

Subject DWI enforcement by conservation officers

Authors Persell and others

Analyst Ben Johnson (ben.johnson@house.mn)

Date April 21, 2020

Overview

This bill makes changes to laws related to driving off-road recreational vehicles and motorboats while under the influence of alcohol, controlled substances, and intoxicating substances. It repeals existing laws and replaces them with provisions that make technical changes to those laws. It also permits conservation officers to enforce any violation of DWI laws, amends the suspension of off-road and motorboat operating privileges to match the provisions related to driver's licenses, and states that a person in the ignition interlock program can only operate an off-road recreational vehicle or motorboat if that vehicle or boat is equipped with an ignition interlock device.

Summary

Section	Description
---------	-------------

1	Operating off-road recreational vehicles while impaired.
---	-----------------------------------------------------------------

Subd. 1. Definitions. Defines "controlled substance," "intoxicating substance," and "off-road recreational vehicle" consistent with the definitions in chapter 169A.

Subd. 2. Acts prohibited. (a) Establishes a crime for a person who owns or is in control of an off-road recreational vehicle to allow another person to operate that vehicle when the person is under the influence of alcohol, a controlled substance, or an intoxicating substance.

(b) Provides that a person who operates a recreational vehicle while under the influence of any substance is subject to the provisions of chapter 169A, the chapter that criminalizes driving under the influence.

(c) Provides that the provisions in law related to suspending, revoking, or cancelling a person's driver's license or operating privilege for driving under the influence apply to the operation of an off-road recreational vehicle while under the influence and that the person loses the right to operate an off-road

Section	Description
	<p>recreational vehicle for the same period of time that the person loses the right to drive a car or truck.</p> <p>(d) Requires the commissioner of public safety to notify a person of the period during which the person cannot operate an off-road motor vehicle.</p> <p>(e) Requires the court to provide the commissioner of public safety with copies of all convictions and other sanctions imposed under chapter 169A and section 171.177.</p> <p>(f) Provides that, if a person is a participant in the ignition interlock program, that person may only operate an off-road recreational vehicle if that vehicle is equipped with an ignition interlock device.</p> <p>Subd. 3. Penalties. Establishes that a person who violates subdivision 1, paragraph (a) (permitting a person who is under the influence to operate an off-road motor vehicle), is guilty of a misdemeanor. Provides that a person who operates an off-road recreational vehicle during the period of time the person is prohibited from operating such a vehicle is subject to the criminal penalties in section 171.24 which establishes crimes for operating a motor vehicle with a suspended, revoked, or cancelled driver's license.</p>
2	<p>Operating under the influence of alcohol or controlled substance. Makes a conforming change based on the change in section 7 of the bill.</p>
3	<p>Fines and forfeited bail. Requires all fines and forfeited bail collected under sections 84.81 to 84.90 (regulating the operation of snowmobiles) to be deposited in the state treasury with half of the receipts credited to the general fund and half to the snowmobile trails and enforcement account.</p>
4	<p>Operating while impaired. Establishes offenses; criminal penalties; and the suspension, revocation, or cancellation of operating privileges for motor boats that are identical to the provisions for off-road recreational vehicles under section 1 of the bill, including the restriction that a person in the ignition interlock program may only operate a motorboat equipped with an ignition interlock device.</p>
5	<p>Fines and bail money. Makes a conforming change in the section of law that requires fines and forfeited bail for violations of chapter 86B to be deposited in the general fund with half the</p>

Section	Description
	receipts credited to the water recreation account for the purpose of boat and water safety.
6	Fines and forfeited bail. Removes references to sections 84.81 to 84.91 to conform with the change in section 3 of the bill. Provides that fines and forfeited bail for certain violations involving wild animals and aquatic vegetation must be deposited in the general fund instead of being paid to the county treasurer. States that half of the receipts must be credited to the general fund and half must be credited to the game and fish fund under section 97A.055. Under current law, half the funds are credited to the commissioner and half to the county general revenue fund. But counties in judicial districts listed in section 480.181, subdivision 1, paragraph (b) must provide that money to the general fund and, as of 2005, every county is in a listed judicial district. Strikes paragraphs (b) and (c) which only applied to money credited to county treasurers.
7	Peace officers. Modifies the definition of “peace officer” in chapter 169A to provide that conservation officers are peace officers for all purposes of DWI law.
8	Driving while impaired crime; motor vehicle. Strikes an exception under the general DWI law that excluded motorboats and off-road recreational vehicles.
9	Off-road recreational vehicles and motorboats. Establishes that the provisions related to the revocation of a driver’s license, permit, or operating privilege for refusing or failing a test to determine if the person was operating under the influence also apply to the operating privileges for an off-road recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
10	Off-road recreational vehicles and motorboats. Establishes that the provisions related to the revocation of a driver’s license, permit, or operating privilege for being convicted of operating under the influence also apply to the operating privileges for an off-road recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
11	Driving while impaired revocation and prohibition; off-road recreational vehicles and motorboats. Establishes that the provisions related to the revocation of a driver’s license, permit, or operating privilege for refusing or failing a test, required under a valid warrant, to determine if the person was operating under the influence also apply to the

Section	Description
	operating privileges for an off-road recreational vehicle and a motorboat. Requires peace officers to provide notification to persons prohibited from operating off-road recreational vehicles and motorboats.
12	Off-road recreational vehicles and motorboats. Provides that a person who participates in the ignition interlock program may only operate an off-road recreational vehicle or motorboat if that vehicle or boat is equipped with an ignition interlock device.
13	Revisor instruction. Directs the revisor of statutes to make necessary changes to statutory cross-references to reflect the changes in the bill.
14	Repealer. Repeals section 169A.20, subdivisions 1a, 1b, and 1c (driving a motorboat, snowmobile, or all-terrain vehicle; or off-highway motorcycle or vehicle while under the influence). Also repeals sections 84.91 (operating snowmobiles and ATVs under the influence of alcohol or controlled substances) and 86B.331, subdivision 1 (operating a motorboat while using alcohol or drugs).



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