

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 432

(SENATE AUTHORS: INGEBRIGTSEN, Latz, Dibble, Howe and Rarick)

DATE	D-PG	OFFICIAL STATUS
01/28/2021	190	Introduction and first reading Referred to Transportation Finance and Policy
02/01/2021	223	Author added Latz
02/15/2021	400	Authors added Dibble; Howe; Rarick
02/22/2021	470a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
03/18/2021	971	Comm report: To pass and re-referred to Transportation Finance and Policy See First Special Session 2021, HF10, Art. 4, Sec. 67, 77-80, 84, 119, 149

1.1 A bill for an act

1.2 relating to public safety; modifying the commissioner of public safety's authority

1.3 to suspend drivers' licenses in certain situations; providing for retroactive driver's

1.4 license reinstatement in certain instances; making technical changes; requiring a

1.5 report; amending Minnesota Statutes 2020, sections 169.92, subdivision 4; 171.16,

1.6 subdivisions 2, 3, by adding a subdivision; 171.18, subdivision 1; 480.15, by adding

1.7 a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

1.9 Section 1. Minnesota Statutes 2020, section 169.92, subdivision 4, is amended to read:

1.10 Subd. 4. ~~Suspension of driver's license~~ Failure to appear. (a) Upon receiving a report

1.11 from the court, or from the driver licensing authority of a state, district, territory, or

1.12 possession of the United States or a province of a foreign country which has an agreement

1.13 in effect with this state pursuant to section 169.91, that a resident of this state or a person

1.14 licensed as a driver in this state did not appear in court in compliance with the terms of a

1.15 citation, the commissioner of public safety shall notify the driver that the driver's license

1.16 will be suspended unless the commissioner receives notice within 30 days that the driver

1.17 has appeared in the appropriate court ~~or, if the offense is a petty misdemeanor for which a~~

1.18 ~~guilty plea was entered under section 609.491, that the person has paid any fine imposed~~

1.19 ~~by the court~~. If the commissioner does not receive notice of the appearance in the appropriate

1.20 court or payment of the fine within 30 days of the date of the commissioner's notice to the

1.21 driver, the commissioner may suspend the driver's license, subject to the notice requirements

1.22 of section 171.18, subdivision 2. Notwithstanding the requirements in this subdivision, the

1.23 commissioner is prohibited from suspending the driver's license of a person based solely

1.24 on the fact that the person did not appear in court (1) in compliance with the terms of a

1.25 citation for a petty misdemeanor, or (2) for a violation of section 171.24, subdivision 1.

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

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

2.9 Sec. 2. Minnesota Statutes 2020, section 171.16, subdivision 2, is amended to read:

2.10 Subd. 2. ~~Commissioner shall suspend~~ **Suspension on conviction.** (a) The court may
 2.11 recommend the suspension of the driver's license of the person so convicted, and, subject
 2.12 to the limitations in this section, the commissioner shall suspend such license as
 2.13 recommended by the court, without a hearing as provided herein.

2.14 (b) The commissioner is prohibited from suspending a person's driver's license if the
 2.15 person was convicted only under section 171.24, subdivision 1 or 2.

2.16 Sec. 3. Minnesota Statutes 2020, section 171.16, subdivision 3, is amended to read:

2.17 Subd. 3. ~~Suspension for Failure to pay fine. When any court reports to~~ The
 2.18 commissioner is prohibited from suspending a person's driver's license based solely on the
 2.19 fact that a person: (1) has been convicted of violating a law of this state or an ordinance of
 2.20 a political subdivision which regulates the operation or parking of motor vehicles, (2) has
 2.21 been sentenced to the payment of a fine or had a surcharge levied against that person, or
 2.22 sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to
 2.23 comply with that sentence or to pay the surcharge, notwithstanding the fact that the court
 2.24 has determined that the person has the ability to pay the fine or surcharge, the commissioner
 2.25 shall suspend the driver's license of such person for 30 days for a refusal or failure to pay
 2.26 or until notified by the court that the fine or surcharge, or both if a fine and surcharge were
 2.27 not paid, has been paid.

2.28 Sec. 4. Minnesota Statutes 2020, section 171.16, is amended by adding a subdivision to
 2.29 read:

2.30 Subd. 7. Suspension under reciprocal agreement. (a) For purposes of this subdivision:

3.1 (1) "issuing jurisdiction" means a state, district, territory, or possession of the United
3.2 States or a province of a foreign country which has an agreement in effect with this state
3.3 pursuant to the nonresident violator compact; and

3.4 (2) "traffic violation" means a violation of a traffic regulation relating to the operation
3.5 of a motor vehicle, and excludes a parking, vehicle equipment, or vehicle weight limit
3.6 violation.

3.7 (b) Notwithstanding subdivision 3, the commissioner may suspend the driver's license
3.8 of a person licensed in this state upon receiving a report from an issuing jurisdiction that
3.9 the person:

3.10 (1) did not appear in court in compliance with the terms of a citation for a traffic violation
3.11 that, if committed in this state, is a petty misdemeanor or a violation under section 171.24,
3.12 subdivision 1 or 2; or

3.13 (2) is convicted of a traffic violation, is subject to a fine or surcharge, and has failed to
3.14 pay the fine or surcharge.

3.15 (c) A suspension is authorized under this subdivision only as necessary to conform with
3.16 the requirements of the nonresident violator compact.

3.17 (d) A suspension under this subdivision is subject to the notice requirements under
3.18 section 171.18, subdivision 2.

3.19 Sec. 5. Minnesota Statutes 2020, section 171.18, subdivision 1, is amended to read:

3.20 Subdivision 1. **Offenses.** (a) Subject to section 171.16, the commissioner may suspend
3.21 the license of a driver without preliminary hearing upon a showing by department records
3.22 or other sufficient evidence that the licensee:

3.23 (1) has committed an offense for which mandatory revocation of license is required upon
3.24 conviction;

3.25 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
3.26 regulating traffic, other than a conviction for a petty misdemeanor, and department records
3.27 show that the violation contributed in causing an accident resulting in the death or personal
3.28 injury of another, or serious property damage;

3.29 (3) is an habitually reckless or negligent driver of a motor vehicle;

3.30 (4) is an habitual violator of the traffic laws;

3.31 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

4.1 (6) has permitted an unlawful or fraudulent use of the license;

4.2 (7) has committed an offense in another state that, if committed in this state, would be
4.3 grounds for suspension;

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

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

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

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

4.12 (12) has been found to have committed an offense under section 169A.33; or

4.13 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
4.14 by means of a dishonored check issued to the state or a driver's license agent, which must
4.15 be continued until the registrar determines or is informed by the agent that the dishonored
4.16 check has been paid in full.

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

4.19 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
4.20 of an individual ~~under paragraph (a) who was convicted of~~ who meets any of the conditions
4.21 described in paragraph (a) due to a conviction for a violation of section 171.24, subdivision
4.22 1, whose license was under suspension at the time solely because of the individual's failure
4.23 to appear in court or failure to pay a fine or 2.

4.24 Sec. 6. **[171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS;**
4.25 **REPORTS.**

4.26 Subdivision 1. Issuance, suspensions, and revocations. (a) Annually by February 15,
4.27 the commissioner of public safety must report to the chairs and ranking minority members
4.28 of the legislative committees with jurisdiction over public safety and transportation on the
4.29 status of drivers' licenses issued, suspended, and revoked. The commissioner must make
4.30 the report available on the department's website.

4.31 (b) At a minimum, the report must include:

5.1 (1) the total number of drivers' licenses issued, suspended, and revoked as of January 1
5.2 of the year the report is submitted, broken down by county;

5.3 (2) for each of the previous eight calendar years, the total number of drivers' licenses
5.4 suspended and the number of suspended licenses reinstated; and

5.5 (3) for each of the previous eight calendar years, the total number of drivers' licenses
5.6 revoked and the number of revoked licenses reinstated.

5.7 (c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each
5.8 type of suspension or revocation authorized by statute or rule and include the number of
5.9 licenses suspended or revoked for each type.

5.10 Subd. 2. **Charges, convictions, and fines.** (a) Annually by February 15, the state court
5.11 administrator must report to the chairs and ranking minority members of the legislative
5.12 committees with jurisdiction over public safety and transportation on (1) charges and
5.13 convictions for driving after suspension or revocation, and (2) payment of fines for violations
5.14 related to operation of a motor vehicle. The administrator must make the report available
5.15 on the state court's website.

5.16 (b) At a minimum, the report must include:

5.17 (1) for each of the previous eight calendar years, the number of charges under section
5.18 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating
5.19 whether the court appointed the public defender to represent the defendant;

5.20 (2) for each of the previous eight calendar years, the number of convictions under section
5.21 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and
5.22 indicating whether the court appointed the public defender to represent the defendant; and

5.23 (3) for the past calendar year, for all charges on violations related to the operation of a
5.24 motor vehicle and included on the uniform fine schedule authorized under section 609.101,
5.25 subdivision 4, the percentage of fines, broken down by whether the court appointed the
5.26 public defender to represent the defendant, that:

5.27 (i) were paid in full by the due date on the citation;

5.28 (ii) were paid in full through a payment plan;

5.29 (iii) accrued late charges;

5.30 (iv) were sent to court collections; and

5.31 (v) were sent to the Department of Revenue for collection.

6.1 Sec. 7. Minnesota Statutes 2020, section 480.15, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator
6.4 shall collect, compile, and report the data on (1) charges and convictions for driving after
6.5 suspension or revocation, and (2) payment of fines for violations related to operation of a
6.6 motor vehicle, as required under section 171.325.

6.7 Sec. 8. **REVISOR'S INSTRUCTION.**

6.8 The revisor of statutes shall recodify Minnesota Statutes, section 169.92, subdivision 4,
6.9 as Minnesota Statutes, section 171.16, subdivision 3a. The revisor shall correct any
6.10 cross-references made necessary by this recodification.