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Subject: Driver diversion program made permanent; certain court appearances mandated

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Overview

This bill makes the driver diversion program permanent; mandates court appearances for individuals driving after suspension, revocation, or cancellation who cause an accident resulting in property damage or bodily harm to another; mandates court appearances for individuals driving without insurance or proof of insurance who cause an accident resulting in property damage or bodily harm to another; authorizes the courts to provide proof of insurance to the Department of Public Safety; amends the uniform traffic ticket to include an indication as to whether an offense caused bodily harm or damage to the property of another; and requires courts to waive the criminal and traffic surcharge for indigent defendants.

Section

- 1 **Mandatory court appearance.** Requires a court appearance for individuals who fail to provide proof of insurance and are involved in a collision that causes injury or damage to the property of another.
- 2 **License revocation.** Requires courts to report to the Department of Public Safety when a driver or owner provides the court with proof of insurance.
- 3 **Mandatory court appearance.** Requires a court appearance for individuals who drive without insurance and are involved in a collision that causes injury or damage to the property of another.
- 4 **Violation; when petty misdemeanor enhanced to misdemeanor.** Enhances a traffic offense that would otherwise be a petty misdemeanor to a misdemeanor if the violation involved a collision that caused bodily harm or damage to the property of another.

Section

- 5 Notice of surcharge.** Requires the uniform traffic ticket to provide a telephone number for questions and inform recipients that:
1. the criminal and traffic surcharge may be imposed following a conviction;
 2. the surcharge may be reduced or waived on a showing of indigency or hardship; and
 3. programs including driver diversion may be available.
- 6 Collision.** Requires the uniform traffic ticket to include an indication if an offense that is otherwise a petty misdemeanor involved a collision that caused bodily harm or damage to the property of another.
- 7 Mandatory court appearance.** Requires a court appearance for individuals who drive after suspension, revocation, or cancellation and are involved in a collision that causes injury or damage to the property of another.
- 8 License reinstatement diversion program.** Makes the license reinstatement diversion program permanent. It is currently a pilot program.

Subd. 1. Establishment. Permits a city or county to establish a license reinstatement diversion program for individuals charged with driving after suspension or driving after revocation and defines which offenses are eligible offenses. All driving after suspension offenses are eligible for diversion programs. Driving after revocation offenses are only eligible if a defendant's license was revoked for a violation of: (1) failing to provide proof of insurance, (2) failing to carry insurance, (3) test refusal, (4) DWI, (5) repeat driving offenses, or (6) a controlled substance offense. Driving after cancellation as inimical to public safety is an eligible offense if the defendant complies with the ignition interlock program. An individual who holds a commercial driver's license, or committed an offense in a commercial motor vehicle, is not eligible for the program.

Subd. 2. Contract. Permits cities and counties to contract with third parties to administer the program.

Subd. 3. Diversion of an individual. Allows prosecutors to determine whether to accept an individual into the program and provides guidance for making that determination.

Subd. 4. Diversion driver's license. Permits DPS to issue a diversion driver's license to a program participant who pays the applicable reinstatement fee. Allows DPS to place additional restrictions, including participation in the ignition interlock program, on program participants. Describes how payments made by program participants must be distributed. Prohibits an additional revocation of a program participant's license based purely on making payments.

Subd. 5. Components of program. Requires diversion programs participants to: (1) attend educational classes, (2) participate in a payment program, (3) comply with all traffic laws, and (4) maintain motor vehicle insurance. Allows individuals accepted in the program to apply for a diversion driver's license.

Section

Subd. 6. Termination of participation in diversion program. Terminates participation in a program for individuals who violate the terms of the program or successfully complete the program. Termination for a violation results in cancellation of the diversion driver's license and permits prosecutors to reinstate the original charge of driving after suspension or revocation. Termination for successful completion requires reinstatement of the participant's driver's license and dismissal of the original charge. Fees paid by an individual who leaves the program before completion must be retained for five years and, if the individual returns to the program, must be applied to the later participation. After five years, the fees are forfeited.

Subd. 7. Biennial report. Requires a biennial report.

Effective date. The program becomes effective on July 1, 2020 or the day following the date the Minnesota Licensing and Registration System (MNLARS) becomes effective, whichever is earlier.

- 9 Surcharges on criminal and traffic offenders.** Requires a court to waive the criminal and traffic surcharge for offenders who are indigent or when the surcharge would create an undue hardship on the offender's family unless the court finds that an anticipated change in the offender's financial situation justifies imposition of the surcharge.
- 10 Sunset; transition.** Terminates the license reinstatement diversion pilot program the day following the date the permanent program goes into effect and transfers participants in the pilot program to the permanent program.
- 11 Appropriations.** Appropriates money to fund the license reinstatement diversion program.