

HOUSE RESEARCH

Bill Summary

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Overview

This bill expands the ignition interlock program to persons convicted of DWI-related criminal vehicular operation (CVO) offense. If a person is believed to have committed a DWI-related CVO offense, it allows suspension of a driver's license upon certification of probable cause and creates an exception to the implied consent advisory if the officer is not pursuing an implied consent advisory revocation. It also allows participants in the original ignition interlock pilot to drive employer-owned vehicles not equipped with ignition interlock in certain cases. Finally, it repeals DPS rules relating to driver's license suspension and revocation for CVO offenses and places them in statute.

Section

- 1** **Crime described.** Amends the plate impoundment crime by allowing a person to drive an employer-owned vehicle that is not required to be equipped with an ignition interlock.
- 2** **Implied consent advisory.** Creates an exception to implied consent advisory requirement. Provides that a peace officer who is not pursuing an implied consent advisory revocation is not required to give an advisory to a person who is believed to have committed a DWI-related CVO.
- 3** **Reinstatement of driving privileges; CVO.** Provides that a person who has committed a DWI-related CVO offense is not eligible for license reinstatement until the person has submitted verification of the use of ignition interlock for the applicable time period.
- 4** **CVO; revocation periods.** Places DWI-related CVO revocation periods in statute (see § 13 – repealing related rules). Specifies the revocation period (ranges from 2 to 10 years) based

Section

on the resulting harm and/or number of qualified prior impaired driving incidents.

- 5 CVO; suspension.** Requires the commissioner to suspend a person's driver's license if: (1) the peace officer certifies that there is probable cause to believe the person committed a DWI-related CVO offense; or (2) the person has been formally charged with manslaughter or CVO, resulting from operation of a vehicle. Continues a suspension until the completion of the criminal case or by order of the commissioner. Provides that, if a person is convicted, the commissioner must credit the time accrued under the suspension towards the revocation period. Authorizes the aggrieved person to request an administrative review of the suspension. (See § 13 – repealing related rules)
- 6 Conditions of issuance.** Adds a cross-reference to the new section 5 (suspension pending manslaughter or CVO conviction) in the limited license provision.
- 7 Other waiting periods.** Prohibits issuance of a limited license for one year to a person convicted of a non DWI-related CVO offense.
- 8 Exception; CVO.** Prohibits issue of a limited license to a person convicted of a DWI-related CVO offense.
- 9, 10 Ignition interlock.** Amends the definition of an ignition interlock “program participant” to include a person whose license was suspended or revoked for a DWI-related CVO offense.
- 11 CVO; certification of probable cause.** Creates a new section of law. Provides that an officer must certify to DPS a determination that probable cause exists to believe a person committed a DWI-related CVO offenses. (see § 5)
- 12 Original ignition interlock device program; use of employer-owned vehicles.** Authorizes a person participating in the (former) ignition interlock pilot project to drive an employer-owned vehicle not equipped with ignition interlock pursuant to the current guidelines and with the employer's written consent.
- 13 Repealer.** Repeals DPS rules relating to driver license suspension and revocation periods for CVO offenses. See §§ 4 and 5.

Notes:

Current revocation periods are fixed and based on the level of harm. Section 4 provides a minimum revocation period and adds prior offenses.

Currently, suspension requires a criminal charge. Section 5 allows suspension upon probable cause certification of a DWI-related CVO violation.