MN HOUSE RESEARCH

Bill Summary

H.F. 2130

Fourth engrossment

Subject	Modifying license revocation and ignition interlock requirements
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Overview

Under current law, the commissioner of public safety must revoke a person's driver's license when that person commits certain violations involving the use of alcohol. Statutes establish minimum periods of revocation depending on factors such as whether the person was under 21, the person's blood alcohol concentration (BAC), whether the person refused to take a required test, and the number of prior DWI-related convictions or license revocations the person has. The requirements appear in sections 169A.52, 169A.54, 171.17, and 171.177.

At this time, individuals with one prior offense in the previous ten years or two prior offenses in the person's lifetime must also participate in the ignition interlock program. Under that program, participants must only drive vehicles equipped with a device to measure the driver's BAC unless one of the limited exceptions applies. A driver must provide a sample that shows no alcohol use before the vehicle will start and must provide additional samples, known as "rolling retests," while driving the vehicle. Current law does not specify the length of the ignition interlock requirement. The commissioner has imposed a period equal to the length of the license revocation.

This bill consolidates the revocation requirements into one section of law. It maintains the existing revocation requirements for individuals with no prior incidents, but extends the lookback period from ten years to 20 years. It specifies the time a person must participate in the ignition interlock program before becoming eligible for reinstatement of a standard driver's license. It eliminates the requirement that a person pay a $680 reinstatement fee before participating in the interlock program, but retains the requirement that the person pay the fee before reinstatement of a standard license. It extends the revocation period for a person who commits criminal vehicular homicide and criminal vehicular operation, and when the revocation is for a DWI-related offense and the person has a prior incident. The changes are as follows:

DWI-Related Revocations

Current Law			Proposal		
Priors	Duration*	Interlock/Treatment	Priors	Duration*	Interlock/Treatment
0 in 10 years	30 days to 1 year	No	0 in 20 years	30 days to one year	No
1 in 10 years or 2 lifetime	1 year (or 2 years if BAC is 0.16+)	Yes/No (treatment is required if BAC is 0.16+)	1 in 20 years	2 years	Yes/Yes
2 in 10 years or 3 lifetime	3 years	Yes/Yes	2 lifetime	6 years	Yes/Yes
3 in 10 years	4 years	Yes/Yes	3 + lifetime	10 years	Yes/Yes
4+ lifetime	6 years	Yes/Yes			

Criminal Vehicular Operation-Related Revocations

Level of Harm	Current Law			Proposal		
	Priors	Duration*	Interlock/Treatment	Priors	Duration*	Interlock/Treatment
BH or SBH	None	2 years	Yes/No	None	2 years	Yes/Yes
BH or SBH	1 in 10 years	4 years	Yes/No	1 Lifetime	5 years	Yes/Yes
BH or SBH	2 in 10 years	6 years	Yes/Yes	2 Lifetime	8 years	Yes/Yes
BH or SBH	3+ lifetime	6 years	Yes/Yes	3+ Lifetime	10 years	Yes/Yes
GBH	None	6 years	Yes/No	None	6 years	Yes/Yes
GBH	1 in 10 years	8 years	Yes/No	1 Lifetime	8 years	Yes/Yes
GBH	2 in 10 years or 3+ lifetime	10 years	Yes/Yes	2+ Lifetime	10 years	Yes/Yes

Criminal Vehicular Homicide-Related Revocations

Current Law			Proposal		
Priors	Duration	Interlock/Treatment	Priors	Duration	Interlock/Treatment
0	6 years	No/No	0	6 years	Yes/Yes
1 in 10 years	8 years	No/No	1 Lifetime	15 years	Yes/Yes
2 in 10 years or 3 lifetime	10 years	No/Yes	2 Lifetime	Lifetime	Yes/Yes

*The duration of a revocation or interlock requirement may be extended for certain violations or new offenses.

Summary

Section	Description
1	**Crime described.** Establishes that it is a crime to intentionally remove all or a portion of a permanent sticker affixed to a license plate that invalidates the plate following certain DWI-related incidents.
2	**Test refusal; license revocation.** Makes a conforming change in the section of law that requires license revocation when a person refuses to submit to a breath test following an arrest for a suspected DWI offense.
3	**Test failure; license revocation.** Makes a conforming change in the section of law that requires license revocation when a person submits to a breath test following an arrest for a suspected DWI offense and the results show an alcohol concentration that exceeds the legal limit.
4	**Test refusal; driving privilege lost.** Extends the length of time that a temporary license is effective after a person's driver's license is invalidated from seven days to 14 days.
5	**Revocation periods for DWI convictions.** Makes a conforming change in the section of law that requires license revocation when a person is convicted of a DWI offense.
6	**Peace officer as agent for notice of impoundment.** Authorizes a peace officer to affix a permanent sticker to a license plate to invalidate the plate when an officer has the authority to impound the plates following a DWI-related offense. Currently, the plates must be physically removed from a vehicle.
7	**Temporary permit.** Extends the period of time that a temporary permit is in effect after an officer impounds a person's license plates from seven days to 14 days.
8	**Surrender of plates.** Extends the time a person has to surrender plates following an impoundment notice if an officer does not seize the plates from seven days to 14 days.
9	**Exception.** Amends the vehicle forfeiture provisions related to DWI offenses to allow a person to recover a vehicle if the person becomes a program participant in the ignition

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interlock program and an approved device is installed in a vehicle other than the vehicle seized.

10 **Test refusal; license revocation.**

Makes a conforming change in the section of law that requires license revocation when a person refuses to submit to a blood or urine test based on a valid warrant issued after an arrest for a suspected DWI offense.

11 **Test failure; license revocation.**

Makes a conforming change in the section of law that requires license revocation when a person submits to a blood or urine test pursuant to a valid warrant issued after an arrest for a suspected DWI offense and the results show an alcohol concentration that exceeds the legal limit.

12 **Revocation, denial, and reinstatement; driving while impaired; criminal vehicular homicide and operation.**

Subd. 1. Definitions. Defines the terms "ignition interlock device" and "qualified prior impaired driving incident" consistent with the use in other sections of law.

Subd. 2. Qualified prior impaired driving incident; determination. Establishes that the existing limitations in section 169A.09 apply when calculating prior impaired driving incidents under this new section. Under that limitation, both prior DWI convictions and DWI-related license revocations count as a prior incident, but only one counts if the conviction and revocation resulted from the same violation.

Subd. 3. Test refusal; period of license revocation. Establishes the license revocation periods that apply if a person refuses to take a required breath, urine, or blood test following an arrest for a suspected DWI. If the person has no prior incidents in the past 20 years, the revocation is for not less than one year. This extends the lookback period from ten years under current law, but does not change the revocation period. If the person has one prior incident in the previous 20 years or two or more prior incidents in the person's lifetime, the person must participate in the ignition interlock program for the period described in subdivision 8.

Subd. 4. Test failure; period of license revocation. Establishes the license revocation periods that apply if a person takes a required breath, urine, or blood test following an arrest for a suspected DWI and the results show an alcohol concentration that exceeds the legal limit. If the person has no prior incidents in the past 20 years, the revocation is for: (1) 90 days if the person is 21 years of age or older and the test result shows an alcohol concentration less than twice the legal limit (0.16), (2) 180 days if the person is under 21 and the test result shows

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an alcohol concentration less than twice the legal limit, or (3) one year if the test result shows an alcohol concentration of twice the legal limit or more. This extends the lookback period from ten years under current law, but does not change the revocation periods. If the person has one prior incident in the previous 20 years or two or more prior incidents in the person's lifetime, the person must participate in the ignition interlock program for the period described in subdivision 8.

Subd. 5. Driving while impaired conviction or adjudication; period of license revocation. Establishes the license revocation periods that apply if a person is convicted of a DWI offense. If the person has no prior incidents in the past 20 years, the revocation is for: (1) 30 days if the conviction is for driving while impaired, (2) 90 days if the conviction is for refusing a required test, (3) 180 days if the person is under 21 and the test result shows an alcohol concentration less than twice the legal limit, or (4) one year if the test result shows an alcohol concentration of twice the legal limit or more. This extends the lookback period from ten years under current law, but does not change the revocation periods. Consistent with current law, the revocation periods must be extended by 90 days if the violation involved personal injury to, or the death of, another person. If the person has one prior incident in the previous 20 years or two or more prior incidents in the person's lifetime, the person must participate in the ignition interlock program for the period described in subdivision 8.

Subd. 6. Criminal vehicular operation or homicide conviction; period of license revocation. Establishes that a person convicted of criminal vehicular operation or homicide must participate in the ignition interlock program for the period described in subdivision 8 to be eligible for license reinstatement.

Subd. 7. Driving while impaired; license cancellation and denial. Requires the commissioner of public safety to designate a person with two or more prior incidents as inimical to public safety and cancel the person's driver's license when the person is convicted of certain DWI-related offenses. This requirement is consistent with current law.

Subd. 8. Ignition interlock periods; reduction. Establishes ignition interlock requirements for individuals whose license is revoked either (1) following a conviction for criminal vehicular operation (CVO), or (2) following a test refusal, test failure, or DWI-related conviction when the person has one prior incident in the previous 20 years or two or more prior incidents in the person's lifetime. Such a person must participate in the ignition interlock program for:

- two years if the revocation is for: (1) a DWI-related offense and the person has one prior incident in the previous 20 years, or (2) CVO when

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the offense involved bodily harm or substantial bodily harm to another and the person has no prior incidents;

- five years if the revocation is for CVO when the offense involved bodily harm or substantial bodily harm to another and the person has one prior incident;
- six years if the revocation is for: (1) a DWI-related offense and the person has two prior incidents, (2) CVO when the offense involved great bodily harm to another and the person has no prior incidents, or (3) CVH when the offense causes the death of another and the person has no prior incidents;
- eight years if the revocation is for CVO when the offense involved either: (1) great bodily harm to another and the person has one prior incident, or (2) substantial bodily harm to another and the person has two prior incidents;
- ten years if the revocation is for: (1) CVO when the offense involved great bodily harm to another and the person has two prior incidents, or (2) either CVO or a DWI-related offense and the person has three prior incidents;
- fifteen years if the revocation is for CVH when the offense causes the death of another and the person has one prior incident; or
- the person's lifetime if the revocation is for VH when the offense causes the death of another and the person has two or more prior incidents.

All participants must complete a licensed substance use disorder treatment or rehabilitation program. The commissioner may extend the ignition interlock requirement if the person violates the conditions of the program. The commissioner must restart the ignition interlock period if the person registers a positive breath alcohol concentration of 0.02 or higher on an interlock device or if the person commits an offense involving the use of alcohol.

13 **Credit.**

Makes conforming and technical changes.

14 **Petition for court hearing on license reinstatement.**

Authorizes a participant in the ignition interlock program to petition for a court hearing if the commissioner extends the person's period of revocation, suspension, or cancellation based on a violation of the ignition interlock program requirements.

15 **Driving after revocation; penalties.**

Establishes a gross misdemeanor penalty for someone whose driver's license was revoked for a DWI-related offense if the person drives a vehicle when the person is

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	prohibited from operating a vehicle unless it is equipped with an ignition interlock device.
16	**Definitions.** Makes conforming and technical changes.
17	**Issuance of restricted license.** Establishes that a person seeking a restricted license to participate in the ignition interlock program does not need to pay the license reinstatement fee in section 171.29, subdivision 2, before entering the interlock program. The current fee is $680. The person would need to pay the fee before reinstatement of full driving privileges. Makes additional conforming and technical changes.
18	**Penalties; program violations.** Makes conforming changes.
19	**Penalties; tampering.** Establishes that a person with a license issued as part of the ignition interlock program who operates a motor vehicle that is not equipped with a functioning ignition interlock device is guilty of a gross misdemeanor.
20	**Driver's license revocation and ignition interlock requirements; appropriation.** Appropriates $382,000 in fiscal years 2026 and 2027 from the driver and vehicle services operating account to the commissioner of public safety for staffing and other expenses related to an increase in the length of time individuals are on ignition interlock. Provides that the appropriation must be given effect only once if it is enacted more than one time in the 2025 legislative session.
21	**Repealer.** Repeals provisions in current law that are replaced by the new ignition interlock participation requirements.

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