

system used by the registrar. Any person currently using plates issued pursuant to subdivision 1a, 1b, 1c or 1d shall return those plates to the registrar before substituting original plates. The registrar may charge a fee for registering the number on original plates.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 4:16 p.m.

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## CHAPTER 346—S.F.No. 1797

*An act relating to drivers' licenses; providing that certain license suspensions are not effective until 14 days after notice has been mailed to the licensee; restricting authority to suspend driver's license for petty misdemeanor traffic violations; amending Minnesota Statutes 1994, sections 169.797, by adding a subdivision; 169.92, subdivision 4; 170.24; 171.09; 171.16, by adding a subdivision; 171.18, subdivision 2; and 171.182, subdivision 3; Minnesota Statutes 1995 Supplement, section 171.18, subdivision 1.*

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

Section 1. Minnesota Statutes 1994, section 169.797, is amended by adding a subdivision to read:

Subd. 7. NOTICE OF SUSPENSION. A driver's license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Sec. 2. Minnesota Statutes 1994, section 169.92, subdivision 4, is amended to read:

Subd. 4. **SUSPENSION OF DRIVER'S LICENSE.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court. If the commissioner does not receive notice of the appearance in the appropriate court or payment of the fine within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license shall remain suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

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Sec. 3. Minnesota Statutes 1994, section 170.24, is amended to read:

**170.24 SUSPENSION OF LICENSE FOR NEGLIGENCE TO REPORT ACCIDENT.**

The commissioner may suspend the license, or any nonresident's operating privilege, of any person who willfully fails, refuses or neglects to make report of a traffic accident as required by the laws of this state. A license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Sec. 4. Minnesota Statutes 1994, section 171.09, is amended to read:

**171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS.**

The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of such the license, suspend or revoke the same, ~~but the licensee shall be entitled to a hearing, as provided herein license.~~ A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

It shall be is unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person.

Sec. 5. Minnesota Statutes 1994, section 171.16, is amended by adding a subdivision to read:

Subd. 6. NOTICE OF SUSPENSION. A suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Sec. 6. Minnesota Statutes 1995 Supplement, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **OFFENSES.** The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

- (1) has committed an offense for which mandatory revocation of license is required upon conviction;
- (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;
- (3) is an habitually reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

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(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4; or

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 7. Minnesota Statutes 1994, section 171.18, subdivision 2, is amended to read:

Subd. 2. **NOTICE.** ~~Upon suspending a driver's license under this section, The department shall immediately notify may not suspend a driver's license until 14 days after the date on which the department mails to the licensee, in writing, by depositing in the United States post office a written notice of the department's intent to suspend the license, addressed to the licensee at the licensee's last known address, with postage prepaid. Suspension of a driver's license shall take effect immediately upon a finding by the commissioner, based on department records or other sufficient evidence, that a delay in the effectiveness of the suspension poses a threat to public safety. The department shall immediately notify the licensee of the suspension by mail, addressed to the licensee's last known address, with postage prepaid.~~

Sec. 8. Minnesota Statutes 1994, section 171.182, subdivision 3, is amended to read:

Subd. 3. **CONDITIONS.** The commissioner, upon receipt of a certified copy of a judgment, shall ~~forthwith~~ suspend the license or the nonresident's operating privilege, of the person against whom judgment was rendered if:

(a) At the time of the accident the person did not maintain the reparation security required by section 65B.48, and

(b) The judgment has not been satisfied.

Suspensions under this section are subject to the notice requirements of section 171.18, subdivision 2.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 4:22 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.