SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 347

(SENATE AUTHORS: LATZ, Dibble, Limmer and Hall)

DATE	D-PG	OFFICIAL STATUS
01/26/2017	391	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
02/16/2017		Comm report: To pass and re-referred to State Government Finance and Policy and Elections

A bill for an act

relating to public safety; amending ignition interlock performance standards; prohibiting use of devices enabled with location tracking capabilities; amending rulemaking authority; amending Minnesota Statutes 2016, section 171.306, subdivisions 1, 2, 8.

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

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

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

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

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

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

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

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision

3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm.

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

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

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

Subd. 2. **Performance standards; certification; manufacturer and provider requirements.** (a) The commissioner shall establish performance standards and a process for certifying devices used in the ignition interlock program, except that the commissioner may not establish standards that, directly or indirectly, require devices to use or enable location tracking capabilities.

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

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

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

(c) The commissioner shall prohibit the use of devices equipped with location tracking capabilities unless location tracking capabilities are disabled.

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

Sec. 3. Minnesota Statutes 2016, section 171.306, subdivision 8, is amended to read:

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

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