisions, each covering a separate topic
169A.40, subdivision 2	Fresh pursuit authority	169.121, subdivision 1b	Broadens application of law to include underage drinking and driving crime
169A.40, subdivision 3	1 st degree offenders; custodial arrest	new	
169A.40, subdivision 4	Other arrest powers not limited	169.121, subdivision 1b	Subdivision 3 requires peace officers to make a custodial arrest of a person they have reason to

			believe is a first-degree DWI offender. The person must be detained until the person's first court appearance.
169A.41, subdivision 1	When preliminary screening test is authorized	169.121, subdivision 6	Splits current subdivision into four separate ones, each covering a separate topic
169A.41, subdivision 2	Use of test results		Minor technical changes
169A.41, subdivision 3	Additional tests		changes 169A.41, subdivision 2
169A.41, subdivision 4	Consequences of test refusal		Use of test results
169A.42, subdivision 1	Definition of motor vehicle impoundment	169.1216	Omits unnecessary cross-reference to definition of "motor vehicle"
169A.42, subdivision 2	Prerequisites to redeeming impounded vehicle		
169A.42, subdivision 3	To whom information may be provided		
169A.42, subdivision 4	Liability for storage costs		
169A.43, subdivision 1	Definition of impaired driving offense	None	Needed because this section applies to all DWI crimes.
169A.43, subdivision 2	Responsibility for prosecution of DWI offenses	169.121, subdivision 3, paragraph (f); 169.129, subdivision 3	Minor technical changes
169A.43, subdivision 3	Venue for refusal crime and underage drinking and driving crime	169.121, subdivision 3, paragraph (k)	New cross-reference added to the separate venue provision applicable to underage drinking and driving offenses (see 169A.33, subdivision 6)
169A.43, subdivision 4	Criminal history information concerning prior impaired driving offenses	169.121, subdivision 3, paragraph (j)	Broadens application of subdivision to any prosecutor responsible for prosecuting impaired driving offenses. Current law applies only to prosecutors responsible for prosecuting gross misdemeanor-level impaired driving offenses.
169A.44	Conditional release provisions for certain repeat offenders	169.121, subdivision 1c	Minor technical changes. Uses the new uniform ten-year "look back" provision.
169A.45, subdivision 1	Alcohol concentration evidence	169.121, subdivision 2, paragraph (a); 169.1211, subdivision 3,	Combines evidence provisions of DWI law and commercial vehicle DWI law into one section

		1 st paragraph	
169A.45, subdivision 2	Relevant evidence of impairment	169.121, subdivision 2, paragraph (b)	
169A.45, subdivision 3	Evidence of test refusal	169.121, subdivision 2, paragraph (c)	
169A.45, subdivision 4	Other competent evidence admissible	169.121, subdivision 2, paragraph (d); 169.1211, subdivision 3, 3 rd paragraph	Combines evidence provisions of DWI law and commercial vehicle DWI law into one section
169A.46	Affirmative defenses	169.121, subdivision 2, paragraph (e) and (f); 169.1211, subdivision 3, 2 nd paragraph	Combines in a single, separate section affirmative defenses available in DWI crimes and commercial vehicle DWI crime
169A.47	Notice of enhanced penalties	169.121, subdivision 3, paragraph (d); and 169.121, subdivision 3c	Combines in one section the notices the court must give a defendant of the potential future application of enhanced criminal penalties, plate impoundment and vehicle forfeiture
169A.48	Immunity from liability	169.121, subdivision 9	Minor technical changes Broadened to include all impaired driving crimes Minor technical changes
Administrative Provisions			
169A.50	Citation to implied consent law	None	New; needed because current implied consent law is divided into three sections in this new chapter Definition of "peace officer" in 169.123169.123 moved to general definitions section of new chapter
169A.51, subdivision 1	Implied consent condition; election of test	169.123, subdivision 2, paragraph (a)	Minor technical changes
169A.51, subdivision 2	Implied consent advisory	169.123, subdivision 2, paragraph (b)	Minor technical changes
169A.51, subdivision 3	Type of test	169.123, subdivision 2, paragraph (c)	
169A.51,	Requirement of urine	169.123,	

subdivision 4	or blood test	subdivision 2a	
169A.51, subdivision 5	Breath test using infrared breath- testing instrument	169.123, subdivision 2b	Minor technical changes
169A.51, subdivision 6	Consent of person incapable of refusal not withdrawn	169.123, subdivision 2c	
169A.51, subdivision 7	Manner of making test; additional tests	169.123, subdivision 3	
169A.52, subdivision 1	Test refusal	169.123, subdivision 4, paragraph (a)	Minor technical changes
169A.52, subdivision 2	Test failure	169.123, subdivision 4, paragraph (b)	Minor technical changes
169A.52, subdivision 3	Test refusal; license revocation	169.123, subdivision 4, paragraphs (c) and (d)	
169A.52, subdivision 4	Test failure; license revocation	169.123, subdivision 4, paragraphs (e) and (f)	Although commercial DWI (driving with a BAC of 0.04 or more) has been included in the core DWI crime, revocation of the driver's personal driver's license will not occur under the implied consent law unless the BAC is 0.10 or more. The driver will lose commercial driving privileges, however. Thus the driver's license sanctions for commercial drivers are the same as those in current law.
169A.52, subdivision 5	Unlicensed drivers; license issuance denial	169.123, subdivision 4, paragraph (g)	Minor technical changes
169A.52, subdivision 6	Notice of licensing action; request for hearing	169.123, subdivision 5	Minor technical changes
169A.52, subdivision 7	Test refusal; driving privilege lost	169.123, subdivision 5a	
169A.52, subdivision 8	Notice of licensing action to other states	169.123, subdivision 8	
169A.53, subdivision 1	Administrative review of license revocation	169.123, subdivision 5b	
169A.53, subdivision 2	Petition for judicial review	169.123, subdivision 5c	Minor technical changes
169A.53, subdivision 3	Hearing	169.123, subdivisions 6 and 7	Minor technical changes

169A.54, subdivision 1	Administrative penalties for impaired driving conviction or adjudications generally	169.121, subdivision 4, paragraph (a)	Minor technical changes
169A.54, subdivision 2	Administrative penalties upon conviction or adjudication for impaired driving by underage person	169.121, subdivision 4, paragraph (b)	Minor technical changes
169A.54, subdivision 3	Effect of juvenile adjudication	169.121, subdivision 4, paragraph (c)	Minor technical changes
169A.54, subdivision 4	Administrative penalties for violations involving personal injury	169.121, subdivision 4, paragraph (d)	Minor technical changes
169A.54, subdivision 5	Administrative penalties for violations involving a BAC of 0.20 or more	169.121, subdivision 4, paragraph (e)	Minor technical changes
169A.54, subdivision 6	Applicability of implied consent revocation provisions	169.121, subdivision 4, paragraph (f)	Minor technical changes
169A.54, subdivision 7	Administrative penalties for alcohol-related commercial driving violations	New; also see 169.1215	Makes it clear that the administrative license revocation sanctions for a DWI conviction do not apply to commercial drivers unless their BAC was 0.10 or more.
169A.54, subdivision 8	Administrative penalties for underage drinking and driving violations	None	New cross-reference to administrative penalties in former section 169.1218, paragraph (c)
169A.54, subdivision 9	Administrative penalties for alcohol-related school bus driving violations	None	New cross-reference to administrative penalties in section 171.3215
169A.54, subdivision 10	License revocation; license invalidation	169.121, subdivision 7	Minor technical changes Adds reference to license cancellation in addition to license revocation
169A.54, subdivision 11	Chemical use assessment	169.121, subdivision 8	Minor technical changes
169A.55, subdivision 1	Termination of revocation period	169.123, subdivision 10	Minor technical changes
169A.55,	Notice of	169.1261	Minor technical changes

subdivision 2	reinstatement of driving privileges		
169A.60, subdivision 1	Definitions for administrative plate impoundment law	168.042, subdivision 1	Changes "violation" to "plate"plate impoundment violation" for clarity Defines "motor vehicle" to mean self-propelled motor vehicles in order to avoid repetitious wording throughout section Uses uniform ten-year "look back"back" provision for determining applicability of impoundment law. Makes law applicable to, among others,others, any offender whose DWI crime was accompanied by one or more aggravating factors (<i>i.e.</i> second degree DWI).
169A.60, subdivision 2	Issuance of impoundment order	168.042, subdivision 2	
169A.60, subdivision 3	Notice of impoundment	168.042, subdivision 3	
169A.60, subdivision 4	Peace officer as agent for notice of impoundment	168.042, subdivision 4	
169A.60, subdivision 5	Temporary permit	168.042, subdivision 5	
169A.60, subdivision 6	Surrender of plates	168.042, subdivision 6	
169A.60, subdivision 7	Vehicle not owned by violator	168.042, subdivision 7	
169A.60, subdivision 8	Reissuance of registration plates	168.042, subdivision 8	
169A.60, subdivision 9	Administrative review	168.042, subdivision 9	
169A.60, subdivision 10	Petition for judicial review	168.042, subdivision 10	
169A.60, subdivision 11	Rescission of revocation; dismissal or acquittal; new plates	168.042, subdivision 11	
169A.60, subdivision 12	Charge for reinstatement of plates in certain circumstances	168.042, subdivision 11a	
169A.60, subdivision	Special registration plates	168.042, subdivision 12	

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169A.60, subdivision 14	Sale of vehicle subject to impoundment order	168.042, subdivision 13	
169A.60, subdivision 15	Acquiring another vehicle	168.042, subdivision 13a	Minor technical changes
169A.60, subdivision 16	Fees credited to highway user fund	168.042, subdivision 15	
169A.60, subdivision 17	Penalties for plate impoundment violations	168.042, subdivision 14	The substantive law concerning criminal penalties for plate impoundment law violations has been moved to the criminal provisions part of the new chapter (169A.37). This subdivision provides a cross-reference to those penalties.
169A.60, subdivision 18	Stop of vehicles bearing special plates	new	Provides a cross-reference to the statute in chapter 168 that authorizes peace officers to stop vehicles bearing special plates.
169A.63, subdivision 1	Definitions for forfeiture law	169.1217, subdivision 1	Makes law applicable to, among others, any offender who is convicted of first degree DWI.
169A.63, subdivision 2	Motor vehicle seizure	169.1217, subdivision 2	
169A.63, subdivision 3	Right to possession; custody of vehicle	169.1217, subdivision 3	Minor technical changes
169A.63, subdivision 4	Bond by owner for possession	169.1217, subdivision 4	
169A.63, subdivision 5	Evidence	169.1217, subdivision 5	
169A.63, subdivision 6	Motor vehicle subject to forfeiture	169.1217, subdivision 6	
169A.63, subdivision 7	Limitations on forfeiture of motor vehicle	169.1217, subdivision 7	
169A.63, subdivision 8	Administrative forfeiture procedure	169.1217, subdivision 7a	Clarifies secured party notice provisions when vehicle is not required to be registered under chapter 168.
169A.63, subdivision 9	Judicial forfeiture procedure	169.1217, subdivision 8	Minor technical changes
169A.63, subdivision 10	Disposition of forfeited vehicle	169.1217, subdivision 9	

Miscellaneous Provisions

169A.70, subdivision 1	Establishment of alcohol safety programs	169.124 and 169.125	Combines two sections into one
169A.70,	Chemical use	169.126,	

subdivision 2	assessments	subdivision 1	
169A.70,	Assessment report	169.126,	
subdivision 3		subdivision 2	
169A.70,	Assessor standards	169.126,	
subdivision 4		subdivision 4	
169A.70,	Applicability to	169.126,	
subdivision 5	nonresident	subdivision 6	
169A.71	Research programs	169.121,	
		subdivision 10	
169A.72	Driver education	169.121,	
	programs	subdivision 12	
169A.73,	Establishment of	169.1219	Minor technical changes
subdivision 1	remote electronic		
	alcohol monitoring		
	program		
169A.73,	Cost of program		
subdivision 2			
169A.73,	Report required		
subdivision 3			
169A.74,	Pilot programs of	169.1265	Minor technical changes
subdivision 1	intensive probation		
	for repeat impaired		
	driving offenders;		
	grant application		
169A.74,	Goals of intensive		
subdivision 2	probation programs		
169A.74,	Program elements		
subdivision 3			
169A.74,	Training		
subdivision 4			
169A.75	Impaired driving-	169.128	
	related rules		
169A.76	Punitive damages in	169.121,	
	civil impaired driving	subdivision 10a	
	actions		

Article 2
Conforming Amendments;
Implementation of Act

Section

- 1 **Ignition interlock device; pilot program; license condition.** Amends the ignition interlock program that was established in 1991.
- Subd. 2. Pilot program.** Removes the requirement that the pilot program operate statewide. Extends the pilot program until December 31, 2001 and prohibits the issuance of any limited licenses issued under the program after October 1, 2001. Requires a report on the program to the

legislature by February 1, 2002.

Subd. 3. Performance standards. Provides technical performance specifications for interlock devices used in the pilot program.

Subd. 4. Certification. Requires manufacturers that submit ignition interlock devices for certification by the commissioner of public safety to apply for certification on a form approved by the commissioner.

Subd. 5. Issuance of limited license. Sets forth the prerequisites for participating in the pilot program. Requires participants, among other things, to have successfully completed chemical dependency treatment and be participating currently in a generally recognized support group based on ongoing abstinence.

- 2 - 5 Technical cross reference and conforming changes to provisions in other chapters of Minnesota Statutes.
- 6 **Working group on DWI felony.** Creates a working group to study the costs and other effects of creating a felony-level penalty for repeat DWI offenders. Requires the working group to report to the legislature by September 1, 2000, on a number of specified issues. Also requires the Commissioner of Corrections, in consultation with the Commissioner of Human Services, to develop a plan for the custodial placement and management of these offenders and to submit this plan to the legislature by December 1, 2000.
- 7 **Instruction to the revisor.** Instructs the Revisor to make cross reference changes in a number of statutes to conform to the new Impaired Driving Code.
- 8 **Repealer.** Repeals laws superseded by the new Impaired Driving Code. Also repeals administrative rules relating to the ignition interlock pilot program (see article 2, section 1).
- 9 **Effective date.** Provides that the Impaired Driving Code and related conforming amendments are effective January 1, 2001; the ignition interlock pilot program amendments are effective July 1, 2000; and the provision creating a working group on the DWI felony is effective May 16, 2000.

1. Since cross-references have changed throughout the bill, this chart will not note changes in cross-references as a change.