

Subject Increased penalties for certain negligent driving

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Overview

Under current law, a person is guilty of criminal vehicular homicide (CVH) or criminal vehicular operation (CVO) if the person causes death or injury as the result of operating a motor vehicle:

1. in a grossly negligent manner;
2. while having an alcohol concentration over 0.08;
3. after leaving the scene of a collision that caused an injury or death;
4. after being cited by an officer for defective maintenance that created a danger to others if that defect caused the death or injury;
5. in a negligent manner while under the influence of alcohol, a controlled substance, an intoxicating substance the person knew had the capacity to cause impairment; or
6. in a negligent manner while having any amount of a controlled substance, other than marijuana, in the person's system.

This bill amends the CVH and CVO statutes to include operating a motor vehicle in a negligent manner while in violation of the use of wireless communications device statute, or when the person's license has been suspended, revoked, cancelled, or denied under certain circumstances.

Summary

Section	Description
1	<p>Criminal vehicular homicide.</p> <p>Amends criminal vehicular homicide to include situations when a person operating a motor vehicle in a negligent manner causes death while in violation of the use of wireless communications device statute, section 169.475. Further amends the statute to include situations when a person operating a motor vehicle in a negligent manner causes death while the person's license has been suspended, revoked, cancelled, or denied under certain circumstances. Those circumstances are the following:</p> <ul style="list-style-type: none">▪ 169.89, subd. 5 – failing to attend a driver improvement clinic;▪ 169A.52 – DWI-related test refusal or failure;

Section	Description
	<ul style="list-style-type: none">▪ 169A.54 – DWI-related convictions;▪ 171.05, sub. 2b(d) – instruction permit holder with moving or DWI violations;▪ 171.13, sub. 3 or 4 – suspended for being medically incompetent to drive;▪ 171.17, sub. 1(a)(1) or (10) – manslaughter convictions for CVH/CVO and driving over 100 mph.;▪ 171.177 – DWI-related test refusal or failure pursuant to a warrant;▪ 171.18, sub. 1(a)(2)(3)(3)(4)(5) or (11) – a misdemeanor traffic violation that resulted in injury or damage, habitual recklessness, being a habitual violator, having been found incompetent to drive by a court, or having failed to report a relevant medical condition;▪ 171.32 – blindness;▪ 260B.225, sub. 9 – being a juvenile major highway or water traffic offender;▪ 169.13 – careless or reckless driving;▪ 169.21 – failing to yield to pedestrians;▪ 169.444 – failing to yield to a school bus;▪ 609.19, sub. 1(2) – drive-by shooting;▪ 609.487, sub. 3-5 – fleeing a police officer in a motor vehicle; or▪ Any violation of chapter 169A – DWI provisions.
2	<p>Great bodily harm. Makes identical changes in the great bodily harm section of the criminal vehicular operation statute.</p>
3	<p>Substantial bodily harm. Makes identical changes in the substantial bodily harm section of the criminal vehicular operation statute.</p>
4	<p>Bodily harm. Makes identical changes in the bodily harm section of the criminal vehicular operation statute.</p>



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