



2018 DWI LEGISLATIVE CHANGES

Updated 07-06-2018

Summary of Changes *(Effective 8-1-2018)*

Two bills were passed by the 2018 Legislature and signed into law by the Governor containing provisions relating to the DWI laws. The changes are **effective August 1, 2018**, and apply to crimes/acts committed on or after that date.

- **Laws of 2018, Chapter 183** – “Little Alan’s Law” – More fully incorporating snowmobiles, all-terrain vehicles, and motorboats in operation into the DWI law. The changes were initiated after a young boy was killed by a snowmobiler who had a DWI violation history. The changes in this legislation will form a basis to start planning for DWI e-charging processes for the off-road recreational vehicle types and motorboats.
- **Laws of 2018, Chapter 195** - Modifying the schedules of controlled substances; providing penalties for sale or possession of kratom; modifying DWI laws by including other types of intoxicating substances and striking references to hazardous substances.

Statute Cite	Description
CHAPTERS 84, 86B	SNOWMOBILE, ATV, MOTORBOAT DWI
84.91.1(c) – Snowmobile/ATV 86B.331.1(c) - Motorboat	License and operating privilege suspensions , persons <u>convicted</u> of a DWI or who <u>refuses</u> testing, regardless of the vehicle type and including highway licensed vehicles, is prohibited from operating an ATV, snowmobile, or motorboat for one year or 90 days as specified in the law. (*Note: OHM’s and ORV’s are not included in the suspensions under these sections.) DNR is to make the notification, but it is anticipated that the snowmobile/ATV/motorboat suspension notices can be incorporated into the regular driver’s license revocation notice.
84.91.1(d) – Snowmobile/ATV 86B.331.1(d) - Motorboat	Administrative and judicial review of operating privilege prohibitions are governed by section 169A.53 or 171.177 (rather than the hunting while intoxicated provisions in section 97B.066).
84.91.1(e) – Snowmobile/ATV 86B.331.1(e) - Motorboat	The court will notify DNR and DPS of all convictions and civil sanctions imposed under traffic and DWI laws as well as search warrants for blood and urine tests.
CHAPTERS 169A, 609	DWI AND CRIMINAL CODE
169A.03.9 – Hazardous Substance 169A.03.11a - Intoxicating Substance	Repeals the definition of hazardous substance in favor of a new ‘intoxicating substance’ term. “Intoxicating substance” means a drug or chemical that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. The term does not include alcohol or controlled substances. Addresses the ‘dust off’ impairment court decision.
169A.07 – ORRV/Motorboat	Repeals the first-time offense exceptions for snowmobile, ATV, motorboat, off-highway motorcycles and off-road vehicles. Offenses on these vehicle types will carry the same administrative sanctions as

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	operating highway licensed vehicles under the DWI laws, including such provisions chemical use assessment, long term monitoring, conditional release, revocation, and plate impoundment.
169A.33.1	Repeals the underage drinking and driving definition that provided motorboats, snowmobiles, ATVs and other off-road vehicles are not motor vehicles for purposes of this section. Offenses on these vehicle types will have the same violation status as operating highway licensed vehicles.
169A.20.1; 169A.20.1a 169A.20.1b; 169A.20.1c 169A.45.1; 169A.51.1 169A.51.4; 169A.51.7 169A.52.2; 169A.76 609.2111; 609.2112.1 609.2113.1; 609.2113.2 609.2113.3 609.2114.1; 609.2114.2	Deletes the reference to ‘hazardous substance’ and replaces it with the new term ‘intoxicating substance’ in the DWI laws, including criminal charges, evidence chemical tests, test failure, CVH, and CVO provisions.

Q and A’s for Officers

If the subject is convicted of a DWI, what operation privileges or license is affected? Refuses? Test over .08?

- * When a person is convicted of a DWI, regardless of the vehicle type, there is a driver’s license revocation and they are prohibited from operating motorboats, ATV’s, and snowmobiles (*OHM and ORV are not included*).
- * If they refuse testing, regardless of the vehicle type, there is a driver’s license revocation and they are prohibited from operating motorboats, ATV’s, and snowmobiles (*OHM and ORV are not included*).
- * If they test over .08, regardless of the vehicle type, there is a driver’s license revocation – but their motorboat, ATV, OHM, ORV, and snowmobile privileges are not suspended for testing over .08.

Can I charge/process snowmobile, ATV, and motorboat DWI’s through the e-Charging system?

The BCA e-Charging system is not able to process off-road recreational vehicle and motorboat DWI’s at this point, but we are working with BCA staff to identify what needs to happen to implement those updates.

Where do I get the most up-to-date DWI forms for charging/processing a DWI involving a motorboat, ATV, or snowmobile?

The most current forms are available on the front page of the BCA DWI e-Charging website, and available to all law enforcement from that location. Conservation officers can access fillable forms from their desktop.

What about plate impoundment for off-road recreational vehicles and motorboats?

We will be working with DVS to get that information, but you will not be scraping recreational vehicle registration stickers off or removing home-made plates.

If someone is on the ignition interlock program and can drive their highway licensed vehicle, does that enrollment allow them to operate a motorboat, ATV, and snowmobile as well?

We will be working with the Department of Public Safety to get that information.

What will I see if I run a 10-28? Will the motorboat/snowmobile/ATV revocation be listed separately?

We will need to get that information from DVS, and an expected timeline for the new changes.

What happens if I deal with someone who is prohibited from operating a motorboat, ATV, snowmobile?

There are misdemeanor penalties for operating while suspended or revoked, see MS 84.91.1(f) and 86B.331.1(f), as well as the driver’s license provisions in MS 171.24.

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