

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4870**

05/11/2022 Authored by Johnson

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to motor vehicles; prohibiting racing, drag racing, and related activities;
1.3 authorizing vehicle forfeitures for certain violations; imposing criminal penalties;
1.4 establishing a grant program; appropriating money; amending Minnesota Statutes
1.5 2020, sections 169.13, subdivision 1; 609.5312, subdivision 4; Minnesota Statutes
1.6 2021 Supplement, sections 171.18, subdivision 1; 609.531, subdivision 1; proposing
1.7 coding for new law in Minnesota Statutes, chapter 169.

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

1.9 Section 1. Minnesota Statutes 2020, section 169.13, subdivision 1, is amended to read:

1.10 Subdivision 1. **Reckless driving.** (a) A person who drives a motor vehicle or light rail
1.11 transit vehicle while aware of and consciously disregarding a substantial and unjustifiable
1.12 risk that the driving may result in harm to another or another's property is guilty of reckless
1.13 driving. The risk must be of such a nature and degree that disregard of it constitutes a
1.14 significant deviation from the standard of conduct that a reasonable person would observe
1.15 in the situation.

1.16 ~~(b) A person shall not race any vehicle upon any street or highway of this state. Any~~
1.17 ~~person who willfully compares or contests relative speeds by operating one or more vehicles~~
1.18 ~~is guilty of racing, which constitutes reckless driving, whether or not the speed contested~~
1.19 ~~or compared is in excess of the maximum speed prescribed by law.~~

1.20 ~~(e)~~ (b) A person who violates paragraph (a) ~~or (b)~~ is guilty of a misdemeanor. A person
1.21 who violates paragraph (a) ~~or (b)~~ and causes great bodily harm or death to another is guilty
1.22 of a gross misdemeanor.

1.23 ~~(d)~~ (c) For purposes of this section, "great bodily harm" has the meaning given in section
1.24 609.02, subdivision 8.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
2.2 committed on or after that date.

2.3 **Sec. 2. [169.135] RACING AND RELATED ACTIVITIES; PROHIBITION.**

2.4 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
2.5 the meanings given.

2.6 (b) "Race" means:

2.7 (1) the use of one or more vehicles in an attempt to outgain, outdistance, or prevent
2.8 another vehicle from passing to arrive at a given destination faster than another vehicle or
2.9 vehicles, except lawfully passing another vehicle;

2.10 (2) to test the physical stamina or endurance of drivers over long-distance driving routes;
2.11 or

2.12 (3) the operation of one or more vehicles over a common selected course, from the same
2.13 point to the same point, for the purpose of comparing the relative speeds or power of
2.14 acceleration of the vehicle or vehicles within a certain distance or time limit.

2.15 (c) "Substantial bodily harm" and "great bodily harm" have the meanings given in section
2.16 609.02.

2.17 Subd. 2. **Application; exception.** This section applies to any person who drives, operates,
2.18 or is in physical control of a motor vehicle within this state or on any boundary water of
2.19 this state, except that it does not apply to racetracks or other venues where racing or drag
2.20 racing is lawfully conducted.

2.21 Subd. 3. **Prohibition.** (a) It is a violation of this section for a person to drive a vehicle
2.22 in any race, speed competition or contest, acceleration contest, test of physical endurance,
2.23 or exhibition of speed or acceleration, or cause increased noise from repetitive or continuous
2.24 skidding of tires or from repetitively or continuously revving engines. This prohibition
2.25 applies whether or not the speed contested or compared is in excess of the maximum speed
2.26 prescribed by law.

2.27 (b) It is a violation of this section for a person who is not driving a vehicle to do any of
2.28 the following with the intent to support, facilitate, or encourage another to commit a violation
2.29 of paragraph (a):

2.30 (1) observe or otherwise participate in any of the activities prohibited by paragraph (a)
2.31 if the person is knowingly present at and is purposely observing the activities;

3.1 (2) knowingly obstruct traffic in order to allow activities prohibited by paragraph (a) to
 3.2 occur;

3.3 (3) ignite fireworks in violation of state law or city ordinance at a location where activities
 3.4 prohibited by paragraph (a) are occurring; or

3.5 (4) serve as a lookout or timer for any of the activities prohibited by paragraph (a).

3.6 (c) A peace officer may arrest the driver of a vehicle if the officer has probable cause
 3.7 to believe that the driver has operated the vehicle in violation of this section within the past
 3.8 four hours. The arrest may be made even though the violation was not committed in the
 3.9 officer's presence.

3.10 (d) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not place
 3.11 a violation of this section on the uniform fine schedule.

3.12 Subd. 4. **Criminal penalties.** (a) Except as provided in paragraphs (b) and (c), a person
 3.13 who violates subdivision 3, paragraph (a) or (b), is guilty of a misdemeanor.

3.14 (b) A person who violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor
 3.15 if the violation results in substantial bodily harm to another or property damage to another's
 3.16 property or the person has previously been convicted of a violation of this section.

3.17 (c) A person who violates subdivision 3, paragraph (a), is guilty of a felony and may be
 3.18 sentenced to imprisonment for not more than five years or to payment of a fine of not more
 3.19 than \$10,000, or both, if the violation causes great bodily harm or death to another or the
 3.20 person has previously been convicted of two or more violations of this section.

3.21 Subd. 5. **Forfeiture.** A vehicle used in violation of this section is subject to forfeiture
 3.22 as provided in section 609.5312, subdivision 4.

3.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 3.24 committed on or after that date.

3.25 Sec. 3. Minnesota Statutes 2021 Supplement, section 171.18, subdivision 1, is amended
 3.26 to read:

3.27 Subdivision 1. **Offenses.** (a) Subject to section 171.16, the commissioner may suspend
 3.28 the license of a driver without preliminary hearing upon a showing by department records
 3.29 or other sufficient evidence that the licensee:

3.30 (1) has committed an offense for which mandatory revocation of license is required upon
 3.31 conviction;

4.1 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
4.2 regulating traffic, other than a conviction for a petty misdemeanor, and department records
4.3 show that the violation contributed in causing an accident resulting in the death or personal
4.4 injury of another, or serious property damage;

4.5 (3) is an habitually reckless or negligent driver of a motor vehicle;

4.6 (4) is an habitual violator of the traffic laws;

4.7 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

4.8 (6) has permitted an unlawful or fraudulent use of the license;

4.9 (7) has committed an offense in another state that, if committed in this state, would be
4.10 grounds for suspension;

4.11 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
4.12 five years of a prior conviction under that section;

4.13 (9) has committed a violation of section 171.22, except that the commissioner may not
4.14 suspend a person's driver's license based solely on the fact that the person possessed a
4.15 fictitious or fraudulently altered Minnesota identification card;

4.16 (10) has failed to appear in court as provided in section 171.16, subdivision 3a;

4.17 (11) has failed to report a medical condition that, if reported, would have resulted in
4.18 cancellation of driving privileges;

4.19 (12) has been found to have committed an offense under section 169A.33; ~~or~~

4.20 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
4.21 by means of a dishonored check issued to the state or a driver's license agent, which must
4.22 be continued until the registrar determines or is informed by the agent that the dishonored
4.23 check has been paid in full; or

4.24 (14) has committed a violation of section 169.135, subdivision 3, paragraph (a).

4.25 However, an action taken by the commissioner under clause (2) or (5) must conform to the
4.26 recommendation of the court when made in connection with the prosecution of the licensee.

4.27 (b) The commissioner is prohibited from suspending the driver's license of an individual
4.28 who meets any of the conditions described in paragraph (a) due to a conviction for a violation
4.29 of section 171.24, subdivision 1 or 2.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
4.31 committed on or after that date.

5.1 Sec. 4. Minnesota Statutes 2021 Supplement, section 609.531, subdivision 1, is amended
5.2 to read:

5.3 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the
5.4 following terms have the meanings given them.

5.5 (a) "Conveyance device" means a device used for transportation and includes, but is not
5.6 limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment
5.7 attached to it. The term "conveyance device" does not include property which is, in fact,
5.8 itself stolen or taken in violation of the law.

5.9 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,
5.10 subdivision 6, that the actor used or had in possession in furtherance of a crime.

5.11 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

5.12 (d) "Contraband" means property which is illegal to possess under Minnesota law.

5.13 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department
5.14 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the
5.15 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District
5.16 Department of Public Safety, the Department of Natural Resources Division of Enforcement,
5.17 the University of Minnesota Police Department, the Department of Corrections Fugitive
5.18 Apprehension Unit, a city, metropolitan transit, or airport police department; or a
5.19 multijurisdictional entity established under section 299A.642 or 299A.681.

5.20 (f) "Designated offense" includes:

5.21 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

5.22 (2) for driver's license or identification card transactions: any violation of section 171.22;
5.23 and

5.24 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
5.25 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
5.26 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
5.27 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, or subdivision 1a, clauses (a)
5.28 to (f) and (i); 609.343, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i); 609.344,
5.29 subdivision 1, or subdivision 1a, clauses (a) to (e), (h), or (i); 609.345, subdivision 1, or
5.30 subdivision 1a, clauses (a) to (e), (h), and (i); 609.352; 609.42; 609.425; 609.466; 609.485;
5.31 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562;
5.32 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671,
5.33 subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893;

6.1 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 169.135,
6.2 subdivision 4, paragraph (b) or (c); 609.891; or 624.7181; or any violation of section 609.324;
6.3 or a felony violation of, or a felony-level attempt or conspiracy to violate, Minnesota Statutes
6.4 2012, section 609.21.

6.5 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

6.6 (h) "Prosecuting authority" means the attorney who is responsible for prosecuting an
6.7 offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

6.8 (i) "Asserting person" means a person, other than the driver alleged to have used a vehicle
6.9 in the transportation or exchange of a controlled substance intended for distribution or sale,
6.10 claiming an ownership interest in a vehicle that has been seized or restrained under this
6.11 section.

6.12 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
6.13 committed on or after that date.

6.14 Sec. 5. Minnesota Statutes 2020, section 609.5312, subdivision 4, is amended to read:

6.15 Subd. 4. **Vehicle forfeiture for fleeing peace officer or drag racing.** (a) A motor
6.16 vehicle is subject to forfeiture under this subdivision if it was used to commit a violation
6.17 of section 169.135, subdivision 4, paragraph (b) or (c), or 609.487, and endanger life or
6.18 property. A motor vehicle is subject to forfeiture under this subdivision only if the offense
6.19 is established by proof of a criminal conviction for the offense. Except as otherwise provided
6.20 in this subdivision, a forfeiture under this subdivision is governed by sections 609.531,
6.21 609.5312, 609.5313, and 609.5315, subdivision 6.

6.22 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance
6.23 of a judicial forfeiture order, a hearing before a judge or referee must be held within 96
6.24 hours of the seizure. Notice of the hearing must be given to the registered owner within 48
6.25 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of
6.26 the hearing, that it has filed or intends to file charges against the alleged violator for violating
6.27 section 169.135, subdivision 4, paragraph (b) or (c), or 609.487. After conducting the
6.28 hearing, the court shall order that the motor vehicle be returned to the owner if:

6.29 (1) the prosecuting authority has failed to make the certification required by this
6.30 paragraph;

6.31 (2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the
6.32 owner has a defense to the forfeiture, including but not limited to the defenses contained in
6.33 subdivision 2; or

7.1 (3) the court determines that seizure of the vehicle creates or would create an undue
7.2 hardship for members of the owner's family.

7.3 (c) If the defendant is acquitted or the charges against the defendant are dismissed,
7.4 neither the owner nor the defendant is responsible for paying any costs associated with the
7.5 seizure or storage of the vehicle.

7.6 (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180
7.7 days or less is not subject to forfeiture under this subdivision.

7.8 (e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03,
7.9 subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject
7.10 to paragraph (b).

7.11 (f) For purposes of this subdivision, seizure occurs either:

7.12 (1) at the date at which personal service of process upon the registered owner is made;
7.13 or

7.14 (2) at the date when the registered owner has been notified by certified mail at the address
7.15 listed in the Minnesota Department of Public Safety computerized motor vehicle registration
7.16 records.

7.17 (g) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor
7.18 vehicle for the purposes of forfeiture under paragraphs (a) to (f).

7.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
7.20 committed on or after that date.

7.21 Sec. 6. **PROCEEDS OF SALE.**

7.22 If an aircraft under the jurisdiction of the Department of Public Safety is sold as a result
7.23 of a purchase made under section 7, paragraph (a) or (b), the proceeds from the sale must
7.24 be credited to the general fund.

7.25 Sec. 7. **APPROPRIATIONS.**

7.26 (a) \$38,000,000 in fiscal year 2023 is appropriated from the general fund to the
7.27 commissioner of public safety to purchase three twin-engine helicopters for the State Patrol.
7.28 This is a onetime appropriation and is available until June 30, 2024.

7.29 (b) \$7,100,000 in fiscal year 2023 is appropriated from the general fund to the
7.30 commissioner of public safety to purchase three airplanes for the State Patrol. This is a
7.31 onetime appropriation and is available until June 30, 2024.

- 8.1 (c) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
- 8.2 of public safety for the Office of Traffic Safety to provide grants to law enforcement agencies
- 8.3 to pay for officer overtime incurred in enforcing Minnesota Statutes, section 169.135.