

- 4 **Test failure; license revocation.** Increases the driver's license DWI revocation periods following an implied consent test failure for repeat offenders. Also increases the revocation period for first-time offenders with an alcohol concentration of twice the legal limit or higher. The new revocation periods range from one year to six years. This section makes no changes to the revocation periods for first-time offenders with alcohol concentrations under twice the legal limit. This section is effective July 1, 2011.
- 5 **Revocation periods for DWI convictions.** Increases the driver's license revocation periods following a DWI conviction for a repeat offender. The new revocation periods range from two years to not less than six years. This section makes no changes to the revocation periods for first-time offenders. This section is effective July 1, 2011.
- 6 **DWI by person under 21.** Makes technical and conforming changes to language providing for driver's license revocation for DWI violators under age 21. This section is effective July 1, 2011.
- 7 **Violations involving BAC of twice the legal limit.** Provides for a minimum revocation period of one year for a violator with an alcohol concentration of twice the legal limit or more if the violator has no prior DWIs within the past ten years. Current law doubles the revocation period for a DWI violator with an alcohol concentration of 0.20 or more, regardless of prior DWIs. This section is effective July 1, 2011.
- 8 **Reinstatement of driving privileges; multiple incidents.** Prescribes conditions for license reinstatement following cancellation or denial as a result of three or more DWI incidents. Reinstatement without ignition interlock restrictions cannot occur until the person completes rehabilitation and submits verification of abstinence for a prescribed period from three to six years, as evidenced by use of ignition interlock or other approved chemical monitoring device. This section is effective July 1, 2011.
- 9 **Definitions.** Lowers from 0.20 to "twice the legal limit," the alcohol concentration that triggers plate impoundment. Makes conforming changes. This section is effective July 1, 2011.
- 10 **Driving restrictions; authority violations (B-Card).** Makes it a misdemeanor for a person with a restricted license requiring ignition interlock use, to operate, or be in physical control of a motor vehicle that is not equipped with a functioning, certified ignition interlock device. Provides that a person with a driver's license containing a restriction on the person consuming any alcohol or controlled substances (B-Card) can apply to have the restriction lifted (and a license issued not containing the restriction) if the person has not violated the abstinence condition, for the past ten years. This section is effective July 1, 2011.
- 11 **Conditions of issuance.** Prohibits the issuance of a limited driver's license to offenders who commit their second DWI within ten years or who have three DWIs in their life (but not within ten years). Allows limited licenses for first-time offenders with alcohol concentrations of less than twice the legal limit and for offenders with longer license revocation, cancellation, or denial periods due to a large number of prior DWIs. The section also allows the commissioner to issue a limited license to a person who the commissioner has good cause to believe is inimical to public safety or welfare. This section is effective July 1, 2011.
- 12 **Other waiting periods.** Eliminates the waiting period before issuance of a limited license for repeat DWI offenders. Retains the current 15-day waiting period for first-time offenders with alcohol concentrations of less than twice the legal limit. This section is effective July

1, 2011.

13 Penalty. Provides that the ignition interlock provisions in **section 14** supersede the general statutory penalty provisions for failure to comply with limited license conditions. This section is effective July 1, 2011.

14 Ignition Interlock Program. Makes numerous changes to the ignition interlock device pilot project including making it a permanent program.

Subd. 1. Definitions. Defines terms.

Subd. 2. Performance standards. Requires device manufacturers to apply annually to the Commissioner of Public Safety for certification. Manufacturers must provide installation, servicing, and monitoring to indigent participants at a discounted rate. Manufacturers must also include in an ignition interlock contract a provision limiting the liability of a program participant who cancels the contract.

Subd. 3. Program requirements. Establishes program requirements, including a written agreement by participants. Participants must be 18 or older, must pay all costs associated with the ignition interlock devices, and must bring device-equipped vehicles to an approved service provider for calibration and servicing.

Subd. 4. Issuance of restricted license. Directs the commissioner to issue a class D driver's license, subject to limitations, to a program participant, upon the participant's proof that a certified ignition interlock device has been installed and that the participant has proper insurance. Allows program participants to operate employer-owned vehicles in certain limited situations. A participant whose revocation was caused by a specified less serious level of offense may apply, without any waiting period, for conditional reinstatement, subject to ignition interlock. Participants who committed more serious levels of offenses may apply for a limited license, if the participant is enrolled in a rehabilitation program. After rehabilitation and one year of limited license use with the ignition interlock, the participant may apply for conditional reinstatement, subject to ignition interlock. The license must be canceled if the ignition interlock subsequently registers breath alcohol concentration of at least 0.02. The commissioner may determine when a participant is eligible for a full driver's license, but a license may not be reinstated until the participant's device has registered no breath alcohol concentrations of 0.02 or higher for 90 days.

Subd. 5. Penalties; program violations. Extends the revocation period for 180 days to 545 days for violation of program requirements or violation of restrictions in the limited license. The commissioner may terminate a person's participation in the interest of public safety.

Subd. 6. Penalties; tampering. Makes it a misdemeanor to knowingly allow an ignition interlock license holder to lend, rent, or lease a vehicle that is not equipped with a functioning, certified ignition interlock device. It is a misdemeanor to tamper with the device, except for emergency purposes or for repair.

Subd. 7. Venue. Addresses where criminal prosecutions related to the ignition interlock program may be prosecuted.

Subd. 8. Rulemaking. Exempts the commissioner from rulemaking in establishing performance standards, certification process, and program guidelines. The commissioner may adopt, amend, or repeal rules if necessary, under the exempt statutory process.

Subdivisions 1 to 7 are effective July 1, 2011. **Subdivision 8** is effective August 1, 2010.

- 15** **Certain violations excepted.** Excepts violations related to tampering with ignition interlock devices and driving a vehicle without an ignition interlock device when required, from statute that requires a misdemeanor to be treated as a petty misdemeanor under certain circumstances. This section is effective July 1, 2011.
- 16** **Rulemaking.** Authorizes the commissioner to adopt rules using the exempt procedures. This section is effective August 1, 2010.
- 17** **Repealer.** Repeals the following provisions:
- **169A.54, subd. 11.** Requires that a chemical test that shows alcohol concentration of 0.07 or more be recorded on a person's driver's record and may trigger chemical use assessment requirements;
 - **169A.55, subd. 1.** Allows the commissioner to terminate revocation periods early under certain circumstances;
 - **171.30, subd. 2c.** Prohibits issuance of a limited license before a doubled waiting period for a DWI or implied consent offender with alcohol concentration of 0.20 or greater; and
 - **171.305, subds. 1, 3-11.** Defines and establishes the ignition interlock pilot project.

This section is effective July 1, 2011.