

## CHAPTER 622 — S.F.No. 1336

*An act relating to crimes; prohibiting the operation of a motor vehicle by a person having an alcohol concentration of 0.10 or more; providing for mandatory testing of a driver suspected of driving under the influence of alcohol; providing for revocation of driver's license for one year upon refusal to submit to a test for alcohol; clarifying certain penalties; providing increased license revocation penalties for minors committing alcohol related traffic offenses or for persons under 19 attempting to purchase alcoholic beverages; providing for enhanced penalties for adults convicted of driving under the influence of alcohol if there are prior similar juvenile adjudications; providing that prohibitions against careless and reckless driving apply in certain parking lots and driveways; clarifying provisions of the hit and run law; providing for issuance of limited licenses; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.121, subdivision 4; 169.123, subdivision 4, 5a, and by adding a subdivision; 169.13, subdivision 3; 171.16, subdivision 5; 171.24; 171.30, subdivision 1; 260.195, subdivision 3; 340.035; 340.731; 340.732; Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivisions 1, 1a, 2, and 3; 169.123, subdivisions 2 and 6; 609.21, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 169.123, subdivision 9; proposing new law coded in Minnesota Statutes, chapter 171.*

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

Section 1. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 1, is amended to read:

Subdivision 1. **DRIVER TO STOP.** The driver of any vehicle involved in an accident resulting in immediately demonstrable bodily injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Sec. 2. Minnesota Statutes 1982, section 169.09, subdivision 4, is amended to read:

Subd. 4. **COLLISION WITH UNATTENDED VEHICLE.** The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, shall report the same to a police officer, or shall leave in a conspicuous place in or secured to the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 3. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 14, is amended to read:

Subd. 14. **PENALTIES.** (a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both; or

(2) If the accident results in substantial bodily ~~injury~~ harm to any person, as defined in section 609.02, subdivision § 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both;

(2) If the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both; or

(3) If the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) (c) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 and who did not cause the accident or who violates subdivision 2 is guilty of a gross misdemeanor, and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$1,000 ~~\$3,000~~, or both.

(e)(d) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(d)(e) Any person who violates subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 4. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 15, is amended to read:

Subd. 15. **DEFENSE.** It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person suffering substantial immediately demonstrable bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives

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notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Sec. 5. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1, is amended to read:

Subdivision 1. **CRIME.** It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); ~~or~~
- (d) When the person's alcohol concentration is 0.10 or more ; or
- (e) When the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 6. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1a, is amended to read:

Subd. 1a. **ARREST.** ~~When an accident has occurred,~~ A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Sec. 7. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 2, is amended to read:

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Subd. 2. **EVIDENCE.** Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis of it, ~~if the test is taken voluntarily or pursuant to section 169.123.~~

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

~~For purposes of this section and section 169.123, the result of an evidentiary test administered within two hours of the alleged violation is deemed to be the alcohol concentration at the time of the violation. If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e) that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.~~

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation.

Sec. 8. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. **CRIMINAL PENALTIES.** A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity with it within five years of a prior conviction under this section, section 169.129, or an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with ~~it~~ either of them; and

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(b) A person who violates this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.129, ~~or~~ an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with ~~it~~ either of them.

For purposes of this subdivision, a prior juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is a prior conviction.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 9. Minnesota Statutes 1982, section 169.121, subdivision 4, is amended to read:

Subd. 4. **PENALTIES.** A person convicted of violating this section shall have his driver's license or operating privileges revoked by the commissioner of public safety as follows:

(a) First offense: not less than 30 days;

(b) Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(c) Third offense in less than five years: not less than one year, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(d) Fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

If the person convicted of violating this section is under the age of 18 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under clauses (a) to (d) for the offense committed, whichever is the greatest period.

For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

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Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is not subject to the mandatory revocation provisions of clause (a) or (b).

Sec. 10. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

**Subd. 2. IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. ~~No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.~~

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(1) (2) that if testing is refused, the person's right to drive will be revoked for a minimum period of six months one year or, if the person is under the age of 18 years, for a period of one year or until he or she reaches the age of 18 years, whichever is greater;

(2) (3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater;

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

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(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by a person of his own choosing; and

(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.

Sec. 11. Minnesota Statutes 1982, section 169.123, is amended by adding a subdivision to read:

Subd. 2c. CONSENT OF PERSON INCAPABLE OF REFUSAL NOT WITHDRAWN. A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 2 and the test may be given.

Sec. 12. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE. If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed ~~reasonable and~~ probable grounds cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of ~~six months~~ one year. If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or his or her nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater. Upon certification by the peace officer that there existed ~~reasonable and~~ probable grounds cause to believe the person had been driving, operating or in physical control of a motor vehicle while

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under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 13. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. **PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.** On behalf of the commissioner of public safety a peace officer ~~offering~~ requiring a chemical test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 14. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 6, is amended to read:

Subd. 6. **HEARING.** A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pre-trial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

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(1) whether the peace officer had ~~reasonable and probable grounds~~ cause to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and whether the person was lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, and whether the testing method used was valid and reliable, and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, his refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order either that the revocation be rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for his further action if the license or permit is not already in the commissioner's possession.

Sec. 15. Minnesota Statutes 1982, section 169.13, subdivision 3, is amended to read:

Subd. 3. **APPLICATION.** The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section:

(1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or

(2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting such a parking lot with a street or highway.

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Sec. 16. Minnesota Statutes 1982, section 171.16, subdivision 5, is amended to read:

Subd. 5. **JUVENILE COURT.** When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, and except traffic offenses involving a violation of section 169.121, such judge, or duly authorized agent, shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing.

Sec. 17. Minnesota Statutes 1982, section 171.24, is amended to read:

**171.24 VIOLATIONS, MISDEMEANORS; EXCEPTIONS; DRIVING AFTER REVOCATION, SUSPENSION, OR CANCELLATION.**

Any person whose driver's license or driving privilege has been cancelled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, upon the highways in this state while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless such violation is by any law declared to be a felony or a gross misdemeanor.

Notice of revocation, suspension, or cancellation is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, or cancellation would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 18. **[171.241] VIOLATIONS; MISDEMEANORS.**

It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless the violation is declared by any law to be a felony or gross misdemeanor, or the violation is declared by a section of this chapter to be a misdemeanor.

Sec. 19. Minnesota Statutes 1982, section 171.30, subdivision 1, is amended to read:

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Subdivision 1. **ISSUANCE.** In any case where a person's license has been suspended under section 171.18 or revoked under sections 169.121, 169.123, or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at his own discretion issue a limited license to the driver under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license; or

(2) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in his possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

Sec. 20. Minnesota Statutes 1982, section 260.195, subdivision 3, is amended to read:

Subd. 3. **DISPOSITIONS.** If the juvenile court finds that a child is a juvenile alcohol or controlled substance offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or
- (d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or
- (e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

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In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340.731, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 30 days.

None of the dispositional alternatives described in this subdivision clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 21. Minnesota Statutes 1982, section 340.035, is amended to read:

**340.035 PERSONS UNDER 19 YEARS; PENALTY.**

Subdivision 1. It is unlawful for any:

(1) Licensee or his employee to permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises except as provided in paragraph (5);

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of 19 years to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of 19 years to possess any non-intoxicating malt liquor, with intent to consume it at a place other than the household of his parent or guardian.

Subd. 2. A person violating any provision of this section is guilty of a misdemeanor.

Sec. 22. Minnesota Statutes 1982, section 340.731, is amended to read:

**340.731 PERSONS UNDER 19 YEARS, FORBIDDEN ACTS OR STATEMENTS.**

It shall be unlawful for (1) a person under the age of 19 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume; or

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(2) a person under the age of 19 years to ~~consume any intoxicating liquor or to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor or non-intoxicating malt liquor;~~ or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of 19 years; or

(4) a person under the age of 19 years to have in his or her possession any intoxicating liquor or non-intoxicating malt liquor, with intent to consume same at a place other than the household of his or her parent or guardian. Possession of such intoxicating liquor or non-intoxicating malt liquor at a place other than the household of his or her parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his or her parent or guardian; or

(5) a person under the age of 19 years to consume any intoxicating liquor or non-intoxicating malt liquor unless in the household of his or her parent or guardian and with the consent of his or her parent or guardian.

Sec. 23. Minnesota Statutes 1982, section 340.732, is amended to read:

**340.732 VIOLATIONS, PENALTIES.**

Any person who ~~shall violate~~ violates any provision of section 340.731 ~~shall be deemed is~~ guilty of a misdemeanor ~~and upon conviction thereof shall be punished accordingly.~~

In addition, any person under the age of 19 years who is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340.731 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 30 days if the person used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage.

Sec. 24. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 1, is amended to read:

Subdivision 1. **RESULTING IN DEATH.** ~~Whoever, as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence of alcohol or a controlled substance as defined in section 169.121, subdivision 1, causes the death of a human being not constituting murder or manslaughter is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both. Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,~~

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(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 25. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 2, is amended to read:

Subd. 2. **RESULTING IN INJURY.** Whoever, as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence of alcohol or a controlled substance as defined in section 169.121, subdivision 1, causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000 or both. Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or

(3) in a negligent manner while having an alcohol concentration of 0.10 or more,

is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000, or both.

Sec. 26. **REPEALER.**

Minnesota Statutes 1982, section 169.123, subdivision 9, is repealed.

Sec. 27. **EFFECTIVE DATE.**

Sections 1 to 26 are effective August 31, 1984 and apply to offenses committed on or after that date.

Approved May 2, 1984

Changes or additions are indicated by underline, deletions by ~~strikeout~~.