

1.1 Senator ..... moves to amend S.F. No. 347 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2016, section 13.6905, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 10a. **Ignition interlock location tracking data.** Data on the location of an ignition  
1.6 interlock device program participant are classified under section 171.306, subdivision 9.

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

1.8 Sec. 2. Minnesota Statutes 2016, section 171.306, subdivision 1, is amended to read:

1.9 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have  
1.10 the meanings given them.

1.11 (b) "Ignition interlock device" or "device" means equipment that is designed to measure  
1.12 breath alcohol concentration and to prevent a motor vehicle's ignition from being started  
1.13 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

1.14 (c) "Location tracking capabilities" means the ability of an electronic or wireless device  
1.15 to identify and transmit its geographic location, in whole or in part, through the operation  
1.16 of the device.

1.17 ~~(e)~~ (d) "Program participant" means a person who has qualified to take part in the ignition  
1.18 interlock program under this section, and whose driver's license has been:

1.19 (1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision  
1.20 1, clause (10); or

1.21 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended  
1.22 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item  
1.23 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision  
1.24 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or  
1.25 (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm.

1.26 ~~(d)~~ (e) "Qualified prior impaired driving incident" has the meaning given in section  
1.27 169A.03, subdivision 22.

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

2.1 Sec. 3. Minnesota Statutes 2016, section 171.306, subdivision 2, is amended to read:

2.2 Subd. 2. **Performance standards; certification; manufacturer requirements.** (a) The  
2.3 commissioner shall establish performance standards and a process for certifying devices  
2.4 used in the ignition interlock program. The manufacturer of a device must apply annually  
2.5 for certification of the device by submitting the form prescribed by the commissioner. The  
2.6 commissioner shall require manufacturers of certified devices to:

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

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

2.13 (b) The manufacturer of a certified device must include with an ignition interlock device  
2.14 contract a separate notice to the program participant regarding any location tracking  
2.15 capabilities of the device and the circumstances under which the location of the participant  
2.16 may be identified and transmitted. A location tracking device may be used only if this notice  
2.17 is given to and acknowledged in writing by the program participant.

2.18 (c) A location tracking device may capture the location of a program participant only  
2.19 when the program participant fails a random breath sample test while the vehicle is being  
2.20 driven.

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

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

2.23 Subd. 8. **Rulemaking.** In establishing the performance standards and certification process  
2.24 of subdivision 2 ~~and~~<sub>2</sub> the program guidelines of subdivision 3, ~~the commissioner is exempt~~  
2.25 ~~from chapter 14, including section 14.386. If~~ and any other rules are otherwise necessary  
2.26 to implement this section, the commissioner ~~may adopt, amend, and repeal rules using the~~  
2.27 ~~exempt procedures of section 14.386, except that paragraph (b) shall not apply~~ is subject  
2.28 to chapter 14.

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

3.1 Sec. 5. Minnesota Statutes 2016, section 171.306, is amended by adding a subdivision to  
3.2 read:

3.3 Subd. 9. **Data practices; protection and security.** (a) Data on the location of a program  
3.4 participant that are collected by an ignition interlock device are private data on individuals  
3.5 but may be shared for law enforcement purposes or with a court or court services department  
3.6 for purposes related to the compliance of the program participant with the program. The  
3.7 department must comply with sections 13.05, subdivision 5, and 13.055, in the administration  
3.8 of data on program participants.

3.9 (b) A manufacturer of a certified device must maintain data on a program participant  
3.10 consistent with the classification and data protection and security requirements under  
3.11 paragraph (a). The remedies in section 13.08 apply to a manufacturer of a certified device  
3.12 who violates this paragraph.

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

3.14 Amend the title accordingly