

Subject Amending various DWI provisions

Authors O'Neill and others

Analyst Ben Johnson (651-296-8957)

Date March 20, 2019

Overview

This bill contains provisions allowing the use of an out-of-state conviction for criminal vehicular homicide or injury to be used to enhance a DWI charge in Minnesota and expanding the required use of ignition interlock.

Summary

Section	Description
1	<p>Degree described.</p> <p>Expands the list of prior convictions that enhance an offense to first-degree driving while impaired by including convictions for a felony in another state for criminal vehicular homicide and injury committed while under the influence of a substance when the other state's statute is in conformity with Minnesota law. Under current law, a person who drives while under the influence commits a first-degree offense if the person:</p> <ul style="list-style-type: none">▪ commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;▪ has previously been convicted of a first-degree driving while impaired offense; or▪ has previously been convicted of a felony under Minnesota statutes addressing criminal vehicular homicide and injury committed while under the influence of a substance. <p>A qualified prior impaired driving incident can take place under Minnesota law or under the law of another state that is in conformity with Minnesota law.</p>
2	<p>Reinstatement of driving privileges; multiple incidents.</p> <p>Requires certain DWI offenders to either (1) participate in the ignition interlock program or (2) not own or lease a vehicle and have no DWI or driver's license violations before the person's driver's license may be reinstated.</p> <p>For a person who uses ignition interlock, that person must comply with the program for one year if the individual's license was revoked for (1) a second qualified prior impaired driving incident in ten years or more, or (2) a third qualified prior impaired driving incident in the person's lifetime. The provision requires two years of ignition interlock for a person whose license was revoked for either of those reasons and the person either (1)</p>

Section	Description
	<p>had an alcohol concentration of twice the legal limit or (2) refused to submit a required breath, blood, or urine sample. Under current law, offenders with fewer than three DWIs may either: (1) go on ignition interlock to be able to drive during their revocation period; or (2) not drive and “wait out” the revocation period. At the end of the revocation period, the offender can seek reinstatement of full driving privileges regardless of which option was chosen.</p>
	<p>Requires the commissioner of public safety to follow the full rulemaking process in establishing performance standards and a process for certifying chemical monitoring devices. Under current law, those standards and procedures are exempt from rulemaking requirements.</p>
3	<p>Conditions of issuance. Allows limited licenses for DWI offenders with drug-related offenses. Limits limited licenses under the ignition interlock program to only DWI offenders with alcohol-related offenses.</p>
4	<p>Other waiting periods. Reinstates pre-2011 hard revocation periods that apply before a DWI offender with a drug-related offense can receive a limited license.</p>
5	<p>Definitions. Limits participation in the ignition interlock program to DWI offenders with alcohol-related offenses.</p>
6	<p>Performance standards; certification; manufacturer and provider requirements. Requires contracts between ignition interlock manufacturers and program participants to include a provision requiring the manufacturers to pay any towing or repair costs caused by device failure or malfunction, or by damage caused during device installation, servicing, or monitoring.</p>



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155