

2018 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 183--S.F.No. 3638

An act relating to public safety; fully incorporating snowmobiles, all-terrain vehicles, and motorboats in operation into the DWI law; providing for increasing awareness of carbon monoxide dangers in fish houses; amending Minnesota Statutes 2017 Supplement, sections 84.91, subdivision 1; 86B.331, subdivision 1; repealing Minnesota Statutes 2016, section 169A.33, subdivision 1; Minnesota Statutes 2017 Supplement, section 169A.07.

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

Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it ~~while operating a snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition ~~is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition~~ is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under:

- (1) this section ~~and chapters~~;
- (2) chapter 169 and relating to snowmobiles and all-terrain vehicles;
- (3) chapter 169A relating to snowmobiles and all-terrain vehicles; and
- (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to violations committed on or after that date.

Sec. 2. Minnesota Statutes 2017 Supplement, section 86B.331, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it ~~while operating a motorboat~~, shall be prohibited from operating a motorboat on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary. If the person ~~operating the motorboat~~ refuses to comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with it, the person shall be prohibited from operating a motorboat for a period of one year. The commissioner shall notify the person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition ~~is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by section 169A.53 or 171.177.~~

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under: ~~(1) this section and chapters; (2) chapter 169 and relating to motorboats; (3) chapter 169A relating to motorboats; and (4) section 171.177.~~

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes committed on or after that date.

Sec. 3. **CARBON MONOXIDE EXPOSURE; FISH HOUSES AND ICE SHELTERS; REPORT.**

The commissioner of natural resources must work with fish house and ice shelter manufacturers and other interested parties to identify best practices to reduce fish house and ice shelter user exposure to carbon monoxide. The commissioner must increase outreach efforts relating to the dangers of carbon monoxide exposure in fish houses and report recommendations to the chairs of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy by January 15, 2019.

Sec. 4. **CITATION.**

Section 3 may be known and cited as the "Sam Schooley Act."

Sec. 5. **SHORT TITLE AND CITATION.**

Sections 1, 2, and 6 may be cited as "Little Alan's Law."

Sec. 6. **REPEALER.**

(a) Minnesota Statutes 2017 Supplement, section 169A.07, is repealed.

(b) Minnesota Statutes 2016, section 169A.33, subdivision 1, is repealed.

EFFECTIVE DATE. Paragraph (a) is effective August 1, 2018, and applies to crimes committed on or after that date. Paragraph (b) is effective August 1, 2018, and applies to offenses committed on or after that date.

Presented to the governor May 18, 2018

Signed by the governor May 20, 2018, 3:30 p.m.

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