

**HF695 - 0 - Recreational Vehicle DUI; Enforcement Uniformity**

Chief Author: **Jamie Becker-Finn**  
 Committee: **Judiciary Finance and Civil Law**  
 Date Completed: **2/22/2021 10:51:09 AM**  
 Lead Agency: **Public Safety Dept**  
 Other Agencies:  
     Natural Resources Dept      Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Supreme Court</b>					
Water Recreation	-	6	12	12	12
Snowmobile	-	9	18	18	18
Game And Fish (Operations)	-	1	2	2	2
<b>State Total</b>					
Water Recreation	-	6	12	12	12
Snowmobile	-	9	18	18	18
Game And Fish (Operations)	-	1	2	2	2
<b>Total</b>	<b>-</b>	<b>16</b>	<b>32</b>	<b>32</b>	<b>32</b>
<b>Biennial Total</b>			<b>48</b>		<b>64</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Supreme Court</b>					
Water Recreation	-	-	-	-	-
Snowmobile	-	-	-	-	-
Game And Fish (Operations)	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Laura Cecko      **Date:** 2/22/2021 10:51:09 AM  
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**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>		<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
<b>Supreme Court</b>						
Water Recreation	-	6	12	12	12	12
Snowmobile	-	9	18	18	18	18
Game And Fish (Operations)	-	1	2	2	2	2
<b>Total</b>	<b>-</b>	<b>16</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>32</b>
	<b>Biennial Total</b>		<b>48</b>			<b>64</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Supreme Court						
Water Recreation	-	-	-	-	-	-
Snowmobile	-	-	-	-	-	-
Game And Fish (Operations)	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Biennial Total</b>		<b>-</b>			<b>-</b>
<b>2 - Revenues, Transfers In*</b>						
Supreme Court						
Water Recreation	-	(6)	(12)	(12)	(12)	(12)
Snowmobile	-	(9)	(18)	(18)	(18)	(18)
Game And Fish (Operations)	-	(1)	(2)	(2)	(2)	(2)
<b>Total</b>	<b>-</b>	<b>(16)</b>	<b>(32)</b>	<b>(32)</b>	<b>(32)</b>	<b>(32)</b>
	<b>Biennial Total</b>		<b>(48)</b>			<b>(64)</b>

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Chief Author: **Jamie Becker-Finn**  
 Committee: **Judiciary Finance and Civil Law**  
 Date Completed: **2/22/2021 10:51:09 AM**  
 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Laura Cecko    **Date:** 2/22/2021 10:44:36 AM  
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**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>2 - Revenues, Transfers In*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-

**Bill Description**

This bill provides for uniformity in enforcing driving under the influence provisions for certain recreational vehicles, including criminal penalties.

**Assumptions**

Minnesota State Patrol

Assumes no fiscal impact to the Minnesota State Patrol.

Bureau of Criminal Apprehension (BCA)

The BCA operates the Statute Service that documents criminal offenses and is used by all portions of the criminal justice community.

The Statute Service will need to be modified to reflect the changes made by the bill.

Driver and Vehicle Services (DVS)

Assume alcohol or controlled substance provisions in Minnesota Statutes chapters 169A, 171, and 609 apply to off-road recreational vehicles and motorboats. Assume DVS will notify individuals of their off-road recreational and motorboat use withdrawal.

Assume ignition interlock program participants who wish to operate an off-road recreational vehicle will submit an application with the recreational vehicle and motorboat information to ensure all ignition interlock equipped vehicles will be accounted for by the department. Assume the ignition interlock off-road recreational and motorboat participants meet the established ignition interlock qualifications, including but not limited to having a camera to verify who is testing.

Assume the Department of Natural Resources (DNR) will maintain information in their database for off-road and motorboat privilege withdrawals. Assume the courts will have conviction and violation information sent to the department in the cases where a person was operating an off-road recreational vehicle or motorboat after withdrawal so that the department can take action under 171.24 (driving after withdrawal).

Assume provision language will be added to Minnesota Statute chapter 171.177 for off-road recreational vehicles and motorboats for impaired driving language uniformity for blood and urine alcohol tests.

Assume withdrawal of off-road recreational vehicles and motorboats privileges align with the withdrawal period for driving privileges.

Assume that 80 hours of programming will be required at \$200 an hour for a total programming cost of \$16,000. Assume that the cost of programming will be absorbed as a part of the current maintenance and support contract with FAST Enterprises, at no extra cost to the department.

Assume effective date is August 1, 2021.

**Expenditure and/or Revenue Formula**

**BCA:**

The work to modify the Statute Service is minimal and will be absorbed.

**DVS:**

The programming costs will be absorbed as a part of the current maintenance and support contract with FAST Enterprises.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:** Alice Emma Corrie 651-201-7580

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**HF695 - 0 - Recreational Vehicle DUI; Enforcement Uniformity**

Chief Author: **Jamie Becker-Finn**  
 Committee: **Judiciary Finance and Civil Law**  
 Date Completed: **2/22/2021 10:51:09 AM**  
 Agency: **Natural Resources Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Jim Carlson      **Date:** 2/19/2021 9:22:57 AM  
**Phone:** 651-284-6540      **Email:** jim.carlson@lbo.leg.mn

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

This bill makes a number of clarifications and conformity enhancements to the 2018 and 2019 “Little Alan’s Law” legislation, that furthered the concept that recreational vehicle Driving Under the Influence (DUI) are just like highway licensed motor vehicle DUI events/actions.

This bill provides for the consistent and uniform application of DWI laws, including:

- Aligning revocation periods across all vehicle types instead of the patchwork currently in place
- Combining DWI violation sections for consistent charging and prosecution, and DWI fines splits can be consistent with current highway motor vehicle DWI prosecutions
- Updating the peace officer definition recognizing Conservation Officers as fully trained licensed law enforcement partners
- Paving the way to processing off-road recreational vehicles and motorboats through the very successful DPS DWI e-Charging system, and eliminating the current manual charging system for these vehicle types.

Sections 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 recreational 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).

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

Sections 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 makes the distribution consistent with the establishment of state courts (from county court administration, several years ago) as far as fine splits and distribution.

Sections 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).

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

Section 10. Amends M.S. 169A.54 to include DUI conviction and adjudication suspension of off-road recreational vehicles and motorboats privileges with driver’s license suspensions. The revocation/suspension periods for all vehicle

types would run concurrently.

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

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

Section 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.

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

**Assumptions**

Under current law, the differences between recreational vehicle provisions and regular highway licensed vehicle DWI provisions are very fine details that are confusing and difficult to navigate for the offenders, their attorneys, officers, the courts, and prosecutors. With these clarifications in place, appropriate updates to revocation notices, e-charging, and officer training will provide more consistent enforcement of the DWI.

Sections 2 and 7, clarifying conservation officers are fully licensed peace officers in the definition of peace officers will require some conservation officer training on the utilization the DPS/BCA DWI e-Charging system. Any required training would be incorporated into routine training protocols and programs that would not involve any additional costs, and would provide a tool for off-road recreational vehicle and motorboat DWI enforcement.

The changes in sections 1, 4, and 9-12 will require some text changes to the revocation/suspension notices that get generated, as did the changes to the revocation/suspension notices resulting from the last two legislative sessions. The driver’s license records already include off-road recreational vehicles and motorboat violations and records. Some general clarifying text information will need to be added to that system that lets the person checking the record know when the suspension/revocation periods apply to all motor vehicle types.

Sections 3, 5, 6, and 14 alter how the revenue is deposited in the Snowmobile and Water Recreation (motorboat) Accounts in the Natural Resources Fund and the Game and Fish Fund. Currently, the DWI revenue in these funds would be split evenly between these funds and the General Fund. This change brings this revenue distribution in sync with how all other DWI revenue is deposited across the state, which is based on the arresting agency and the prosecuting authority.

**Expenditure and/or Revenue Formula**

Please note that the fiscal impact of this bill is shown in the Supreme Court's section.

This bill increases the portion of these revenues that are deposited in the general fund and reduces the amount that goes to the funds listed below. This bill does not increase the amount of revenue to the state therefore it nets to zero.

Below is a table that estimates the loss of revenue to the following fund annually.

Fund/Account	FY20	FY21	FY22	FY23
Water Recreation Account		-6	-12	-12
Snowmobile Account		-9	-18	-18
Game and Fish Fund		-1	-2	-2
General Fund		16	32	32
Total		0	0	0

**Long-Term Fiscal Considerations**

None identified.

**Local Fiscal Impact**

Local government will receive the “normal” fine distribution split from snowmobile and motorboat DWI violations. Local prosecutors are responsible for prosecution of the DWI violations, this distribution of fine receipts would be appropriate.

**References/Sources**

N/A

**Agency Contact:** Col Rodmen Smith, ENF Director, 651-259-5042

**Agency Fiscal Note Coordinator Signature:** Emily Engel

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**HF695 - 0 - Recreational Vehicle DUI; Enforcement Uniformity**

Chief Author: **Jamie Becker-Finn**  
 Committee: **Judiciary Finance and Civil Law**  
 Date Completed: **2/22/2021 10:51:09 AM**  
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
<b>Local Fiscal Impact</b>		
	X	

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State Cost (Savings)	Biennium			Biennium	
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024
<b>Water Recreation</b>	-	6	12	12	12
<b>Snowmobile</b>	-	9	18	18	18
<b>Game And Fish (Operations)</b>	-	1	2	2	2
<b>Total</b>	-	<b>16</b>	<b>32</b>	<b>32</b>	<b>32</b>
<b>Biennial Total</b>			<b>48</b>		<b>64</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Water Recreation	-	-	-	-	-
Snowmobile	-	-	-	-	-
Game And Fish (Operations)	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Maren Bardal    **Date:** 2/19/2021 6:00:50 PM  
**Phone:** 651-284-6429    **Email:** maren.bardal@lbo.leg.mn

### State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
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Game And Fish (Operations)	-	1	2	2	2	
<b>Total</b>	<b>-</b>	<b>16</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>32</b>
<b>Biennial Total</b>			<b>48</b>			<b>64</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Water Recreation	-	-	-	-	-	-
Snowmobile	-	-	-	-	-	-
Game And Fish (Operations)	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>			<b>-</b>			<b>-</b>
<b>2 - Revenues, Transfers In*</b>						
Water Recreation	-	(6)	(12)	(12)	(12)	(12)
Snowmobile	-	(9)	(18)	(18)	(18)	(18)
Game And Fish (Operations)	-	(1)	(2)	(2)	(2)	(2)
<b>Total</b>	<b>-</b>	<b>(16)</b>	<b>(32)</b>	<b>(32)</b>	<b>(32)</b>	<b>(32)</b>
<b>Biennial Total</b>			<b>(48)</b>			<b>(64)</b>

### Bill Description

HF695 adds a new Minn. Stat. § 84.765 governing off road recreational vehicles and Minn. Stat. § 86B.33 governing motorboats, making it a misdemeanor for the owner or person in charge or control to allow the operation by someone the person knows is under the influence of alcohol, a controlled substance, or an intoxicating substance; amends Minn. Stat. § 84.83, subd. 5, to eliminate the reference to violations of section 169A.20 and to provide that fines and forfeited bail collected for prosecutions under section 84.81 to 84.90 must be deposited in the state treasury with half the receipts credited to the general fund and half credited to the snowmobile trails and enforcement account in the natural resources fund; amends Minn. Stat. § 86B.705, subd. 2, to eliminate the reference to violations of section 169A.20; amends Minn. Stat. § 97A.065, subd. 2, to eliminate the reference to violations of section 169A.20 and to provide that fines and forfeited bail collected for prosecutions under section 84.091 to 84.15 must be deposited in the state treasury with half the receipts credited to the general fund and half credited to the game and fish fund; amends Minn. Stat. §§ 169A.52 (licenses revocation for test refusal or failure), 169A.54 (administrative penalties for DWI convictions/adjudications), and 171.306 (ignition interlock) to add a new subdivision addressing off-road recreational vehicles and motorboats; and adds a new Minn. Stat. § 171.188 applying the provisions of chapter 171 governing DWI revocation and prohibition to off-road recreational vehicles and motorboats.

The bill also amend Minn. Stat. § 169A.20, subdivision 1, to eliminate the language that excluded motorboats and off-road recreational vehicles; and repeals Minn. Stat. § 169A.20, subdivisions 1a (motorboat), 1b (snowmobile and all-terrain vehicle), and 1c (off-highway motorcycle and off-road vehicle), and repeals Minn. Stat. § 84.91, subd. 1 (Operating Snowmobiles and All-Terrain Vehicles; Persons Under Influence of Alcohol or Controlled Substances) and Minn. Stat. § 86B.331, subd. 1 (Operation While Using Alcohol or Drugs or With a Physical or Mental Disability), the provisions which currently govern the offenses that are recodified in this bill.

### Assumptions

It is assumed the effective date of this bill is August 1, 2021, as it changes how certain fines are distributed, thereby

affecting the appropriations to special accounts, and that it will apply to crimes committed on and after July 1, 2021.

It is assumed that the provisions of this bill, which primarily recodify and clarify existing provisions, will not impact case filings. It is assumed that the provisions modifying fine distribution will require configuration work in the court's case management system, MNCIS, and that the work will be absorbed.

It is assumed that persons operating motorboats, snowmobiles, all-terrain vehicles, and off-road vehicles under the influence of alcohol, controlled substances and hazardous substances on and after July 1, 2021, will be charged under section 169A.20, subd. 1. The deletion of the references to section 169A.20 in the revenue distribution provisions means that the fines for these section 169A.20, subd. 1 violations will no longer distribute 50% to the applicable Department of Revenue (DNR) special accounts and 50% to the general fund. There will be a loss of revenue to DNR special accounts. There will be a change in the amount of revenue to the state general fund depending on the county in which the offense occurred and who prosecuted the case. For cases prosecuted by a city attorney, the municipal fine distribution rules apply: In Hennepin County offenses that occur within a municipality the fine will distribute 80% to the municipality that has prosecutorial authority and 20% to the state general fund. In Ramsey County offenses that occur with a municipality other than the City of St. Paul will distribute 50% to the municipality that has prosecutorial authority and 50% to the state general fund. In Chisago County offense that occur within a municipality will distribute 50% to the municipality and 50% to the general fund. In all other counties, offenses that occur within a municipality will distribute two thirds to the municipality with prosecutorial authority and one third to the state general fund. In all counties when prosecuted by the county attorney, 100% of the fine will distribute to the state general fund. It is assumed State Patrol fine distribution will not apply as the State Patrol generally is not the law enforcement agency for these charges.

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**Expenditure and/or Revenue Formula**

This bill is not anticipated to have a significant fiscal impact on the judicial branch.

Given the major impact the pandemic had on district court filings and fee collection in 2020, data from the prior 3 fiscal years is used to calculate the averages in this formula.

On average, for FY17-19, fine revenue for violation of sections 169A.20 subd. 1a-1c distributed as follows:

Special Fund Accounts	3 FY Average	General Fund 3 FY Average
Water Recreation	\$11,980	\$11,976
Snowmobile	\$17,618	\$17,895
Fish and Wildlife	\$ 2,419	\$ 2,419
Total	\$32,017	\$32,290

Given the time it takes to prosecute violations of section 169A.20, subd. 1, charges the loss in FY22 is discounted by 6 months.

Estimated losses

Special Fund Accounts	FY22	FY23	FY24
Water Recreation	- \$ 5,990	- \$11,980	- \$11,980
Snowmobile	- \$ 8,809	- \$17,618	- \$17,618
Fish and Wildlife	- \$ 1,210	- \$ 2,419	- \$ 2,419

Total	- \$16,009	- \$32,017	- \$32,017
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The change in revenue to the general fund cannot reasonably be estimated. In cases in which the county attorney prosecutes the share to the general fund will increase from 50% to 100%. In cases where the municipal fine distributes 2/3 to the municipality, the share to the general fund will decrease from 50% to 1/3. In cases in Hennepin County where the municipal fine distributes 80% to the municipality, the share to the general fund will decrease from 50% to 20%.

The revenue that would have gone to a DNR account will either distribute to the general fund when the county attorney prosecutes, or some or all will go the a municipality when a city attorney prosecutes the case depending on the applicable municipal fine distribution.

**Long-Term Fiscal Considerations**

The loss of revenue is permanent.

**Local Fiscal Impact**

For offenses that occur within a municipality and prosecuted by the city attorney, fine revenue will distribute to the municipality. The amount of fine revenue that will go to municipalities for violation of section 169A.20, subd. 1 as a result of this bill cannot reasonably be determined.

**References/Sources**

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