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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1061**

02/11/2019 Authored by Lesch, Zerwas, Mariani, Albright and Gomez
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act

1.2 relating to public safety; modifying the commissioner of public safety's authority

1.3 to suspend drivers' licenses in certain situations; providing for retroactive driver's

1.4 license reinstatement in certain instances; making technical changes; requiring a

1.5 report; amending Minnesota Statutes 2018, sections 169.92, subdivision 4; 171.16,

1.6 subdivisions 2, 3; 171.18, subdivision 1; 480.15, by adding a subdivision; proposing

1.7 coding for new law in Minnesota Statutes, chapter 171.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

1.10 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or

1.11 from the driver licensing authority of a state, district, territory, or possession of the United

1.12 States or a province of a foreign country which has an agreement in effect with this state

1.13 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in

1.14 this state did not appear in court in compliance with the terms of a citation, the commissioner

1.15 of public safety shall notify the driver that the driver's license will be suspended unless the

1.16 commissioner receives notice within 30 days that the driver has appeared in the appropriate

1.17 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~

1.18 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner

1.19 does not receive notice of the appearance in the appropriate court ~~or payment of the fine~~

1.20 within 30 days of the date of the commissioner's notice to the driver, the commissioner may

1.21 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision

1.22 2. Notwithstanding the requirements in this section, the commissioner is prohibited from

1.23 suspending the driver's license of a person based solely on the fact that the person did not

1.24 appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or

1.25 (2) for a violation of section 171.24, subdivision 1.

2.1 (b) The order of suspension shall indicate the reason for the order and shall notify the
 2.2 driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished
 2.3 evidence, satisfactory to the commissioner, of compliance with any order entered by the
 2.4 court.

2.5 (c) Suspension shall be ordered under this subdivision only when the report clearly
 2.6 identifies the person arrested; describes the violation, specifying the section of the traffic
 2.7 law, ordinance or rule violated; indicates the location and date of the offense; and describes
 2.8 the vehicle involved and its registration number.

2.9 Sec. 2. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

2.10 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
 2.11 of the driver's license of the person so convicted, and the commissioner shall suspend such
 2.12 license as recommended by the court, without a hearing ~~as provided herein~~.

2.13 (b) The commissioner is prohibited from suspending a person's driver's license if the
 2.14 person was convicted only under section 171.24, subdivision 1 or 2.

2.15 Sec. 3. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

2.16 Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The
 2.17 commissioner must not suspend a person's driver's license based solely on the fact that a
 2.18 person: (1) has been convicted of violating a law of this state or an ordinance of a political
 2.19 subdivision which regulates the operation or parking of motor vehicles, (2) has been
 2.20 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
 2.21 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
 2.22 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
 2.23 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
 2.24 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
 2.25 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
 2.26 ~~been paid.~~

2.27 Sec. 4. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

2.28 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
 2.29 without preliminary hearing upon a showing by department records or other sufficient
 2.30 evidence that the licensee:

2.31 (1) has committed an offense for which mandatory revocation of license is required upon
 2.32 conviction;

3.1 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
3.2 regulating traffic, other than a conviction for a petty misdemeanor, and department records
3.3 show that the violation contributed in causing an accident resulting in the death or personal
3.4 injury of another, or serious property damage;

3.5 (3) is an habitually reckless or negligent driver of a motor vehicle;

3.6 (4) is an habitual violator of the traffic laws;

3.7 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

3.8 (6) has permitted an unlawful or fraudulent use of the license;

3.9 (7) has committed an offense in another state that, if committed in this state, would be
3.10 grounds for suspension;

3.11 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
3.12 five years of a prior conviction under that section;

3.13 (9) has committed a violation of section 171.22, except that the commissioner may not
3.14 suspend a person's driver's license based solely on the fact that the person possessed a
3.15 fictitious or fraudulently altered Minnesota identification card;

3.16 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

3.17 (11) has failed to report a medical condition that, if reported, would have resulted in
3.18 cancellation of driving privileges;

3.19 (12) has been found to have committed an offense under section 169A.33; or

3.20 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
3.21 by means of a dishonored check issued to the state or a driver's license agent, which must
3.22 be continued until the registrar determines or is informed by the agent that the dishonored
3.23 check has been paid in full.

3.24 However, an action taken by the commissioner under clause (2) or (5) must conform to the
3.25 recommendation of the court when made in connection with the prosecution of the licensee.

3.26 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
3.27 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
3.28 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
3.29 ~~individual's failure to appear in court or failure to pay a fine~~ or 2.

4.1 Sec. 5. [171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS;
4.2 REPORTS.

4.3 Subdivision 1. Issuance, suspensions, and revocations. (a) Annually by February 15,
4.4 the commissioner of public safety must report to the chairs and ranking minority members
4.5 of the house of representatives and senate committees with jurisdiction over public safety
4.6 and transportation on the status of driver's licenses issued, suspended, and revoked. The
4.7 commissioner must make the report available on the department's website.

4.8 (b) At a minimum, the report must include:

4.9 (1) the total number of driver's licenses issued, suspended, and revoked as of January 1
4.10 the year the report is submitted, broken down by county;

4.11 (2) for each of the previous eight calendar years, the total number of driver's licenses
4.12 suspended and the number of suspended licenses reinstated; and

4.13 (3) for each of the previous eight calendar years, the total number of driver's licenses
4.14 revoked and the number of revoked licenses reinstated.

4.15 (c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each
4.16 type of suspension or revocation authorized by statute or rule and include the number of
4.17 licenses suspended or revoked for each type.

4.18 Subd. 2. Charges, convictions, and fines. (a) Annually by February 15, the state court
4.19 administrator must report to the chairs and ranking minority members of the house of
4.20 representatives and senate committees with jurisdiction over public safety and transportation
4.21 on (1) charges and convictions for driving after suspension or revocation, and (2) payment
4.22 of fines for violations related to operation of a motor vehicle. The administrator must make
4.23 the report available on the state court's website.

4.24 (b) At a minimum, the report must include:

4.25 (1) for each of the previous eight calendar years, the number of charges under section
4.26 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating
4.27 whether the court appointed the public defender to represent the defendant;

4.28 (2) for each of the previous eight calendar years, the number of convictions under section
4.29 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and
4.30 indicating whether the court appointed the public defender to represent the defendant; and

4.31 (3) for the past calendar year, for all charges on violations related to the operation of a
4.32 motor vehicle and included on the uniform fine schedule authorized under section 609.101,

5.1 subdivision 4, the percentage of fines, broken down by whether the court appointed the
5.2 public defender to represent the defendant, which:

5.3 (i) were paid in full by the due date on the citation;

5.4 (ii) were paid in full through a payment plan;

5.5 (iii) accrued late charges;

5.6 (iv) were sent to court collections; and

5.7 (v) were sent to the Department of Revenue for collection.

5.8 Sec. 6. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to
5.9 read:

5.10 Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator
5.11 shall collect, compile, and report the data on (1) charges and convictions for driving after
5.12 suspension or revocation, and (2) payment of fines for violations related to operation of a
5.13 motor vehicle, as required under section 171.325.

5.14 Sec. 7. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

5.15 (a) The commissioner of public safety must make an individual's driver's license eligible
5.16 for reinstatement if the license is solely suspended pursuant to:

5.17 (1) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted
5.18 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

5.19 (2) Minnesota Statutes 2018, section 171.16, subdivision 3; or

5.20 (3) both clauses (1) and (2).

5.21 (b) By December 1, 2019, the commissioner must provide written notice to an individual
5.22 whose license has been made eligible for reinstatement under paragraph (a), addressed to
5.23 the licensee at the licensee's last known address.

5.24 (c) Before the license is reinstated, an individual whose driver's license is eligible for
5.25 reinstatement under paragraph (a) must pay the reinstatement fee under Minnesota Statutes,
5.26 section 171.20, subdivision 4.

5.27 (d) The following applies for an individual who is eligible for reinstatement under
5.28 paragraph (a), clause (1), (2), or (3), and whose license was suspended, revoked, or canceled
5.29 under any other provision in Minnesota Statutes:

6.1 (1) the suspension, revocation, or cancellation under any other provision in Minnesota
6.2 Statutes remains in effect;

6.3 (2) subject to clause (1), the individual may become eligible for reinstatement under
6.4 paragraph (a), clause (1), (2), or (3); and

6.5 (3) the commissioner is not required to send the notice described in paragraph (b).

6.6 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92,
6.7 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

6.8 **EFFECTIVE DATE.** This section is effective August 1, 2019.