

2020 DNR DUI Uniformity Proposal Fact Sheet



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It is needed because

Clarification and conformity language updates from the passage of “Little Alan’s Law” that furthered the concept that recreational vehicle Driving Under the Influence (DUI) are just like “traditional” motor vehicle DUI.

Major program elements

Motorboat and recreational vehicle DUI provisions are found in separate subdivisions of the same section of law as highway licensed vehicles. The differences between recreational vehicle provisions and highway licensed DUI laws are very fine details and this can be confusing and difficult to interpret for the offenders, their attorneys, officers, the courts, and prosecutors. This proposal serves to further align laws for consistent and uniform application and enforcement of DUI laws. This alignment would also pave the way for the Department of Public Safety (DPS) DUI e-charging system to be used for motorboats and off-road recreational vehicle DUI violations.

Changes include:

- Conservation officer peace officer definition update
- Off-road recreational vehicle/motorboat revocation align with and run concurrently with motor vehicle revocations
- Uniform and consistent revocation notices
- Ignition interlock program clarification as relates to off-road recreational vehicles/motorboats
- Combine DUI violation sections to not separate motor vehicles/off-road recreational vehicles/motorboats
- Fine disposition splits from off-road recreational vehicles/motorboats would be applied in the same manner as other DUI’s
- Paves the way to include off-road recreational vehicles/motorboats in DPS DUI e-charging system (manual system only for off-road recreational vehicles/motorboats at this time).

Fiscal impacts

This proposal does not have a fiscal impact.

Statute Proposal

Recreational Vehicle Driving Under the Influence

Secs 1, 4, and 14. Provides new sections M.S. 84.765 and 86B.33 for definitions, prohibited acts, and penalties for motorboats and off-road vehicles, much of which are currently located in sections 84.91.1 and 86B.331.1. Repeals similar provisions currently located in sections 84.91 and 86B.331 (see repealer).

Secs 2 and 7. Amends M.S. 84.795 and 169A.03 for a technical change clarifying conservation officers for DUI provisions.

Secs 3, 5, 6, and 14. Amends M.S. 84.83, 86B.705, and 97A.065 specifying which accounts off-road vehicle and motorboat DUI fines and forfeited bail are deposited to, and provides technical changes consistent with the establishment of state courts (from county court administration, several years ago) as far as fine splits and distribution.

Secs 8 and 14. Amends M.S. 169A.20 for a technical change by combining all DUI violations for all vehicle types (also see repealer). This change will allow the DUI e-charging system to be utilized for off-road recreational vehicles and motorboats (currently a manual/paper system).

Sec 9. Amends M.S. 169A.52 to include DUI test refusal/test failure revocation provisions for suspension off-road vehicles and motorboats privileges with driver's license suspensions. The revocation/suspension periods for all vehicle types would run concurrently.

Sec 10. Amends M.S. 169A.54 to include DUI conviction and adjudication suspension of off-road vehicles and motorboats privileges with driver's license suspensions. The

revocation/suspension periods for all vehicle types would run concurrently.

Sec 11. Adds M.S. 171.188 clarifying DUI revocation/suspension of driver's license privileges applies to off-road vehicles and motorboats as well, including the specified CVO related suspensions.

Sec 12. Amends M.S. 171.306 to clarify the ignition interlock program provisions include operation of motorboats and off-road vehicles.

Sec 13. Directs and provides that the Revisor is able make necessary statute cross reference conforming changes relating to DUI and fine distribution provisions contained in this legislation.

Sec 14. Repeals sections 169A.20, subdivisions 1a, 1b, and 1c; 84.91, subdivision 1; and 86B.331, subdivision 1.