

HOUSE RESEARCH

Bill Summary

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Overview

This bill allows eligible cities to establish a pilot program for driver's license reinstatement diversion.

Section

1 License Reinstatement Diversion Pilot Program.

Subd. 1. Establishment. Allows eligible cities to establish a license reinstatement diversion pilot program for persons with a class D drivers' license who have been charged with either driving after a suspension or revocation, but have not yet entered a plea. A person charged with driving after revocation is eligible for diversion only if the revocation was due to (1) a failure to produce proof of insurance; (2) refusal or failure of a test for intoxication; (3) a DWI conviction or adjudication; or (4) three charges of violating any traffic regulations (as provided in chapter 169) within a period of 12 months. A person who holds a commercial driver's license or committed an offense in a commercial motor vehicle is not eligible to participate in the pilot program.

Subd. 2. Eligible cities. Lists which cities are eligible to establish the pilot program: Duluth, St. Paul, South St. Paul, West St. Paul, and Inver Grove Heights.

Subd. 3. Contract. Allows an eligible city to contract with a third party to create and administer the diversion program.

Subd. 4. Diversion of individual. Allows the city prosecutor to determine whether to accept an individual for diversion. Requires the prosecutor to consider: (1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program; (2) the strength of the evidence against the individual and any mitigating factors; and (3) the ability and willingness of the individual to participate and comply with the diversion

program requirements.

Subd. 5. Diversion driver's license. Permits the commissioner of public safety to issue a diversion driver's license to participants of the pilot program and to impose applicable restrictions on the license. In order to receive the diversion license, the individual must first pay the applicable reinstatement fee, either \$20 for a suspended license, or \$30 for a revoked license. An individual whose license was revoked for either a refusal or failure of a test for intoxication or for a DWI conviction must also pay a \$250 fee and a \$430 surcharge during the course of the diversion program.

Subd. 6. Components of program. Provides minimum requirements for the diversion program including: (1) successful attendance and completion of classes at the individual's expense; (2) payment of all required fees; (3) compliance with all traffic laws; and (4) compliance with vehicle insurance requirements. Also provides that a person who is accepted into the pilot program is eligible to apply for a diversion driver's license.

Subd. 7. Termination of participation in diversion program. Provides circumstances in which an individual's participation in the diversion program may terminate. The listed circumstances include: (1) the individual violates a moving traffic regulation or fails to provide vehicle insurance during participation in the program; (2) the individual is not satisfying the conditions of the diversion; or (3) the individual has successfully met all conditions of the diversion program. Requires the commissioner to cancel an individual's diversion license after their participation is terminated. Allows the original charges against the individual to be reinstated if their participation in the program is terminated for reasons other than successful completion of the program. Also requires the commissioner to reinstate the driver's license of an individual who successfully completes all conditions of the diversion program.

Subd. 8. Report. Requires the commissioner of public safety and participating cities to report the results of the program to the legislature by February 1, 2011.

Subd. 9. Sunset. Provides for the pilot program to end on June 30, 2011.

Effective Date: July 1, 2009.