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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 179

- 01/12/2017 Authored by Scott, Nash, Lesch, Peterson, Drazkowski and others
- The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
- 02/20/2017 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Security Policy and Finance
- 02/27/2017 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy
- 03/06/2017 Adoption of Report: Re-referred to the Committee on Transportation and Regional Governance Policy
- 03/09/2017 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance
- 03/15/2017 Adoption of Report: Re-referred to the Committee on Ways and Means
- 05/04/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time

1.1 A bill for an act

1.2 relating to public safety; amending ignition interlock performance standards;

1.3 prohibiting use of devices enabled with location tracking capabilities; amending

1.4 rulemaking authority; amending Minnesota Statutes 2016, section 171.306,

1.5 subdivisions 1, 2, 3, 8.

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

1.7 Section 1. Minnesota Statutes 2016, section 171.306, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have

1.9 the meanings given them.

1.10 (b) "Ignition interlock device" or "device" means equipment that is designed to measure

1.11 breath alcohol concentration and to prevent a motor vehicle's ignition from being started

1.12 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

1.13 (c) "Location tracking capabilities" means the ability of an electronic or wireless device

1.14 to identify and transmit its geographic location through the operation of the device.

1.15 ~~(e)~~(d) "Program participant" means a person who has qualified to take part in the ignition

1.16 interlock program under this section, and whose driver's license has been:

1.17 (1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision

1.18 1, clause (10); or

1.19 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended

1.20 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item

1.21 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision

1.22 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or

1.23 (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm.

2.1 ~~(d)~~ (e) "Qualified prior impaired driving incident" has the meaning given in section
2.2 169A.03, subdivision 22.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.4 Sec. 2. Minnesota Statutes 2016, section 171.306, subdivision 2, is amended to read:

2.5 Subd. 2. **Performance standards; certification; manufacturer and provider**
2.6 **requirements.** (a) The commissioner shall establish performance standards and a process
2.7 for certifying devices used in the ignition interlock program, except that the commissioner
2.8 may not establish standards that, directly or indirectly, require devices to use or enable
2.9 location tracking capabilities without a court order.

2.10 (b) The manufacturer of a device must apply annually for certification of the device by
2.11 submitting the form prescribed by the commissioner. The commissioner shall require
2.12 manufacturers of certified devices to:

2.13 (1) provide device installation, servicing, and monitoring to indigent program participants
2.14 at a discounted rate, according to the standards established by the commissioner; and

2.15 (2) include in an ignition interlock device contract a provision that a program participant
2.16 who voluntarily terminates participation in the program is only liable for servicing and
2.17 monitoring costs incurred during the time the device is installed on the motor vehicle,
2.18 regardless of whether the term of the contract has expired.

2.19 (c) The manufacturer of a certified device must include with an ignition interlock device
2.20 contract a separate notice to the program participant regarding any location tracking
2.21 capabilities of the device.

2.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.23 Sec. 3. Minnesota Statutes 2016, section 171.306, subdivision 3, is amended to read:

2.24 Subd. 3. **Program requirements.** (a) The commissioner shall establish guidelines for
2.25 participation in the ignition interlock program. A person who seeks to participate in the
2.26 program shall sign a written acknowledgment that the person has received, reviewed, and
2.27 agreed to abide by the program guidelines.

2.28 (b) The commissioner must enter a notation on a person's driving record to indicate that
2.29 the person is a program participant.

2.30 (c) A person under the age of 18 years is not eligible to be a program participant.

3.1 (d) A program participant shall pay costs associated with an ignition interlock device
3.2 on every motor vehicle that the participant operates or intends to operate.

3.3 (e) A program participant shall participate in any treatment recommended in a chemical
3.4 use assessment report.

3.5 (f) A program participant shall bring the device-equipped motor vehicle or vehicles
3.6 operated by the program participant to an approved service provider for device calibration
3.7 and servicing according to the schedule established by the commissioner and as indicated
3.8 by the ignition interlock device.

3.9 (g) The commissioner shall not permit location tracking capabilities on any ignition
3.10 interlock device to be enabled except as provided in this paragraph. The commissioner shall
3.11 require the activation of location tracking capabilities on an ignition interlock device when
3.12 ordered by a court.

3.13 Sec. 4. Minnesota Statutes 2016, section 171.306, subdivision 8, is amended to read:

3.14 Subd. 8. **Rulemaking.** In establishing the performance standards and certification process
3.15 of subdivision 2 ~~and~~, the program guidelines of subdivision 3, ~~the commissioner is exempt~~
3.16 ~~from chapter 14, including section 14.386. If~~ and any other rules are otherwise necessary
3.17 to implement this section, the commissioner ~~may adopt, amend, and repeal rules using the~~
3.18 ~~exempt procedures of section 14.386, except that paragraph (b) shall not apply~~ is subject
3.19 to chapter 14.

3.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.21 applies for rules proposed on or after that date.