

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill authorizes law enforcement in cities and towns to create voluntary traffic safety diversion programs for some traffic violations following requirements established in the legislation, which provide traffic safety classes instead of citations administered by the courts.

#### Section

- 1 Information collected from local governments.** Directs the state auditor to collect fee information for local government diversions programs being authorized in the bill.
- 2 Traffic offense education diversion program data.** Provides a cross reference in the chapter of statutes on data practices to data requirements for diversion programs being authorized in the bill.
- 3 Uniform application.** Provides an exception for local government diversion programs from the general requirement of uniformity of traffic-related penalties.
- 4 [169.9991] Pretrial diversion program for certain traffic offenses.** Creates a new section of statutes authorizing local units of government to provide a voluntary diversion program for certain traffic violations, and establishes related requirements.

**Subd. 1. Definitions.** Defines terms.

**Subd. 2. Programs authorized.** Authorizes cities and towns, following specified requirements, to create a traffic safety diversion program option for regular (noncommercial) driver's license holders who commit particular violations. Identifies

## **Section**

eligible offenses, which include speeding (if over the limit by less than 15 m.p.h.), stop sign violations, following too closely, violating the text messaging ban, and various motor vehicle equipment violations. Makes the diversion program optional at the decision of the citation recipient.

**Subd. 3. Compliance with best practices.** Requires cities and towns to develop diversion programs that meet best practices developed by the Department of Public Safety.

**Subd. 4. Program best practices.** In paragraph (a), directs the Department of Public Safety to create diversion program best practices by September 15, 2014, specifies minimum items to be addressed, and mandates consultation with various organizations

In paragraph (b), caps the program fee at \$75, requires fee-setting by city or town resolution, requires reporting to the state on fees, and allocates fee revenue to the local unit of government for the diversion program and other traffic safety activities.

**Subd. 5. Surcharge.** Clarifies that the court surcharge does not apply to a diversion program fee.

**Subd. 6. Contracting with third parties.** Provides for contracting and third-party administration.

**Subd. 7. Officer's authority.** Restricts authority to refer someone to a diversion program, to only authorize licensed peace officers. Prohibits a diversion program for someone having, in a one-year period, more than two of the violations for which the diversion program option is available.

**Subd. 8. Records.** Requires recordkeeping and reporting to the Department of Public Safety.

**Subd. 9. Driving records.** Prevents citations from going on a driver's record or being used in revoking or cancelling a license, if the person successfully completes a diversion program. Provides for comprehensive incident-based reporting.

**Subd. 10. Commercial drivers' licenses and commercial vehicles; eligibility for participation.** Prevents the diversion program from including commercial vehicles and commercial license holders.

**Subd. 11. Local preemption.** Limits city and town diversion programs to the offenses identified in subdivision 2.

**Subd. 12. Data.** Makes diversion program data private data on individuals and prevents disclosure to insurance companies.

**5 Effective date.** Makes the diversion program authority effective January 15, 2015.