

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1112
Version: As introduced

DATE: March 16, 2016

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Subject: Ignition interlock

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Overview

This bill amends various provisions relating to DWI and the ignition interlock program, including: (1) requiring the use of ignition interlock for all DWI and alcohol-related criminal vehicular operation (CVO) offenders to become relicensed to drive; (2) amending revocation periods for DWI offenders; (3) streamlining the ignition interlock tiered licensing structure; and (4) reducing fees/surcharges for driver license reinstatement after a DWI.

Section

- 1 **Stay authorized.** Requires, as a condition of DWI probation, that an offender drive only vehicles equipped with an ignition interlock.
- 2 **Nonfelony violations.** Requires the court to order ignition interlock as a condition of pretrial release.
- 3 **Implied consent; test refusal.** Amends the revocation period that applies when a person refuses to submit to a chemical test for intoxication. Currently, there are six revocation periods ranging from one to six years based on the number of prior impaired driving incidents occurring during a lookback period of ten years or life. This section amends the law to provide three revocation periods of one-, two-, and five-years for the first, second, and third or subsequent DWI offense, respectively.
- 4 **Implied consent; test failure.** Similar to section 3. Amends the revocation period that applies when a person fails a chemical test for intoxication. Currently, there are six periods ranging from 90 days to six years with a lookback period of ten years or life. This section

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amends the law to provide three revocation periods of one-, two-, and five-years for the first, second, and third or subsequent DWI offense, respectively.

- 5 **Revocation periods for DWI conviction.** Applies the same changes as sections 3 and 4 for revocation periods that apply upon a DWI conviction. (Eliminates the plea incentive reduction.)
- 6 **Reinstatement of driving privileges; notice.** Eliminates the driver's license exam requirement for reinstatement of a driver's license after a DWI. Also strikes language regarding treatment and other conditions that may not apply in every case.
- 7 **Reinstatement of driving privileges; ignition interlock required.** Requires all DWI offenders to use an ignition interlock device for the length of the revocation or cancellation period to seek reinstatement of driving privileges. Currently, this requirement only applies to repeat offenders with three or more DWIs in ten years or four DWIs in a lifetime.
- 8 **Reinstatement of driving privileges; criminal vehicular operation.** Adds criminal vehicular homicide (alcohol-related) to the list of offenses that requires use of an ignition interlock device for reinstatement of a driver's license.
- 9 **Driving after DWI-related suspension, revocation, or cancellation.** Creates a separate penalty for driving after suspension, revocation, or cancellation when the underlying offense was a DWI. Provides that this violation may not be included on the payables list. (An offense on the payable offense may be paid without a court appearance and results in a petty misdemeanor.)
- 10 **Revoked license; conditions for reinstatement.**
 - Subd. 1.** Eliminates the driver's license exam requirement for reinstatement of a driver's license after a DWI.
 - Subd. 2.** Strikes DWI offenders from the list of offenders required to pay the \$680 driver's license reinstatement fee (\$250) and surcharge (\$430) – see subd. 2a.
(The \$250 fee currently goes to DVS operating account (20%), general fund (67%), BCA lab and undercover buy fund (8%), and vehicle forfeiture account (5%). Of the \$430 fee, \$50 goes to the traumatic brain injury and spinal cord injury account and the remainder goes the REAM (remote electronic alcohol monitoring) program account.)
 - Subd. 2a.** Creates a new reinstatement fee of \$250 for DWI offenders. \$50 will go to the traumatic brain injury and spinal cord injury account and the remainder will be divided up as follows: DVS operating account (25%), general fund (67%), and BCA lab and undercover buy fund (8%). Allows indigent offenders to use a payment plan.
 - Subd. 3.** Provides that ignition interlock restriction will not be removed until the person has complied with all plate impoundment provisions and mandatory ignition interlock provisions.
- 11 **Conditions of issuance.** Eliminates limited licenses for DWI offenders. (See § 15 – limited license will no longer be needed in ignition interlock program for DWI offenders.)

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- 12 Other waiting periods.** Eliminates limited license “hard revocation” time for first-time DWI offenders and criminal vehicular homicide offenders with an alcohol-related offense. (These offenders will be able to go into the ignition interlock program.)
- 13 Exception; DWI & CVO.** Eliminates limited licenses for all DWI offenders and certain CVO offenders with an alcohol-related offense. (Some CVO offenders will have a limited license as part of the ignition interlock program.)
- 14 Performance standards.** Directs ignition interlock devices be equipped with a camera and GPS capabilities. Limits use of GPS to monitoring conditions of probation and release.
- 15 Issuance of a restricted license.** Amends the tiered system for ignition interlock restricted licenses.
- Para (c) is amended to provide all DWI offenders and 1st time CVO/alcohol-related offenders with full driving privileges subject to an ignition interlock restriction.
- Para (d) is amended to provide repeat CVO/alcohol-related offenders with limited driving privileges for the first year and full driving privileges thereafter, both subject to an ignition interlock restriction.
- Para (e) increases the time for compliance-based removal of ignition interlock from 90 to 180 days.
- Para (f) directs DVS to include the ignition interlock restriction in the magnetic strip of the driver’s license and not on the physical card.
- 16 Driver services operating account.** Creates a new special revenue account for the \$250 DWI driver’s license reinstatement fee created in section 10.
- 17 Revisor’s instruction.** Directs Revisor to update cross-references.
- 18 Repealer.** Repeals § 169A.54, subd. 2 – provides different revocation periods for offenders under age 21.