

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes various changes to DWI law in the areas of enhanced criminal penalties, plate impoundment, and ignition interlock. It lowers the blood alcohol concentration threshold that applies to criminal penalty enhancements; expands plate impoundment to all DWI offenses; and eliminates the limited license requirement under the ignition interlock program. Finally, it amends provisions relating to temporary permits, installment payment plans, special registration (“whiskey”) plates, and examination requirements.

Section

- 1-5** **Aggravating factor.** Lower the blood alcohol concentration (BAC) from .20 to .16 for the definition of aggravating factor. Aggravating factors enhance criminal provisions under DWI law, including penalties, assessments, and level of care recommendations. (This would make the BAC threshold for criminal penalties the same as for administrative sanctions.)
- 6** **Definitions; plate impoundment.** Provides that a “plate impoundment violation” occurs upon a probable cause determination by a peace officer and expands such violations to include any DWI offense (including first offenses). Current law provides that a violation: (1) occurs later, when it results in a license revocation, and (2) includes only a second or subsequent DWI offense occurring within 10 years or a first DWI with an aggravating factor (i.e., .20 BAC or child in the vehicle).
- 7** **Plate impoundment order.** Conforming changes – see section 6.
- 8** **Peace officer as agent for notice of impoundment.** Amends the plate impoundment law to permit a peace officer, as an alternative to seizing and destroying the license plates at the time of a violation, to invalidate the plates by affixing a permanent sticker on them.

Section

- 9 Temporary permit.** Provides that when a plate impoundment violation is predicated on the results of a breath test or refusal, the person must be issued a temporary vehicle permit valid for 14 days, rather than 7 days. Requires a temporary permit valid for 45 days if the person submits to the blood or urine test, or if the breath test results are under .08 BAC.
- 10 Petition for judicial review.** Extends the time period from 30 to 45 days to petition the court for judicial review of a plate impoundment. Conforming changes are found in paragraph (c) – see section 6.
- 11-12 New plates issued without cost.** Require that new vehicle registration plates be issued at no cost if a plate impoundment was based on a probable cause determination and did not result in a license revocation – see section 6.
- 13 Special registration plates.** Provides that during the plate impoundment order, the following persons are not required to have special registration plates (commonly known as “whiskey plates”): persons who enroll in the ignition interlock program and first-time DWI offenders under .16 BAC who have a limited license.
- 14 Examination required.** Strikes DWI offenders from the driver license examination requirement for re-licensing.
- 15 Reinstatement fee.** Strikes the indigency requirement to pay the DWI driver’s license reinstatement fee and surcharge (\$680) in two installments. This payment plan option would be expanded to all offenders. Makes the second payment due after one year instead of two.
- 16 Limited license.** Conforming changes – see explanation in section 17, para. (d) – eliminating limited license for certain DWI offenders in ignition interlock program.
- 17 Ignition interlock; restricted license.**
- Para. (a) – requires 12 months of non-cancelable insurance coverage only for ignition interlock participants with prior violations for “no proof of insurance.” (Under current law, it’s permissive for any participant.)
- Para. (d) – eliminates the one-year limited license requirement for more serious DWI offenders. Currently, less serious DWI offenders in ignition interlock receive a conditional reinstatement of full driving privileges (see para. (c)), whereas more serious DWI offenders must first complete one year of ignition interlock with a limited license (i.e., six days per week to drive to school, work, or treatment). Under these changes, more serious offenders would also immediately receive a conditional reinstatement of full driving privileges on ignition interlock. Also strikes the provision requiring license cancellation and program reapplication for a failed breath test for offenders under paragraph (d); and instead requires the time period for ignition interlock to start over.
- 18 Penalties; tampering.** Prohibits placing crimes related to tampering with ignition interlock devices on the Statewide Payables List. (The payables list set forth those offenses for which an individual can choose to pay the listed fine in lieu of making a court appearance.)
- 19 Plate impoundment.** Conforming cross-reference in collateral sanctions chapter on plate impoundment violations.