

House Research Act Summary

CHAPTER: 158

SESSION: 2009 Regular Session

TOPIC: Mini trucks; administrative traffic fines

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Overview

This bill authorizes mini truck operation on local streets and highways under a special permit issued by the local unit of government. The bill also authorizes peace officers to issue administrative citations for certain traffic offenses.

Section

- 1 Information collected from local governments.** Adds administrative fines data to the list of information that the state auditor collects annually from all local units of government.
- 2 Mini truck.** Defines a “mini truck” in the chapter on traffic regulations to be: a four wheeled motor vehicle that (1) has an electric motor of up to 7.5 kilowatts or an engine with a displacement of up to 660 cc, (2) has a total dry weight (weighed before any loads or occupants) of 900 to 2,200 pounds, (3) contains an enclosed cabin and seat for the operator, (4) resembles a pickup truck or van, and (5) was not originally manufactured to meet federal safety standards for passenger vehicles (except it can meet the federal low-speed vehicle standard). Neighborhood electric vehicles and medium-speed electric vehicles are not mini trucks.
- 3 Special vehicle use on roadway.** Authorizes counties, cities, and towns to issue special permits for mini trucks to be driven on that political subdivision’s roads.

The special permit is generally the same as provided under current law for motorized golf carts and certain all-terrain vehicles. Unlike operators of golf carts and eligible all-terrain vehicles, mini truck operators must have a driver’s license and can drive the vehicle at night. Other requirements, which apply to all of the vehicles allowed to be driven with the permit, include: creation of an ordinance by the local unit of government; authority to cross

streets on which the vehicle cannot otherwise be driven; application of all relevant traffic regulations to the vehicle; and allowing for purchasing insurance under the Minnesota Automobile Insurance Plan.

- 4 Traffic citation quota prohibited.** Prohibits law enforcement agencies from mandating a quota for administrative citations.
- 5 Form.** Exempts administrative citations from the requirements of the uniform traffic citation.
- 6 Administrative penalties for certain traffic offenses.**

Subd. 1. Authority.

Para. (a). Requires a county board or city council to adopt a resolution prior to its peace officers issuing administrative citations under this section. The resolution must also (1) provide for a neutral third party to hear and rule on challenges to administrative citations and (2) prohibit peace officers from issuing administrative citations for any traffic offense not listed in this section.

Para. (b). Establishes administrative penalties for vehicle operators who (1) violate the speed limit by no more than nine miles per hour in excess of the limit; (2) fail to obey a stop line; (3) or operate a vehicle in violation of certain safety and equipment regulations.

Para. (c). Provides that an administrative citation may only be issued in the instances listed in this section.

Para. (d). Prohibits peace officers from issuing administrative citations for speeding when the recorded speed is more than nine miles over the speed limit.

Subd. 2. Officer's authority. Provides that only licensed peace officers have the authority to issue an administrative citation. Provides that an officer may not be required to issue an administrative citation instead of a criminal citation under state law.

Subd. 3. Uniform citation. Provides that a uniform administrative citation will be issued throughout the state for violations of this section. Requires the commissioner of public safety to prescribe the detailed form of the citation within 30 days of enactment of this section. Requires that local units of government that enact an ordinance under this section to alter the uniform citation to include instructions on how to challenge an administrative citation.

Subd. 4. Right to contest citation.

Para. (a). Requires a peace officer to provide notice to a person issued an administrative citation that the person may challenge the citation.

Para. (b). Requires local units of government that assess administrative citations under this section to provide a civil process for a person to contest the administrative penalty. Requires that a neutral third-party hear and rule on challenges to administrative citations. A local unit of government may employ a neutral third-party or contract with another government entity or private party to

provide a neutral third-party.

Para. (c). Directs the State Patrol to contract with local units of government or private entities to hear challenges to administrative citations issued by troopers.

Subd. 5. Fines; disbursement.

Para. (a). Establishes a \$60 fine for those who violate this section.

Para. (b). Provides that 2/3 of fines collected must be transferred to the treasurer of the local unit of government and 1/3 must be transferred to the state general fund. One-half of the funds received by a local unit of government must be used to supplement law enforcement activities.

Para. (c). Provides that fines collected for administrative citations issued by state troopers shall be divided as follows:

- 1/3 to the entity that collects the fine and provides hearing officers; and
- 2/3 to the state general fund.

Subd. 6. Commercial driver's licenses; exceptions. Provides that a citation under this section may not be issued to a holder of a commercial driver's license or someone operating a commercial vehicle.

Subd. 7. Driving records. Prohibits administrative citations from being recorded on a person's driving record and used in license revocation and suspension decisions.

Subd. 8. Administrative penalty reporting.

Para. (a). Requires local governmental units that collect administrative fines under this section to include that information and the amount collected as separate categories in any financial report, summary, or audit.

Para. (b). Requires the state auditor to submit data collected under this subdivision to the commissioner of public safety.

Subd. 9. Local preemption. Provides that an administrative citation may only be issued in the instances listed in this section and that a local unit of government may not authorize issuance of administrative fines for any other traffic violation.

7 Surcharges on criminal and traffic offenders. Declares that the criminal surcharge does not apply to administrative citations issued pursuant to section 6.

8 Commissioner of public safety; revise uniform citation.

Para. (a). Directs the commissioner of public safety, in consultation with law enforcement organizations, to draft a uniform administrative citation by October 1, 2009.

9 Severability. Adds a severability clause that allows the provisions to stand on their own if a court declares any specific section invalid.

10 Effective date. Makes the provisions of sections 2 and 3 effective August 1, 2009, and expires the same on July 31, 2012. The administrative fine provisions are effective August

1, 2009, but would not be enforceable until the commissioner of public safety prepares the uniform administrative citation – which is required by October 1, 2009.