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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 1719**

05/17/2011 Authored by Gauthier, Smith, Johnson and Slocum

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

02/22/2012 By motion, recalled and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

03/05/2012 Adoption of Report: Pass and re-referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; adding the term drug and modifying the term hazardous  
1.3 substance for driving while impaired crimes; amending Minnesota Statutes 2010,  
1.4 sections 169A.03, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c;  
1.5 repealing Minnesota Statutes 2010, section 169A.03, subdivision 9.

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

1.7 Section 1. Minnesota Statutes 2010, section 169A.03, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 7a. **Drug.** "Drug" has the meaning given in section 152.01, subdivision 2.

1.10 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
1.11 committed on or after that date.

1.12 Sec. 2. Minnesota Statutes 2010, section 169A.20, subdivision 1, is amended to read:

1.13 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for  
1.14 any person to drive, operate, or be in physical control of any motor vehicle, as defined  
1.15 in section 169A.03, subdivision 15, except for motorboats in operation and off-road  
1.16 recreational vehicles, within this state or on any boundary water of this state when:

1.17 (1) the person is under the influence of alcohol;

1.18 (2) the person is under the influence of a controlled substance or a drug;

1.19 (3) the person is knowingly under the influence of a ~~hazardous~~ substance that  
1.20 affects the nervous system, brain, or muscles of the person so as to substantially impair  
1.21 the person's ability to drive or operate the motor vehicle;

1.22 (4) the person is under the influence of a combination of any two or more of the  
1.23 elements named in clauses (1) to (3);

2.1 (5) the person's alcohol concentration at the time, or as measured within two hours  
 2.2 of the time, of driving, operating, or being in physical control of the motor vehicle is  
 2.3 0.08 or more;

2.4 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration  
 2.5 at the time, or as measured within two hours of the time, of driving, operating, or being in  
 2.6 physical control of the commercial motor vehicle is 0.04 or more; or

2.7 (7) the person's body contains any amount of a controlled substance listed in  
 2.8 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
 2.10 committed on or after that date.

2.11 Sec. 3. Minnesota Statutes 2010, section 169A.20, subdivision 1a, is amended to read:

2.12 Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime  
 2.13 for any person to operate or be in physical control of a motorboat in operation on any  
 2.14 waters or boundary water of this state when:

2.15 (1) the person is under the influence of alcohol;

2.16 (2) the person is under the influence of a controlled substance or a drug;

2.17 (3) the person is knowingly under the influence of a ~~hazardous~~ substance that affects  
 2.18 the nervous system, brain, or muscles of the person so as to substantially impair the  
 2.19 person's ability to drive or operate the motorboat;

2.20 (4) the person is under the influence of a combination of any two or more of the  
 2.21 elements named in clauses (1) to (3);

2.22 (5) the person's alcohol concentration at the time, or as measured within two hours  
 2.23 of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or  
 2.24 more; or

2.25 (6) the person's body contains any amount of a controlled substance listed in  
 2.26 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
 2.28 committed on or after that date.

2.29 Sec. 4. Minnesota Statutes 2010, section 169A.20, subdivision 1b, is amended to read:

2.30 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It  
 2.31 is a crime for any person to operate or be in physical control of a snowmobile as defined in  
 2.32 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision  
 2.33 8, anywhere in this state or on the ice of any boundary water of this state when:

- 3.1 (1) the person is under the influence of alcohol;
- 3.2 (2) the person is under the influence of a controlled substance or a drug;
- 3.3 (3) the person is knowingly under the influence of a ~~hazardous~~ substance that affects
- 3.4 the nervous system, brain, or muscles of the person so as to substantially impair the
- 3.5 person's ability to drive or operate the snowmobile or all-terrain vehicle;
- 3.6 (4) the person is under the influence of a combination of any two or more of the
- 3.7 elements named in clauses (1) to (3);
- 3.8 (5) the person's alcohol concentration at the time, or as measured within two hours
- 3.9 of the time, of driving, operating, or being in physical control of the snowmobile or
- 3.10 all-terrain vehicle is 0.08 or more; or
- 3.11 (6) the person's body contains any amount of a controlled substance listed in
- 3.12 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

3.13 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes

3.14 committed on or after that date.

3.15 Sec. 5. Minnesota Statutes 2010, section 169A.20, subdivision 1c, is amended to read:

3.16 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**

3.17 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway

3.18 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined

3.19 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary

3.20 water of this state when:

- 3.21 (1) the person is under the influence of alcohol;
- 3.22 (2) the person is under the influence of a controlled substance or a drug;
- 3.23 (3) the person is knowingly under the influence of a ~~hazardous~~ substance that affects
- 3.24 the nervous system, brain, or muscles of the person so as to substantially impair the
- 3.25 person's ability to drive or operate the off-highway motorcycle or off-road vehicle;
- 3.26 (4) the person is under the influence of a combination of any two or more of the
- 3.27 elements named in clauses (1) to (3);
- 3.28 (5) the person's alcohol concentration at the time, or as measured within two hours of
- 3.29 the time, of driving, operating, or being in physical control of the off-highway motorcycle
- 3.30 or off-road vehicle is 0.08 or more; or
- 3.31 (6) the person's body contains any amount of a controlled substance listed in
- 3.32 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

3.33 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes

3.34 committed on or after that date.

4.1 Sec. 6. **REPEALER.**

4.2 Minnesota Statutes 2010, section 169A.03, subdivision 9, is repealed.

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2012.

APPENDIX  
Repealed Minnesota Statutes: 11-3397

**169A.03 DEFINITIONS.**

Subd. 9. **Hazardous substance.** "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182 (occupational safety and health).