

CHAPTER 341—H.F.No.2374

[Coded in Part]

An act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence for motor vehicle offenses; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that persons' blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money; amending Minnesota Statutes 1974, Sections 169.121, by adding a subdivision; 609.135, Subdivision 3; and Chapter 169, by adding a section.

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

Section 1. Minnesota Statutes 1974, Section 169.121, is amended by adding a subdivision to read:

Subd. 7. HIGHWAY TRAFFIC REGULATIONS; DRIVER'S LICENSES; ALCOHOL CONTENT IN BLOOD. Any person whose license has been revoked pursuant to section 2 of this act shall not be subject to the mandatory revocation provision of subdivision 3 of this section.

Sec. 2. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

[169.127] REPORTING OF CHEMICAL TESTS; NOTICE OF REVOCATION; HEARING. Subdivision 1. CHEMICAL TEST REPORTS. When a peace officer, as defined in section 169.123, subdivision 1, has administered a chemical test of a person's breath, other than a preliminary screening test, pursuant to section 169.123, he shall report the results of that test to the commissioner of public safety if the test result indicates a blood alcohol content of .10 percent or more by weight of alcohol. When such peace officer requests and directs the administration and interpretation of a blood or urine test pursuant to section 169.123, the person interpreting such a test at the request of the peace officer shall be fully trained in the interpretation of such tests pursuant to standards of the commissioner of public safety and shall report the results of the test to the commissioner of public safety if the test result indicates a blood alcohol content level of .10 percent or more by weight of alcohol.

Subd. 2. NOTICE OF REVOCATION; REQUEST FOR HEARING. The commissioner of public safety shall revoke for a period of 90 days the driver's license, permit or nonresident operating privileges of any person whose blood contains .10 percent or more by weight of alcohol upon the receipt of a record of the blood, breath or urine test administered by or at the direction of a peace officer pursuant to section

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169.123. No revocation shall be made until the commissioner of public safety notifies the person by certified or registered mail of the intention to revoke and allows the person a 20 day period after the date of receiving the notice to request of the commissioner of public safety in writing, a hearing as herein provided. If a request for hearing is filed, no revocation hereunder shall be made until final judicial determination.

Subd. 3. HEARING. The hearing shall be before a municipal or county judge, learned in the law, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be heard as early as practicable but not to exceed 30 days from the receipt of request for hearing unless the court grants a continuance of the hearing. The hearing shall be without the right of trial by jury. The scope of the hearing shall include whether the peace officer had reasonable and probable grounds to believe the person was driving or operating a motor vehicle while under the influence of an alcoholic beverage; whether the person was lawfully placed under arrest, if applicable; whether the person took the test; whether he was advised of his right to have additional tests made by a person of his own choosing; and the validity and reliability of the testing method used and the accuracy of the evaluation of the test results. The municipal or county court shall order that the revocation be sustained or rescinded and refer such order to the commissioner of public safety for his further action.

Subd. 4. REVIEW BY DISTRICT COURT. Any person whose license or permit to drive, or nonresident operating privilege has been revoked may within 30 days of receipt of the revocation notice from the commissioner file a petition for hearing of the matter in district court in the county where the hearing pursuant to subdivision 3 was held unless there is agreement that the hearing may be held in some other county. The matter shall be heard by the court pursuant to the provisions of Minnesota Statutes, Section 171.19. Notice to other states shall be provided in section 169.123, subdivision 8.

Subd. 5. LIMITED LICENSE. In any case where a license has been revoked under this section, the commissioner may issue a limited license to the driver. The commissioner in issuing a limited license may impose the conditions and limitations which in his judgment are necessary to the interests of the public safety and welfare including re-examination of the driver's qualifications, attendance at a driver improvement clinic, or attendance at counseling sessions. The license may be limited to the operation of particular vehicles and to particular classes and times of operation. The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under a limited license shall have the license in his possession at all times when operating as a driver. In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

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Subd. 6. REINSTATED LICENSE. If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, after 60 days of the revocation period have elapsed, reinstate the driver's license for the remainder of the revocation period. The commissioner shall not reinstate a license under this subdivision to a driver who has had a license revoked under sections 169.121, 169.123 or this act on a prior occasion during the preceding three year period for another incident.

Sec. 3. Minnesota Statutes 1974, Section 609.135, Subdivision 3, is amended to read:

Subd. 3. The court shall report to the commissioner of public safety any stay of imposition or execution granted in the case of a conviction for an offense in which a motor vehicle, as defined in section 169.01, subdivision 3, is used.

Sec. 4. **APPROPRIATION.** There is appropriated from the general fund to the department of public safety the sum of \$159,300 for the purpose of this act.

Approved April 20, 1976.

CHAPTER 342—H.F.No.2414

[Coded in Part]

An act relating to motor vehicles; defining terms; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; providing for the licensure and regulation of certain motor vehicle dealers; prescribing penalties; appropriating money; amending Minnesota Statutes 1974, Sections 168.27; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

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

Section 1. Minnesota Statutes 1974, Section 297B.01, Subdivision 6, is amended to read:

Subd. 6. MOTOR VEHICLES; EXCISE ON VEHICLES PURCHASED FOR RESALE. "Use" shall mean the exercise by any person of any right or power over a motor vehicle incident to the ownership or possession of such a vehicle, except that it shall not include the sale or holding for sale of such a vehicle in the regular course of business. Any motor vehicle acquired for resale, owned for a period of less than six months by a dealer as defined in section 168.011, subdivision 21, and used in connection with the business of selling motor vehicles shall be considered property held for resale. The term shall not include ~~motor vehicles used as demonstrators or motor vehicles rented or~~

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