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# LEGISLATIVE SESSION

Update to

2007

## Off-Highway Vehicle and Snowmobile Lawbook



Minnesota  
Department of Natural Resources  
Enforcement Division

Note: The statutes/subdivisions included in this booklet  
were changed by the 2010 Legislature.  
Effective dates are as noted.

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# Table of Contents

<b>OFF-HIGHWAY VEHICLES</b> .....	1
<b>84.7741 OFF-HIGHWAY VEHICLE FORFEITURE.</b> .....	1
Subd. 13. Reporting. ....	1
<b>84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.</b> .....	1
Subd. 2. Off-highway vehicle seasons seasonal restrictions. ....	1
<b>OFF-HIGHWAY MOTORCYCLES</b> .....	1
<b>84.788 REGISTRATION.</b> .....	1
Subd. 2. Exemptions. ....	1
<b>84.793 YOUTHFUL OPERATORS; PROHIBITIONS.</b> .....	1
Subdivision 1. Prohibitions on youthful operators. ....	1
<b>OFF-ROAD VEHICLES</b> .....	2
<b>84.797 DEFINITIONS</b> .....	2
Subd. 6. Off-road. ....	2
<b>84.798 REGISTRATION.</b> .....	2
Subd. 2. Exemptions. ....	2
<b>84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND     ALLOCATIONS.</b> .....	3
Subd. 2. Purposes. ....	3
<b>84.8045 RESTRICTIONS ON OFF-ROAD VEHICLE TRAILS.</b> .....	3
<b>SNOWMOBILES</b> .....	3
<b>84.82 SNOWMOBILE REGISTRATION.</b> .....	3
Subd. 3. Fees for registration.....	3
Subd. 6. Exemptions. ....	4
Subd. 6a. Exemption; collector unlimited snowmobile use. ....	4
<b>84.8205 SNOWMOBILE STATE TRAIL STICKER</b> .....	4
Subdivision 1. Sticker required; fee. ....	4
<b>ALL-TERRAIN VEHICLES</b> .....	5
<b>84.92 DEFINITIONS.</b> .....	5
Subd. 9. Class 1 all-terrain vehicle. ....	5
Subd. 10. Class 2 all-terrain vehicle. ....	5
<b>84.922 REGISTRATION.</b> .....	5
Subd. 1a. Exemptions. ....	5
Subd. 2b. Collector unlimited use; exempt registration. ....	6
Subd. 5. Fees for registration.....	6
<b>84.925 EDUCATION AND TRAINING PROGRAM.</b> .....	6
Subdivision 1. Program established. ....	6
<b>84.9256 YOUTHFUL OPERATORS; PROHIBITIONS.</b> .....	7
Subdivision 1. Prohibitions on youthful operators. ....	7
<b>84.9275 NONRESIDENT ALL-TERRAIN VEHICLE STATE TRAIL PASS.</b> 9	
Subdivision 1. Pass required; fee. ....	9
<b>84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.</b> .....	9
Subdivision 1. Operation on roads and rights-of-way.....	9

Subd. 5. Organized contests, use of highways and public lands and waters. ....	11
<b>DRIVING WHILE IMPAIRED .....</b>	<b>11</b>
<b>169A.03 DEFINITIONS. ....</b>	<b>11</b>
Subd. 24a. Twice the legal limit. ....	11
<b>169A.275 MANDATORY PENALTIES; NONFELONY VIOLATIONS. ...</b>	<b>11</b>
Subd. 7. Exception. ....	11
<b>169A.51 CHEMICAL TESTS FOR INTOXICATION. ....</b>	<b>12</b>
Subd. 7. Requirements for conducting tests; liability. ....	12
<b>169A.52 TEST REFUSAL OR FAILURE; LICENSE REVOCATION. ....</b>	<b>12</b>
Subd. 3. Test refusal; license revocation. ....	12
Subd. 4. Test failure; license revocation. ....	13
<b>169A.54 DWI CONVICTIONS, ADJUDICATIONS; ADMINISTRATIVE     PENALTIES. ....</b>	<b>14</b>
Subdivision 1. Revocation periods for DWI convictions. ....	14
Subd. 2. Driving while impaired by person under age 21. ....	15
Subd. 5. Violations involving alcohol concentration of <del>0.20</del> twice the legal limit or more. ....	16
Subd. 11. Chemical use assessment. [Repealed] .....	16
<b>169A.55 LICENSE REVOCATION TERMINATION; LICENSE     REINSTATEMENT.....</b>	<b>16</b>
Subdivision 1. Termination of revocation period. [Repealed] ..	16
Subd. 4. Reinstatement of driving privileges; multiple incidents. .....	16
<b>169A.60 ADMINISTRATIVE IMPOUNDMENT OF PLATES. ....</b>	<b>17</b>
Subdivision 1. Definitions. ....	17
<b>169A.63 VEHICLE FORFEITURE. ....</b>	<b>17</b>
Subd. 12. Reporting. ....	17
<b>CRIMINAL CODE .....</b>	<b>18</b>
<b>609.531 FORFEITURES.....</b>	<b>18</b>
Subdivision 1. Definitions. ....	18
Subd. 4. Seizure. ....	19
Subd. 5. Right to possession vests immediately; custody of seized property. ....	19
Subd. 5a. Bond by owner for possession. ....	20
Subd. 7. Petition for remission or mitigation. ....	20
Subd. 8. Forfeiture policies; statewide model policy required. .	21
<b>609.5313 FORFEITURE BY JUDICIAL ACTION; PROCEDURE. ....</b>	<b>22</b>
<b>609.5315 SUMMARY FORFEITURES. ....</b>	<b>22</b>
Subdivision 1. Disposition. ....	22
Subd. 2. Disposition of administratively forfeited property. ....	23
Subd. 6. Reporting requirement. ....	23

## OFF-HIGHWAY VEHICLES

### 84.7741 OFF-HIGHWAY VEHICLE FORFEITURE.

#### Subd. 13. Reporting.

The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6. [Effective 8-1-2010]

### 84.777 OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.

#### Subd. 2. Off-highway vehicle ~~seasons~~ seasonal restrictions.

(a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands. Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands: (1) outside of the seasons prescribed under this paragraph; or (2) during the firearms deer hunting season in areas of the state where deer may be taken by rifle. This paragraph does not apply to a person in possession of a valid deer hunting license operating an off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

[Effective 5-18-2010]

[see Minnesota Statutes for paragraphs (b) and (c)]

## OFF-HIGHWAY MOTORCYCLES

### 84.788 REGISTRATION.

#### Subd. 2. Exemptions.

Registration is not required for off-highway motorcycles:

- (1) owned and used by the United States, an Indian tribal government, the state, another state, or a political subdivision;
- (2) registered in another state or country that have not been within this state for more than 30 consecutive days; or
- (3) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.

[Effective 7-1-2010]

### 84.793 YOUTHFUL OPERATORS; PROHIBITIONS.

#### Subdivision 1. Prohibitions on youthful operators.

(a) ~~After January 1, 1995,~~ A person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied by a person 18 years of age or older or participating in an event for which the commissioner has issued a special use permit.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if that person is accompanied by a person 18 years of age or older who holds a valid driver's license.

(f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate an off-highway motorcycle on public lands or waters if the nonresident youth has in possession evidence of completing an off-road safety course offered by the Motorcycle Safety Foundation or another state as provided in section 84.791, subdivision 4. [Effective 5-18-2010]

## **OFF-ROAD VEHICLES**

### **84.797 DEFINITIONS.**

#### **Subd. 6. Off-road.**

"Off-road" means on trails or nonpublic roads or for cross-country travel on natural terrain. For purposes of sections 84.797 to ~~84.805~~ 84.8045, nonpublic roads include state forest roads, county forest roads, and other roads and trails that are not operated by a public road authority as defined in section 160.02, subdivision 25. [Effective 8-1-2010]

### **84.798 REGISTRATION.**

#### **Subd. 2. Exemptions.**

Registration is not required for an off-road vehicle that is:

(1) owned and used by the United States, an Indian tribal government, the state, another state, or a political subdivision; or

(2) registered in another state or country and has not been in this state for more than 30 consecutive days. [Effective 7-1-2010]

### **84.803 OFF-ROAD VEHICLE ACCOUNT; RECEIPTS AND ALLOCATIONS.**

#### **Subd. 2. Purposes.**

Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for:

(1) administration, enforcement, and implementation of sections 84.773 to ~~84.805~~ 84.8045;

(2) acquisition, maintenance, and development of off-road vehicle trails and use areas;

(3) grant-in-aid programs to counties and municipalities to construct and maintain off-road vehicle trails and use areas;

(4) grants-in-aid to local safety programs; and

(5) enforcement and public education grants to local law enforcement agencies. [Effective 8-1-2010]

### **84.8045 RESTRICTIONS ON OFF-ROAD VEHICLE TRAILS.**

Notwithstanding any provision of sections 84.797 to ~~84.805~~ 84.804 or other law to the contrary, the commissioner shall not permit land administered by the commissioner in Cass, Crow Wing, and Hubbard Counties to be used or developed for trails primarily for off-road vehicles as defined in section 84.797, subdivision 7, except:

(1) upon approval by the legislature; or

(2) in designated off-road vehicle use areas. [Effective 8-1-2010]

## **SNOWMOBILES**

### **84.82 SNOWMOBILE REGISTRATION.**

#### **Subd. 3. Fees for registration.**

(a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c , or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: \$45 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

(d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is \$6. [Effective 7-1-2010]

**Subd. 6. Exemptions.**

Registration is not required under this section for:

(1) a snowmobile owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof;

(2) a snowmobile registered in a country other than the United States temporarily used within this state;

(3) a snowmobile that is covered by a valid license of another state and has not been within this state for more than 30 consecutive days;

(4) a snowmobile used exclusively in organized track racing events;

(5) a snowmobile in transit by a manufacturer, distributor, or dealer;

(6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual; or

(7) a snowmobile while being used to groom a state or grant-in-aid trail. **[Effective 7-1-2010]**

**Subd. 6a. Exemption; collector unlimited snowmobile use.**

Snowmobiles may be issued an exempt registration if the machine is at least 25 years old. Exempt registration is valid from the date of issuance until ownership of the snowmobile is transferred. Exempt registrations are not transferable. [Effective 7-1-2010]

**84.8205 SNOWMOBILE STATE TRAIL STICKER.**

**Subdivision 1. Sticker required; fee.**

(a) Except as provided in paragraph (b), a person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30. In addition to other penalties prescribed by law, a person in violation of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker is valid from November 1 through June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and

credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(b) A state trail sticker is not required under this section for:

(1) a snowmobile owned by the state or a political subdivision of the state that is registered under section 84.82, subdivision 5;

(2) a snowmobile that is owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;

(3) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;

(4) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(5) a snowmobile while being used to groom a state or grant-in-aid trail.

(c) A temporary registration permit issued by a dealer under section 84.82, subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is included with the registration application fee. [Effective 7-1-2010]

## ALL-TERRAIN VEHICLES

### 84.92 DEFINITIONS.

#### Subd. 9. Class 1 all-terrain vehicle.

"Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds. [Effective 7-1-2010]

#### Subd. 10. Class 2 all-terrain vehicle.

"Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds. [Effective 7-1-2010]

### 84.922 REGISTRATION.

#### Subd. 1a. Exemptions.

All-terrain vehicles exempt from registration are:

(1) vehicles owned and used by the United States, an Indian tribal government, the state, another state, or a political subdivision;



(2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days;

(3) vehicles that:

(i) are owned by a resident of another state or country that does not require registration of all-terrain vehicles;

(ii) have not been in this state for more than 30 consecutive days; and

(iii) are operated on state and grant-in-aid trails by a nonresident possessing a nonresident all-terrain vehicle state trail pass;

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles that are 25 years old or older and were originally produced as a separate identifiable make by a manufacturer.

[Effective 7-1-2010]

**Subd. 2b. Collector unlimited use; exempt registration.**

All-terrain vehicles may be issued an exempt registration if requested and the machine is at least 25 years old. Exempt registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Exempt registrations are not transferable. [Effective 7-1-2010]

**Subd. 5. Fees for registration.**

(a) The fee for a three-year registration of an all-terrain vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is:

(1) for public use, \$45;

(2) for private use, \$6; and

(3) for a duplicate or transfer, \$4.

(b) The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b is \$6.

(e) The fees collected under this subdivision must be credited to the all-terrain vehicle account. [Effective 7-1-2010]

**84.925 EDUCATION AND TRAINING PROGRAM.**

**Subdivision 1. Program established.**

(a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training

program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of \$15 from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish the fee for a duplicate all-terrain vehicle safety certificate that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund. In addition to the fee established by the commissioner, instructors may charge each person ~~the cost of~~ up to the established fee amount for class material materials and expenses.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. By June 30, 2003, the commissioner shall incorporate a riding component in the safety education and training program. [Effective 7-1-2010]

#### **84.9256 YOUTHFUL OPERATORS; PROHIBITIONS.**

##### **Subdivision 1. Prohibitions on youthful operators.**

(a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied ~~on another all-terrain vehicle~~ by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or state or grant-in-aid trails if:

(1) the nonresident youth has in possession evidence of completing an all-terrain safety course offered by the ATV Safety Institute or another state as provided in section 84.925, subdivision 3; and

(2) the nonresident youth is accompanied by a person 18 years of age or older who holds a valid driver's license.

**84.9275 NONRESIDENT ALL-TERRAIN VEHICLE STATE TRAIL PASS.**

**Subdivision 1. Pass required; fee.**

(a) A nonresident may not operate an all-terrain vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to counties and municipalities for all-terrain vehicle organizations to construct and maintain all-terrain vehicle trails and use areas.

(c) A nonresident all-terrain vehicle state trail pass is not required for:

(1) an all-terrain vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.922, subdivision 1a; ~~or~~

(2) a person operating an all-terrain vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent-; or

(3) a nonresident operating an all-terrain vehicle that is registered according to section 84.922. [Effective 5-18-2010]

**84.928 OPERATION REQUIREMENTS; LOCAL REGULATION.**

**Subdivision 1. Operation on roads and rights-of-way.**

(a) Unless otherwise allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

(b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway unless prohibited under paragraph (d) or (f).

(c) A person may operate a class 2 all-terrain vehicle within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side of the road and left turns may be

made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.

(d) A road authority as defined under section 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles in the public road right-of-way under its jurisdiction.

(e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside bank or slope of a trunk, interstate, county state-aid, or county highway:

(1) that is part of a funded grant-in-aid trail; or

(2) when the all-terrain vehicle is: ~~(1)~~ owned by or operated under contract with a publicly or privately owned utility or pipeline company; and ~~(2)~~ used for work on utilities or pipelines.

(f) The commissioner may limit the use of a right-of-way for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

The commissioner must notify the road authority as soon as it is known that a closure will be ordered. The notice must state the reasons and duration of the closure.

(g) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(h) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the Department of Natural Resources when performing or exercising official duties or powers.

(i) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(j) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state. [Effective 7-1-2010]

**Subd. 5. Organized contests, use of highways and public lands and waters.**

(a) Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right-of-way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest or event, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.

(b) In permitting the contest or event, the official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.

(c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under 12 years of age may operate an all-terrain vehicle in an organized contest on public lands or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised by a person 18 years of age or older. [Effective 5-18-2010]

## **DRIVING WHILE IMPAIRED**

### **169A.03 DEFINITIONS.**

**Subd. 24a. Twice the legal limit.**

"Twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5). [Effective 7-1, 2011]

### **169A.275 MANDATORY PENALTIES; NONFELONY VIOLATIONS.**

**Subd. 7. Exception.**

~~(a)~~ A judge is not required to sentence a person as provided in ~~this section~~ subdivisions 1 to 4 if the judge requires the person as a condition of probation to drive only motor vehicles equipped

with an ignition interlock device meeting the standards described in section 171.306.

~~(b) This subdivision expires July 1, 2011. [Effective 7-1-2011]~~

## **169A.51 CHEMICAL TESTS FOR INTOXICATION.**

### **Subd. 7. Requirements for conducting tests; liability.**

(a) Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, ~~or~~ laboratory assistant, or other qualified person acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or a hazardous substance. This limitation does not apply to the taking of a breath or urine sample.

[see Minnesota Statutes for paragraph (b)]

(c) The physician, medical technician, emergency medical technician-paramedic, medical technologist, medical laboratory technician, laboratory assistant, phlebotomist, ~~or~~ registered nurse, or other qualified person drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, a controlled substance or its metabolite, or a hazardous substance is in no manner liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test must be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

(d) For purposes of this subdivision, "qualified person" means medical personnel trained in a licensed hospital or educational institution to withdraw blood. [Effective 7-1-2010]

## **169A.52 TEST REFUSAL OR FAILURE; LICENSE REVOCATION.**

### **Subd. 3. Test refusal; license revocation.**

(a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, ~~for a period of one year~~ even if a test was obtained pursuant to this section after the person refused to submit to testing. The commissioner shall revoke the license, permit, or nonresident operating privilege:

(1) for a person with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;

(2) for a person under the age of 21 years and with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;

(3) for a person with one qualified prior impaired driving incident within the past ten years, or two qualified prior impaired driving incidents, for a period of not less than two years;

(4) for a person with two qualified prior impaired driving incidents within the past ten years, or three qualified prior impaired driving incidents, for a period of not less than three years;

(5) for a person with three qualified prior impaired driving incidents within the past ten years, for a period of not less than four years; or

(6) for a person with four or more qualified prior impaired driving incidents, for a period of not less than six years.

(b) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle and shall revoke the person's license or permit to drive or nonresident operating privilege according to the federal regulations adopted by reference in section 171.165, subdivision 2. [Effective 7-1-2011]

**Subd. 4. Test failure; license revocation.**

(a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired) and that the person submitted to a test and the test results indicate an alcohol concentration of 0.08 or more or the presence of a controlled substance listed in schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege:

(1) for a period of 90 days, or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than one year;

(2) if the person is under the age of 21 years, for a period of ~~six~~ not less than 180 days or, if the test results indicate an



alcohol concentration of twice the legal limit or more, not less than one year;

(3) for a person with a one qualified prior impaired driving incident within the past ten years, or two qualified prior impaired driving incidents, for a period of 180 days not less than one year, or if the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years; or

(4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3), for a person with two qualified prior impaired driving incidents within the past ten years, or three qualified prior impaired driving incidents, for a period of not less than three years;

(5) for a person with three qualified prior impaired driving incidents within the past ten years, for a period of not less than four years; or

(6) for a person with four or more qualified prior impaired driving incidents, for a period of not less than six years.

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165 (commercial driver's license disqualification).

(c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of Criminal Apprehension, or authorized by the bureau to conduct the analysis of a blood or urine sample, the laboratory may directly certify to the commissioner the test results, and the peace officer shall certify to the commissioner that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 and that the person submitted to a test. Upon receipt of both certifications, the commissioner shall undertake the license actions described in paragraphs (a) and (b).  
[Effective 7-1-2011]

## **169A.54 DWI CONVICTIONS, ADJUDICATIONS; ADMINISTRATIVE PENALTIES.**

### **Subdivision 1. Revocation periods for DWI convictions.**

Except as provided in subdivision 7, the commissioner shall revoke the driver's license of a person convicted of violating section 169A.20 (driving while impaired) or an ordinance in conformity with it, as follows:

(1) for an offense under section 169A.20, subdivision 1 (driving while impaired crime); ~~2~~ not less than 30 days;

(2) for an offense under section 169A.20, subdivision 2 (refusal to submit to chemical test crime); ~~2~~ not less than 90 days;

(3) for an offense occurring within ten years of a qualified prior impaired driving incident; or occurring after two qualified prior impaired driving incidents,

~~(i) if the current conviction is for a violation of section 169A.20, subdivision 1, 1a, 1b, or 1c, not less than 180 days~~ one year, or if the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70 (chemical use assessments); ~~or~~

~~(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70;~~

(4) for an offense occurring within ten years of the first of two qualified prior impaired driving incidents; or occurring after three qualified prior impaired driving incidents, not less than ~~one year~~ three years, together with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established ~~in accordance with~~ according to standards established by the commissioner; ~~or~~

(5) for an offense occurring within ten years of the first of three ~~or more~~ qualified prior impaired driving incidents; ~~2~~ not less than ~~two~~ four years, together with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established ~~in accordance with~~ according to standards established by the commissioner; ~~or~~

(6) for an offense occurring after four or more qualified prior impaired driving incidents, not less than six years, together with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner. [Effective 7-1-2011]

### **Subd. 2. Driving while impaired by person under age 21.**

If the person convicted of violating section 169A.20 (driving while impaired) is under the age of 21 years at the time of the violation, the commissioner shall revoke the offender's driver's license or operating privileges for a period of ~~six months~~ not less than 180 days or for the appropriate period of time under subdivision 1, clauses (1) to ~~(5)~~ (6), for the offense committed, whichever is the greatest longer period. [Effective 7-1-2011]

**Subd. 5. Violations involving alcohol concentration of ~~0.20~~ twice the legal limit or more.**

If the person has no qualified prior impaired driving incidents within the past ten years and is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ twice the legal limit or more as measured at the time, or within two hours of the time, of the offense, the commissioner shall revoke the person's driver's license for ~~twice the period of time otherwise provided for in this section~~ not less than one year. [Effective 7-1-2011]

**Subd. 11. Chemical use assessment. [Repealed]**  
[Effective 7-1-2011]

**169A.55 LICENSE REVOCATION TERMINATION; LICENSE REINSTATEMENT.**

**Subdivision 1. Termination of revocation period. [Repealed]**  
[Effective 7-1-2011]

**Subd. 4. Reinstatement of driving privileges; multiple incidents.**

(a) A person whose driver's license has been canceled or denied as a result of three or more qualified impaired driving incidents shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the person:

(1) has completed rehabilitation according to rules adopted by the commissioner or been granted a variance from the rules by the commissioner; and

(2) has submitted verification of abstinence from alcohol and controlled substances, as evidenced by the person's use of an ignition interlock device or other chemical monitoring device approved by the commissioner.

(b) The verification of abstinence must show that the person has abstained from the use of alcohol and controlled substances for a period of not less than:

(1) three years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of two qualified prior impaired driving incidents, or occurring after three qualified prior impaired driving incidents;

(2) four years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of three qualified prior impaired driving incidents; or

(3) six years, for a person whose driver's license was canceled or denied for an offense occurring after four or more qualified prior impaired driving incidents.

(c) The commissioner shall establish performance standards and a process for certifying chemical monitoring devices. The standards and procedures are not rules and are exempt from chapter 14, including section 14.386. [Effective 7-1-2011]

## **169A.60 ADMINISTRATIVE IMPOUNDMENT OF PLATES.**

### **Subdivision 1. Definitions.**

(a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Family or household member" has the meaning given in section 169A.63, subdivision 1.

(c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or an off-road recreational vehicle.

(d) "Plate impoundment violation" includes:

(1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or a ~~conforming~~ an ordinance from this state or a conforming statute or ordinance from another state in conformity with either of those sections, that results in the revocation of a person's driver's license or driving privileges, within ten years of a qualified prior impaired driving incident;

(2) a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 within ten years of a qualified prior impaired driving incident;

(3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of ~~0.20~~ twice the legal limit or more as measured at the time, or within two hours of the time, of the offense;

(4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; ~~and or~~

(5) a violation of section 171.24 (driving without valid license) by a person whose driver's license or driving privileges have been canceled or denied under section 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public safety).

(e) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the plate impoundment violation occurred. [Effective 7-1-2011]

## **169A.63 VEHICLE FORFEITURE.**

### **Subd. 12. Reporting.**

The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6. [Effective 8-1-2010]

## CRIMINAL CODE

### 609.531 FORFEITURES.

#### Subdivision 1. Definitions.

For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

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

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

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

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

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

(f) "Designated offense" includes:

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

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

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a)

to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4. [Effective 8-1-2010]

#### **Subd. 4. Seizure.**

(a) Property subject to forfeiture under sections 609.531 to 609.5318 may be seized by the appropriate agency upon process issued by any court having jurisdiction over the property. Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this chapter; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the property and that:

(i) the property was used or is intended to be used in commission of a felony; or

(ii) the property is dangerous to health or safety.

If property is seized without process under item (i), the county attorney must institute a forfeiture action under section 609.5313 as soon as is reasonably possible.

(b) When property is seized, the officer must provide a receipt to the person found in possession of the property; or in the absence of any person, the officer must leave a receipt in the place where the property was found, if reasonably possible. [Effective 8-1-2010, and applies to seizures conducted on or after that date]

#### **Subd. 5. Right to possession vests immediately; custody of seized property.**

All right, title, and interest in property subject to forfeiture under sections 609.531 to 609.5318 vests in the appropriate agency upon commission of the act or omission giving rise to the forfeiture. Any property seized under sections 609.531 to 609.5318 is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture

proceedings. When property is so seized, the appropriate agency shall use reasonable diligence to secure the property and prevent waste and may do any of the following:

- (1) place the property under seal;
- (2) remove the property to a place designated by it; and
- (3) in the case of controlled substances, require the state Board of Pharmacy to take custody of the property and remove it to an appropriate location for disposition in accordance with law; and
- ~~(4) take other steps reasonable and necessary to secure the property and prevent waste.~~ [Effective 8-1-2010, and applies to seized property in possession on or after that date]

**Subd. 5a. Bond by owner for possession.**

(a) If the owner of property that has been seized under sections 609.531 to 609.5318 seeks possession of the property before the forfeiture action is determined, the owner may, ~~subject to the approval of the appropriate agency,~~ give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized property. On posting the security or bond, the seized property must be returned to the owner and the forfeiture action shall proceed against the security as if it were the seized property. This subdivision does not apply to contraband property or property being held for investigatory purposes.

(b) If the owner of a motor vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may surrender the vehicle's certificate of title in exchange for the vehicle. The motor vehicle must be returned to the owner within 24 hours if the owner surrenders the motor vehicle's certificate of title to the appropriate agency, pending resolution of the forfeiture action. If the certificate is surrendered, the owner may not be ordered to post security or bond as a condition of release of the vehicle. When a certificate of title is surrendered under this provision, the agency shall notify the Department of Public Safety and any secured party noted on the certificate. The agency shall also notify the department and the secured party when it returns a surrendered title to the motor vehicle owner. [Effective 8-1-2010]

**Subd. 7. Petition for remission or mitigation.**

Prior to the entry of a court order disposing with the forfeiture action, any person who has an interest in forfeited property may file with the county attorney a petition for remission or mitigation of the forfeiture. The county attorney may remit or mitigate the forfeiture upon terms and conditions the county attorney deems reasonable if the county attorney finds that: (1) the forfeiture was

incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or (2) extenuating circumstances justify the remission or mitigation of the forfeiture. [Effective 7-1-2010]

**Subd. 8. Forfeiture policies; statewide model policy required.**

(a) By December 1, 2010, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) best practices in pursuing, seizing, and tracking forfeitures;
- (2) type and frequency of training for law enforcement on forfeiture laws; and
- (3) situations in which forfeitures should not be pursued.

(b) By December 1, 2010, the Minnesota County Attorneys Association, after consulting with the attorney general, the Peace Officer Standards and Training Board, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) statutory role of prosecutors in forfeiture procedures;
- (2) best practices for timely and fair resolution of forfeiture cases;
- (3) type and frequency of training for prosecutors on forfeiture laws; and
- (4) situations in which forfeitures should not be pursued.

(c) By December 1, 2010, the Minnesota County Attorneys Association and the Peace Officer Standards and Training Board shall forward an electronic copy of its respective model policy to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and civil law policy.

(d) By March 1, 2011, the chief law enforcement officer of every state and local law enforcement agency and every prosecution office in the state shall adopt and implement a written policy on forfeiture that is identical or substantially similar to the model policies developed under paragraphs (a) and (b). The written policy shall be made available to the public upon request. [Effective 7-1-2010]



**609.5313 FORFEITURE BY JUDICIAL ACTION; PROCEDURE.**

(a) The forfeiture of property under sections 609.5311 and 609.5312 is governed by this section. A separate complaint must be filed against the property stating the act, omission, or occurrence giving rise to the forfeiture and the date and place of the act or occurrence. Within 60 days from when the seizure occurs, the county attorney shall notify the owner or possessor of the property of the action, if known or readily ascertainable. The action must be captioned in the name of the county attorney or the county attorney's designee as plaintiff and the property as defendant. Upon motion by the county attorney, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown.

(b) If notice is not sent in accordance with paragraph (a), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the right of the agency to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess. [Effective 8-1-2010, and applies to offenses committed on or after that date]

**609.5315 SUMMARY FORFEITURES.**

**Subdivision 1. Disposition.**

(a) Subject to paragraph (b), if the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to do one of the following:

(1) unless a different disposition is provided under clause (3) or (4), either destroy firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (8), or sell them to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under subdivision 5 or 5b;

(2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5 or 5b;

(3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public and distribute the proceeds under subdivision 5 or 5b;

(4) destroy or use for law enforcement purposes semiautomatic military-style assault weapons, as defined in section 624.712, subdivision 7;

(5) take custody of the property and remove it for disposition in accordance with law;

(6) forward the property to the federal drug enforcement administration;

(7) disburse money as provided under subdivision 5 or 5b; or

(8) keep property other than money for official use by the agency and the prosecuting agency.

(b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the applicable county board.

(c) If property is sold under paragraph (a), the appropriate agency shall not sell property to an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage. (d) Sales of forfeited property under this section must be conducted in a commercially reasonable manner.

[Effective 7-1-2010]

**Subd. 2. Disposition of administratively forfeited property.**

If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is made, the appropriate agency shall provide the county attorney with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the county attorney that (1) the appropriate agency provided a receipt in accordance with section 609.531, subdivision 4, or 626.16; (2) the appropriate agency served notice in accordance with section 609.5314, subdivision 2, or 609.5318, subdivision 2; and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1. [Effective 8-1-2010, and applies to offenses committed on or after that date]

**Subd. 6. Reporting requirement.**

(a) For each forfeiture occurring in the state regardless of the authority for it, the appropriate agency and the prosecutor shall provide a written record of each the forfeiture incident to the state auditor. The record shall include the amount forfeited, the statutory authority for the forfeiture, its date, and a brief description of the circumstances involved, and whether the forfeiture was contested. For controlled substance and driving while impaired forfeitures, the record shall indicate whether the

forfeiture was initiated as an administrative or a judicial forfeiture. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. The record shall indicate how the property was or is to be disposed of.

(b) An appropriate agency or the prosecutor shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason.

(c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

(d) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision.

(e) The prosecutor is not required to report information required by this subdivision unless the prosecutor has been notified by the state auditor that the appropriate agency has not reported it. [Effective 8-1-2010]