

A bill for an act

relating to traffic regulations; providing that certain misdemeanor traffic offenses do not constitute grounds for revocation or suspension of a person's driver's license; amending Minnesota Statutes 2006, sections 169.13, subdivision 2; 169.791, subdivisions 2, 6; 169.792, subdivision 7; 169.89, subdivision 1; 169A.35, subdivisions 2, 3, 4; 171.08; 171.24, subdivisions 1, 2, 3.

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

Section 1. Minnesota Statutes 2006, section 169.13, subdivision 2, is amended to read:

Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor. A violation of this subdivision that results in an accident or injury to a person other than the driver is a misdemeanor.

Sec. 2. Minnesota Statutes 2006, section 169.791, subdivision 2, is amended to read:

Subd. 2. **Requirement for driver, whether or not owner.** (a) Every driver shall have in possession at all times when operating a vehicle and shall produce on demand of a peace officer proof of insurance in force at the time of the demand covering the vehicle being operated. If the driver does not produce the required proof of insurance upon the demand of a peace officer, the driver is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.797, or a statute or ordinance in conformity with one of those sections. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. A driver who is not the owner of the vehicle may

H.F. No. 3724, as introduced - 2007-2008th Legislative Session (2007-2008)

not be convicted under this section unless the driver knew or had reason to know that the owner did not have proof of insurance required by this section, provided that the driver provides the officer with the name and address of the owner at the time of the demand or complies with subdivision 3.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 3. Minnesota Statutes 2006, section 169.791, subdivision 6, is amended to read:

Subd. 6. **Penalty.** In addition to any sentence of imprisonment that the court may impose, the court shall impose a fine of not less than \$200 nor more than the maximum fine applicable to misdemeanors upon a nonpetty misdemeanor conviction under this section. The court may allow community service in lieu of any fine imposed if the defendant is indigent. ~~In addition to criminal penalties, A person convicted under of a~~ nonpetty misdemeanor violation of this section is not subject to revocation of a driver's license or permit to drive under section 169.792, subdivision 7, and to revocation of motor vehicle registration under section 169.792, subdivision 12.

Sec. 4. Minnesota Statutes 2006, section 169.792, subdivision 7, is amended to read:

Subd. 7. **License revocation.** Upon receiving the notification under subdivision ~~6 or notification of a conviction for violation of section 169.791,~~ the commissioner shall not revoke the person's driver's license or permit to drive. ~~The revocation shall be effective beginning 14 days after the date of notification by the district court administrator or officer to the Department of Public Safety. In order to be revoked, notice must have been mailed to the person by the commissioner at least ten days before the effective date of the revocation. If the person, before the effective date of the revocation, provides the commissioner with the proof of insurance or other verifiable insurance information as determined by the commissioner, establishing that the required insurance covered the vehicle at the time of the original demand, the revocation must not become effective. Revocation based upon receipt of a notification under subdivision 6 must be carried out regardless of the status or disposition of any related criminal charge. The person's driver's license or permit to drive shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision 4, paragraph (c), including any rules adopted under that paragraph, or (ii) until the driver or owner files proof of insurance with the Department of Public Safety satisfactory to the commissioner of public safety. A license must not be revoked more than once based upon the same demand for proof of insurance.~~

H.F. No. 3724, as introduced - 2007-2008th Legislative Session (2007-2008)

Sec. 5. Minnesota Statutes 2006, section 169.89, subdivision 1, is amended to read:

Subdivision 1. **Violation; when petty misdemeanor enhanced to misdemeanor.**

Unless otherwise declared in this chapter with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter; ~~except that:~~

~~(1) a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or~~

~~(2) exclusive of violations relating to the standing or parking of an unattended vehicle, a violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, when preceded by two or more petty misdemeanor convictions within the immediate preceding 12-month period;~~

~~is a misdemeanor to which the provisions of subdivision 2 shall not apply.~~

Sec. 6. Minnesota Statutes 2006, section 169A.35, subdivision 2, is amended to read:

Subd. 2. **Drinking and consumption; crime described.** (a) It is a crime for a person to drink or consume an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor in a motor vehicle when the vehicle is upon a street or highway.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 7. Minnesota Statutes 2006, section 169A.35, subdivision 3, is amended to read:

Subd. 3. **Possession; crime described.** (a) It is a crime for a person to have in possession, while in a private motor vehicle upon a street or highway, any bottle or receptacle containing an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 8. Minnesota Statutes 2006, section 169A.35, subdivision 4, is amended to read:

Subd. 4. **Liability of nonpresent owner; crime described.** (a) It is a crime for the owner of any private motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when the vehicle is upon a street or highway any bottle or receptacle containing an alcoholic beverage, distilled

H.F. No. 3724, as introduced - 2007-2008th Legislative Session (2007-2008)

spirit, or 3.2 percent malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 9. Minnesota Statutes 2006, section 171.08, is amended to read:

171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.

(a) Every licensee shall have the license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of a peace officer, an authorized representative of the department, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways. Unless the person is the holder of a limited license issued under section 171.30, no person charged with violating the possession requirement shall be convicted if the person produces in court or the office of the arresting officer a driver's license previously issued to that person for the class of vehicle being driven which was valid at the time of ~~arrest~~ citation or satisfactory proof that at the time of the ~~arrest~~ citation the person was validly licensed for the class of vehicle being driven. The licensee shall also, upon request of any officer, write the licensee's name in the presence of the officer to determine the identity of the licensee. A violation of this section is a misdemeanor.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this section does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 10. Minnesota Statutes 2006, section 171.24, subdivision 1, is amended to read:

Subdivision 1. **Driving after suspension; ~~misdemeanor penalty~~.** (a) Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been suspended;
 - (2) the person has been given notice of or reasonably should know of the suspension;
- and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is suspended.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

H.F. No. 3724, as introduced - 2007-2008th Legislative Session (2007-2008)

Sec. 11. Minnesota Statutes 2006, section 171.24, subdivision 2, is amended to read:

Subd. 2. **Driving after revocation; misdemeanor.** (a) A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been revoked;

(2) the person has been given notice of or reasonably should know of the revocation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 12. Minnesota Statutes 2006, section 171.24, subdivision 3, is amended to read:

Subd. 3. **Driving after cancellation; misdemeanor.** (a) A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been canceled;

(2) the person has been given notice of or reasonably should know of the cancellation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

(b) Notwithstanding any other law to the contrary, a misdemeanor violation of this subdivision does not constitute grounds for the revocation or suspension of the person's driver's license.

Sec. 13. **EFFECTIVE DATE.**

Sections 1 to 12 are effective August 1, 2008, and apply to crimes committed on or after that date.