



DIVERSION SOLUTIONS, LLC

**License Reinstatement Diversion Pilot Program
Pursuant To
Laws of Minnesota 2009, chapter 59, article 3, section 4
2018/2019 Legislative Report**

Date: 01/31/2019

Prepared by: Diversion Solutions, LLC
Third Party Vendor

For: Participating Cities & Counties

In 2009, the Minnesota Legislature enacted groundbreaking legislation that authorized five cities (Saint Paul, Duluth, South Saint Paul, West Saint Paul and Inver Grove Heights) to establish a pilot driver's license reinstatement diversion program, referred to as the Driving Diversion Program (the "DDP"). The program lifts suspensions and allows an individual who has a suspended or revoked driver's license to obtain a valid driver's license while paying off outstanding fines and fees.

Program funded 100% by participants

DDP CITIES

Alberta
 Arden Hills
 Arlington
 Backus
 Bayport

 Baxter
 Belle Plaine
 Bellview
 Bena
 Bloomington
 Bock
 Boy River
 Brainerd
 Breezy Point
 Brooklyn Center
 Brookston
 Burnsville
 Carver
 Cass Lake

 Chanhassen
 Chaska
 Chicamaw Beach
 Chokio

 Clements
 Cologne
 Crane Lake
 Crosby
 Crystal
 Cuyuna
 Deephaven

 Deer Wood
 Delhi
 Dellwood
 Donnelly
 Duluth
 East Bethel
 East Gull Lake
 Elko/New Market
 Ellendale

DDP CITIES

Emily
 Faribault
 Federal Dam
 Fifty Lakes
 Floodwood

 Foreston
 Fort Ripley
 Garrison
 Gaylord
 Gibbon
 Grand Rapids
 Grant
 Green Isle
Hackensack
 Hamburg
 Hancock
 Hastings
 Henderson
 Hermantown

 Hopkins
 Hoyt Lakes
 Ilse
 Independence

 Ironton
 Iron Junction
 Isanti
 Jenkins
 Jordan
 Lake Shore
 Lake St. Croix
 Beach
 Lambertson
 Lino Lakes
 Little Canada
 Little Falls
 Lansdale
 Longville
 Loretto
 Lucan
 Mahtomedi

DDP CITIES

Mahatten Beach
 Maple Grove
 Maple Plain
 Maplewood
 Mayer

 Meadowlands
 Medford
 Medina
 Milaca
 Milroy
 Minneapolis
 Morris
 Morristown
 Motley
 Mountain Iron
 Nerstrand
 New Auburn
 New Germany
 New Prague

 Nisswa
 North Oaks
 Northfield
 Norwood Young
 America
 Oak Park Heights
 Onamia
 Pillager
 Pine River
 Randall
 Red Wing
 Redwood Falls

 Remer
 Riverton
 Robbinsdale
 Rockford
 Rogers
 Rosemount
 Royalton
 Sanborn
 Savage

DDP CITIES

Seaforth
 Shakopee
 Shoreview
 South St. Paul
 Spring Lake Park

 St. Paul
 St. Paul Park
 Stillwater
 Trommald
 Tower
 Vesta
 Victoria
 Wabasha, City of
 Wabasso
 Waconia
 Wahkon
 Walker
 Walnut Grove
 Wanda

 Watertown
 West St. Paul
 whipholt
 Winthrop

 Woodbury
 Zumbrota

**DDP
COUNTIES**

Benton County
 Carlton County
 Carver County
 Cass County
 Crow Wing
 County
 Dakota County
 Goodhue County
 Kanabec County
 Lake County
 Morrison County
 Pine County
 Rice County
 Scott County
 Sibley County
 St. Louis County
 Steele County
 Stevens County
 Waseca
 Washington
 County

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Appendix

The following information is available upon request by emailing scott@diversionsolutions.net and has been filed with the Legislative Reference Library.

1. Enacted Legislations
 - a. 2009 through 2017
2. Letters of Support
3. Letter from Diversion Solutions

REPORT

2009 through 2018

Overview of participation

STATUS	Count	Percentage
Applications	34,273	
Approved for Program	17,078	50%
No Response (unable to contact)	4,852	28%
Participated in program	12,226	
Satisfied Program	5,212	43%
Active	1,481	12%
Payments not made, Releasedfp	4537	37%
Received new citation, Releasedfp (recidivism)	962	8%
Other, released from Program	34	<.001

Payments & Fees

2009 through 2018 payments	
State fines & Fees Paid	\$9,417,871.44
DOR 20%	\$120,998.75
Program	\$2,256,059.01
Reentry/Reinstatement	\$28,270.00
Class Reschedule	\$9,541.00
Credit Card Processing	\$347,289.77

Fees retained by terminated participants

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
PAYMENTS NOT MADE	\$ 571.50	\$ 688.50	\$ 598.00	\$ 1,525.50	\$ 1,413.50	\$133,357.00	\$ 97,638.90	\$ 94,944.00	\$ 22,708.50
RECEIVED NEW CITATION	\$ 3,335.00	\$ 2,675.49	\$ 3,876.50	\$ 6,027.50	\$ 9,009.50	\$ 31,690.00	\$ 30,307.50	\$ 39,415.00	\$ 10,565.60
Totals	\$ 3,906.50	\$ 3,363.99	\$ 4,474.50	\$ 7,553.00	\$ 10,423.00	\$165,047.00	\$ 127,946.40	\$ 134,359.00	\$ 33,274.10

Program Fees charged by Diversion Solutions

Program	\$350
Class reschedule	\$20
Reentry 30	\$25 (applied if application needs to be reviewed again)
Reinstatement	\$150 (applied if released from program due to post class citation or failure to make payment)
CC processing fee	\$5
Payment plan fee	\$20

Class Outline

1. Review different auto insurance offerings and state requirements
2. Complete review of the program, what to expect, sign contract and drivers pledge
3. Video on the 36 most common citations written in MN along with new requirements
4. Review on keeping your vehicle compliant to state laws
5. Discussion on what is probable cause and why an officer can use it to stop you.
6. Personal Leadership and why you're in charge of your life.

Program fee refund policy

The program fee is non-refundable unless it is determined that an individual was mistakenly accepted into the program. In this case the program fee is refunded in its entirety.

Positive Impact of the Program

In addition to keeping traffic offenders out of the courtroom, the DDP has an impact on the following effects:

- Licensed and Insured drivers
- Paid citations even though participant had to be released from program
- Paid citations in non-participating jurisdictions;
- Voluntary clearance of active arrest warrants;
- Disposition of dormant DAS/DAR citations;
- Department of Revenue collection fees;
- Satisfaction of outstanding judgments¹;
- Payment of child support arrears².

The interest in the DDP is so strong that prospective participants that are currently ineligible for the DDP often take the initiative to clear the impediments to participation, such as the active warrants, unsatisfied judgments and outstanding child support obligations so as to become eligible in the future.

Diversion Solutions and participating prosecutors have worked hard to bring more success to participants. Below are our 2018 stats. Notice the percentage difference from the overall report above. 88% of the participants either satisfied or are in good standing.

2018 STATUS	Count	Percentage
Applications	4,244	
Approved for Program	2,122	50%
No Response (unable to contact)	79	4%
Participated in program	2,043	
Satisfied Program	781	38%
Active	1019	50%
Payments not made, Releasedfp	165	8%
Received new citation, Releasedfp (recidivism)	77	4%
Other, released from Program	1	<.001

¹ An individual is ineligible for the DDP when a judgment affects his or her driver's license status. Prospective participants are satisfying outstanding judgments that prevent them from program participation.

² An individual is ineligible for the DDP when child support arrears affect his or her driver's license status. Prospective participants are contacting County authorities to establish and abide by child support payment plans in order to enter the program.

CONCLUSION

It is being requested that the License Reinstatement Diversion Pilot Program be made permanent state-wide law.

In addition, we are requesting the following legislative changes.

1. Ignition interlock – Individuals approved for Ignition Interlock that cannot pay their fines and fees can apply for the program. This would resolve the issue along with ensuring the individuals are at a lower risk of driving under the influence and without insurance.
2. A judge or prosecuting attorney can refer an individual to the program even though we don't have a participating Jurisdiction.
 - i. Example: Someone rejected from participation due to not having a citation in a participating jurisdiction (26.8% 9,802) could go to court and request permission to participate. We added attorney because of the calls we get from support agencies, public defenders and prosecutors that cannot convince local administrative management to sign onto DDP. Mostly outstate areas.
3. Reporting requirements.
 - a. Keep the yearly reporting to each jurisdiction but eliminate audit portion.
4. Third Party Vendor funding for DVS
 - a. \$3.00 for every person who attends the class. This will cover the cost for review time and allow for more timely reviews (based on the number of 2018 attendees and time needed to approve an individual)

Value of legislative additions:

On average an individual requesting participation owes \$1800 in fines and fees. The estimated additional fines & fees paid to the state would be \$19,000,000.

APPENDIX 1

ENACTED LEGISLATION

Sec. 4. **LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.**

11.11 **Subdivision 1. Establishment.** An eligible city may establish a license reinstatement
 11.12 diversion pilot program for holders of class D drivers' licenses who have been charged
 11.13 with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but have not yet
 11.14 entered a plea in the proceedings. An individual charged with driving after revocation
 11.15 under Minnesota Statutes, section 171.24, subdivision 2, is eligible for diversion only if
 11.16 the revocation was due to a violation of Minnesota Statutes, section 169.791; 169.797;
 11.17 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6). An individual
 11.18 who is a holder of a commercial driver's license or who has committed an offense in a
 11.19 commercial motor vehicle is ineligible for participation in the diversion pilot program.

11.20 **Subd. 2. Eligible cities.** Each of the cities of Duluth, St. Paul, South St. Paul,
 11.21 West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement
 11.22 diversion pilot program within its city. The commissioner of public safety may permit
 11.23 other cities to establish license reinstatement diversion pilot programs within their cities.

11.24 **Subd. 3. Contract.** Notwithstanding any law or ordinance to the contrary, an
 11.25 eligible city may contract with a third party to create and administer the diversion program.

11.26 **Subd. 4. Diversion of individual.** A prosecutor for a participating city may
 11.27 determine whether to accept an individual for diversion, and in doing so shall consider:
 11.28 (1) whether the individual has a record of driving without a valid license or other
 11.29 criminal record, or has previously participated in a diversion program;
 11.30 (2) the strength of the evidence against the individual, along with any mitigating
 11.31 factors; and
 11.32 (3) the apparent ability and willingness of the individual to participate in the
 11.33 diversion program and comply with its requirements.

11.34 **Subd. 5. Diversion driver's license.** (a) Notwithstanding any law to the contrary,
 11.35 the commissioner of public safety may issue a diversion driver's license to a person who
 12.1 is a participant in a pilot program for diversion, following receipt of an application and
 12.2 payment of:
 12.3 (1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by
 12.4 a participant whose driver's license has been suspended;
 12.5 (2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
 12.6 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
 12.7 Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or
 12.8 (3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
 12.9 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
 12.10 Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which
 12.11 are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also
 12.12 must be paid during the course of, and as a condition of, the diversion program.
 12.13 The diversion driver's license may bear restrictions imposed by the commissioner suitable
 12.14 to the licensee's driving ability or other restrictions applicable to the licensee as the
 12.15 commissioner may determine to be appropriate to assure the safe operation of a motor
 12.16 vehicle by the licensee.

12.17 (b) Payments by participants in the diversion program of the reinstatement fee and
 12.18 surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be
 12.19 applied first toward payment of the reinstatement fee, and after the reinstatement fee has
 12.20 been fully paid, toward payment of the surcharge. Each payment that is applied toward
 12.21 the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29,
 12.22 subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must
 12.23 be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs

12.24(c) and (d).

12.25 **Subd. 6. Components of program.** (a) At a minimum, the diversion program

12.26 must require individuals to:

12.27 (1) successfully attend and complete, at the individual's expense, educational classes

12.28 that provide, among other things, information on drivers' licensure;

12.29 (2) pay, according to a schedule approved by the prosecutor, all required fees,

12.30 fines, and charges, including applicable statutory license reinstatement fees and costs

12.31 of participation in the program;

12.32 (3) comply with all traffic laws; and

12.33 (4) demonstrate compliance with vehicle insurance requirements.

12.34 (b) An individual who is accepted into the pilot program is eligible to apply for a

12.35 diversion driver's license.

13.1 **Subd. 7. Termination of participation in diversion program.** (a) An individual's

13.2 participation in the diversion program may terminate when:

13.3 (1) during participation in the program, the individual is guilty of a moving traffic

13.4 violation or failure to provide vehicle insurance;

13.5 (2) the third-party administrator of the diversion program informs the court and the

13.6 commissioner of public safety that the individual is no longer satisfying the conditions

13.7 of the diversion; or

13.8 (3) the third-party administrator informs the court, the prosecutor, and the

13.9 commissioner of public safety that the individual has met all conditions of the diversion

13.10 program, including, at a minimum, satisfactory fulfillment of the components in

13.11 subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline

13.12 to prosecute.

13.13 (b) Upon termination of an individual's participation in the diversion program, the

13.14 commissioner shall cancel the individual's diversion driver's license.

13.15 (c) The original charge against the individual of violation of Minnesota Statutes,

13.16 section 171.24, may be reinstated against an individual whose participation in the

13.17 diversion program terminates under paragraph (a), clause (1) or (2).

13.18 (d) The commissioner shall reinstate the driver's license of an individual whose

13.19 participation in the diversion program terminates under paragraph (a), clause (3).

13.20 **Subd. 8. Report.** (a) By February 1, 2011, the commissioner of public safety and

13.21 each eligible city that participates in the diversion program shall report to the legislative

13.22 committees with jurisdiction over transportation and the judiciary concerning the results

13.23 of the program. The report must be made electronically and available in print only upon

13.24 request. The report must include, without limitation, the effect of the program on:

13.25 (1) recidivism rates for participants in the diversion pilot program;

13.26 (2) the number of unlicensed drivers who continue to drive in violation of Minnesota

13.27 Statutes, section 171.24;

13.28 (3) payment of the fees and fines collected in the diversion pilot program to cities,

13.29 counties, and the state;

13.30 (4) educational support provided to participants in the diversion pilot program; and

13.31 (5) the total number of participants in the diversion pilot program and the number of

13.32 participants who have terminated from the pilot program under subdivision 7, paragraph

13.33 (a), clauses (1) to (3).

13.34 (b) The report must include recommendations regarding the future of the program

13.35 and any necessary legislative changes.

13.36 **Subd. 9. Sunset.** The pilot project under this section expires June 30, 2011.

14.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

CHAPTER 87--H.F.No. 387

An act

relating to drivers' licenses; allowing counties to participate in driver's license reinstatement diversion pilot program; extending diversion pilot program; amending Laws 2009, chapter 59, article 3, section 4, as amended.

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

Section 1. Laws 2009, chapter 59, article 3, section 4, as amended by Laws 2010, chapter 197, section 1, is amended to read:

Sec. 4. LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.

Subdivision 1. Establishment. An eligible city or county may establish a license reinstatement diversion pilot program for holders of class D drivers' licenses who have been charged with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but have not yet entered a plea in the proceedings. An individual charged with driving after revocation under Minnesota Statutes, section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of Minnesota Statutes, section 169.791; 169.797; 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6). An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is ineligible for participation in the diversion pilot program.

Subd. 2. Eligible cities and counties. Each of the cities of Duluth, St. Paul, South St. Paul, West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement diversion pilot program within its city. The commissioner of public safety may permit other cities and counties to establish license reinstatement diversion pilot programs within their eities respective jurisdictions.

Subd. 3. Contract. Notwithstanding any law or ordinance to the contrary, an eligible city or county may contract with a third party to create and administer the diversion program.

Subd. 4. Diversion of individual. A prosecutor for a participating city or county may determine whether to accept an individual for diversion, and in doing so shall consider:

- (1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;
- (2) the strength of the evidence against the individual, along with any mitigating factors; and
- (3) the apparent ability and willingness of the individual to participate in the diversion program and comply with its requirements.

Subd. 5. Diversion driver's license. (a) Notwithstanding any law to the contrary, the commissioner of public safety may issue a diversion driver's license to a person who is a participant in a pilot program for diversion, following receipt of an application and payment of:

- (1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by a participant whose driver's license has been suspended;
- (2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under Minnesota

Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or (3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under Minnesota Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also must be paid during the course of, and as a condition of, the diversion program.

The diversion driver's license may bear restrictions imposed by the commissioner suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Payments by participants in the diversion program of the reinstatement fee and surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee, and after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.

Subd. 6. Components of program. (a) At a minimum, the diversion program must require individuals to:

- (1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on drivers' licensure;
- (2) pay, according to a schedule approved by the prosecutor, all those required fees, fines, and charges that affect the individual's driver's license status, including applicable statutory license reinstatement fees and costs of participation in the program;
- (3) comply with all traffic laws; and
- (4) demonstrate compliance with vehicle insurance requirements.

(b) An individual who is accepted into the pilot program is eligible to apply for a diversion driver's license.

Subd. 7. Termination of participation in diversion program. (a) An individual's participation in the diversion program may terminate when:

- (1) during participation in the program, the individual is guilty of a moving traffic violation or failure to provide vehicle insurance;
- (2) the third-party administrator of the diversion program informs the court and the commissioner of public safety that the individual is no longer satisfying the conditions of the diversion; or
- (3) the third-party administrator informs the court, the prosecutor, and the commissioner of public safety that the individual has met all conditions of the diversion program, including, at a minimum, satisfactory fulfillment of the components in subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline to prosecute.

(b) Upon termination of an individual's participation in the diversion program, the commissioner shall cancel the individual's diversion driver's license.

(c) The original charge against the individual of violation of Minnesota Statutes,

section 171.24, may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).

(d) The commissioner shall reinstate the driver's license of an individual whose participation in the diversion program terminates under paragraph (a), clause (3).

Subd. 8. **Report.** (a) By February 1, 2013, the commissioner of public safety and each eligible city and county that participates in the diversion program shall report to the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made electronically and available in print only upon request. The report must include, without limitation, the effect of the program on:

(1) recidivism rates for participants in the diversion pilot program;

(2) the number of unlicensed drivers who continue to drive in violation of Minnesota Statutes, section 171.24;

payment of the fees and fines collected in the diversion pilot program to cities, counties, and the state;

educational support provided to participants in the diversion pilot program; and

the total number of participants in the diversion pilot program and the number of participants who have terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3).

(b) The report must include recommendations regarding the future of the program and any necessary legislative changes.

Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, 2013. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, 2-0-1-2-2014, at which time the pilot program under this section expires.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 24, 2011

Signed by the governor May 27, 2011, 10:28 a.m.

CHAPTER 127—S.F.No. 1270

An act relating to transportation; amending various provisions related to transportation and public safety policies, including highway signs, trunk highway routes, state-aid systems, motor vehicle registration and license plates, record retention, motor vehicle dealers, pupil transportation, bicycles, motor vehicle weight and equipment, disability parking, drivers' licenses and senior identification cards, federal law conformity, agency organization, commercial vehicle regulations, railroads, land conveyance, transit and transit planning, operations, and accessibility; amending Minnesota Statutes 2012, sections 160.21, subdivision 6; 160.80, subdivisions 1, 1a, 2; 161.04, subdivision 5; 161.115, subdivision 229, by adding a subdivision; 161.1231, subdivision 8; 161.44, by adding a subdivision; 162.02, subdivision 3a; 162.09, subdivision 3a; 162.13, subdivision 2; 168.017, subdivisions 2, 3; 168.053, subdivision 1; 168.123, subdivision 2; 168.183, subdivision 1; 168.187, subdivision 17; 168.27, subdivisions 10, 11, by adding a subdivision; 168A.153, subdivisions 1, 2, 3, by adding a subdivision; 168B.15; 169.011, subdivision 71; 169.18, subdivisions 4, 7; 169.19, subdivision 1; 169.222, subdivisions 2, 4, 6, 7; 169.34, subdivision 1; 169.346, subdivision 2, by adding a subdivision; 169.443, subdivision 9; 169.447, subdivision 2; 169.454, subdivision 12; 169.68; 169.824, subdivision 2; 171.01, subdivision 49b; 171.07, subdivisions 3a, 4; 174.02, by adding a subdivision; 174.03, subdivision 1d; 174.24, subdivision 5a; 174.632; 174.636; 219.17; 219.18; 219.20; 221.0314, subdivisions 2, 3a, 9a; 398A.04, by adding a subdivision; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 171; 174; repealing Minnesota Statutes 2012, sections 168.094, subdivision 5; Minnesota Rules, parts 8820.3300, subpart 2; 8835.0330, subpart 2.

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

Sec. 60. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, and Laws 2011, chapter 87, section 1, subdivision 9, is amended to read:
 Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, ~~2013~~ 2017. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, ~~2014~~ 2018, at which time the pilot program under this section expires.

EFFECTIVE DATE. This section is effective the day following final enactment.

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in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

NINETEETH SESSION

H. F. No. **470**

01/23/2017 Authored by Cornish and Johnson, B.
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
03/01/2017 Adoption of Report: Re-referred to the Committee on Ways and Means
03/14/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
05/12/2017 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
05/18/2017 Returned to the House as Amended by the Senate
Refused to concur and a Conference Committee was appointed
05/22/2017 Read Third Time as Amended by Conference and repassed by the House
Read Third Time as Amended by Conference and repassed by the Senate
05/26/2017 Presented to Governor
05/30/2017 Governor Approval

Sec. 27. Laws 2009, chapter 59, article 3, section 4, subdivision 3, as amended by Laws 2011, chapter 87, section 1, subdivision 3, is amended to read:

Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an eligible city or county may contract with a third party to create and administer the diversion program. A third party administering the program under this section must annually provide to the city or county a copy of an annual independent audit. At a minimum, the audit shall include the following:

- (1) the amount charged for program fees;
- (2) the total number of participants in the pilot program;
- (3) the total amount of money collected from participants in the pilot program;
- (4) the total amount of money, detailed by category, paid or applied to reinstatement fees, surcharges, criminal and traffic fines, and program fees;
- (5) the number of participants who successfully completed the pilot program in the previous year;
- (6) the number of participants terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3);
- (7) the reimbursement policy for all payments listed under clause (4); and
- (8) the amount of all payments listed under clause (4) retained from participants who were terminated from the program.

The third party administering the program must pay the cost of the audit.

Sec. 28. Laws 2009, chapter 59, article 3, section 4, subdivision 8, as amended by Laws 2011, chapter 87, section 1, subdivision 8, is amended to read:

Subd. 8. **Report.** (a) By February 1, ~~2013~~ 2019, the commissioner of public safety and each eligible city and county that participates in the diversion program shall report to the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. ~~The report must be made electronically and available in print only upon request.~~ At a minimum, the report must include, ~~without limitation, the effect of the program on:~~

- (1) recidivism rates for participants in the diversion pilot program;
 - (2) ~~payment of the information for reinstatement fees, surcharges, and criminal fines collected in the diversion pilot program to cities, counties, and the state;~~
 - (3) educational support provided to participants in the diversion pilot program; ~~and~~
 - (4) the total number of participants in the diversion pilot program ~~and;~~
 - (5) the number of participants who have terminated from the pilot program under subdivision 7, paragraph (a), clauses (1) to (3); ~~and~~
 - (6) the names of all third-party program administrators and their program fee refund policy, and, for each administrator the amount charged for program fees, and the amount of program fees retained from participants who have terminated from the program.
- (b) The report must include recommendations regarding the future of the program and any necessary legislative changes.

Sec. 29. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, and Laws 2013, chapter 127, section 60, is amended to read:

Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program until June 30, ~~2017~~ 2019. The third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, ~~2018~~ 2020, at which time the pilot program under this section expires.

APPENDIX 2

LETTERS OF SUPPORT



Amy M. Busse
City Attorney
Phone: (507)616-7400
Fax: (507)637-2417
abusse@ci.redwood-falls.mn.us

December 28, 2018

Scott Adkisson
Driving Diversion Program
P.O. Box 19
Redwing, MN 55006

Dear Mr. Adkisson,
The Redwood City Attorney's Office supports the Driving Diversion Program (DDP) and strongly encourages legislation that not only continues the DDP in current cities, but also supports legislation that would make this a permanent, statewide program.

In over 11 years of prosecuting experience, I consistently confronted defendant's faced with the vicious cycle of getting DAR/DAS citations and heard them state time and time again that it was impossible to get valid so they weren't even going to try – they felt completely hopeless. However, your program not only gives participants hope that they can break the cycle, it also holds them accountable and makes them “earn” the privilege of driving. Throughout my years of being a prosecutor, I've consistently found that when a person is given the benefit of the doubt yet is required to put hard work into achieving an attainable goal, the success rate is MUCH higher because there's buy-in and ownership. Your program provides the ability for people to obtain a valid driving status through hard work while being supported by those who are experts in navigating and explaining our sometimes very complex judicial system.

I truly can't say enough great things about DDP – how it's helped free up the court system, provided hope to the participants and also made the roads safer by requiring all participants to have valid insurance. I sincerely believe in this program and would encourage our legislators to make a decision that is a win for all those involved by making DDP a permanent statewide program.

Respectfully,

Amy M. Busse

Amy M. Busse
City Attorney

Scott Adkisson

From: Kris Barstow <kris@microgrants.net>
Sent: Monday, January 14, 2019 12:34 PM
To: Scott Adkisson

January 14, 2019

TO WHOM IT MAY CONCERN:

Kristine Barstow working at MicroGrants, supports the Driving Diversion Program and encourages legislation to allow the program to continue.

The Driving Diversion Program has become a vital resource for individuals seeking a valid drivers license. For many individuals, getting a valid driver's license reduces the barriers they must conquer to bring normalcy into their lives and their families. Now they can look for a job or better paying job or at a job promotion, not to mention ensuring their children get to school, participate in extracurricular activities or the ability to further their education (night classes, college where public transportation is limited)

We look forward to working with DDP and other organizations to support the needs to individuals.

Thank you,

Kristine Barstow
Internal Operations Manager
MicroGrants
It's WORKing
612-200-8174 Office
763-477-1650 Cell
Mailing Address:
1035 East Franklin Avenue
Minneapolis, MN 55404
Office Address:
3817 Pleasant Avenue South
Minneapolis, MN 55409
kris@microgrants.net



08 January 2019

Scott Adkisson
Driving Diversion Program
P.O. Box 19
Redwing, MN 55006

RE: Driving Diversion Program in Spring Lake Park

Dear Mr. Adkisson:

The Spring Lake Park City Attorney in conjunction with their Police Department support the Driving Diversion Program and encourage legislation that not only continue the Driving Diversion Program in the current cities, including Spring Lake Park, but also support legislation that would make this a permanent, statewide program.

The Driving Diversion Program has increased public safety by assisting participants in reinstating their driving privileges and requiring that all participants carry valid insurance, while still collection consequences from prior driver's license violations to hold individuals accountable. The program has also promoted judicial efficiency by removing many DAR and DAS cases from the court system. Public safety is best promoted by all drivers being licensed and insured. The City of Spring Lake Park joined the Driving Diversion Program in 2012 and this program has had a positive impact on our community. Spring Lake Park has referred approximately 142 participants to the program and approximately 74 of these participants have successfully completed the program and are driving with valid licenses and insurance.

The City of Spring Lake Park fully supports the Driving Diversion Program and encourages our legislators to make this a permanent statewide program.

Sincerely,

Dawn E. Speltz
Spring Lake Park City Attorney

Chief Doug Ebeltoft
Spring Lake Park



Donald F. Ryan, County Attorney
Crow Wing County Attorney's Office
213 Laurel Street, Suite 31
Brainerd, MN 56401
don.ryan@crowwing.us
Phone: 218.824.1025 Fax: 218.824.1026

January 15, 2019

To Whom it May Concern:

We first began working with Diversion Solutions through their Driving Diversion Program (DDP) in August of 2014. From the start, Scott Adkins and his organization have always distinguished themselves as dedicated, ethical, hard working professionals. We have found DDP to be a very valuable and successful program. It is my understanding that the DDP authorizing statute is due to sunset June 1, 2019. I urge that DDP be reauthorized. I am hopeful that this can be done in such a way to eliminate any further sunset dates. In my opinion, DDP and Diversion Solutions have proven their worth and Minnesota would be well served to establish DDP as a statewide permanent program.

Should you have any questions, please feel free to contact me at any time.

Very Truly Yours,

Donald F. Ryan
Crow Wing County Attorney

DFR:lm

Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.



OFFICE OF THE SAINT LOUIS COUNTY ATTORNEY

MARK S. RUBIN COUNTY ATTORNEY

January 15, 2019

Re: County Attorney Support for Driving Diversion Program (DDP)

To Whom It May Concern:

Scott Adkisson, the CEO of Diversion Solutions, LLC, has requested our support for his program. I offer the following with gratitude for what he and his company have done for so many citizens of St. Louis County.

I am the current St. Louis County Attorney, serving my third term. I began my career as a prosecutor in 1978. Through the years, I have personally tried to assist a number of individuals in helping them through the often complicated process of having their driving privileges reinstated. It is often overwhelmingly challenging.

Many of the drivers who have been benefited from the Driving Diversion Program have been repeat offenders who simply could not afford to obtain a valid license. It is in society's best interest, if they are eligible, that drivers not only have insurance, but a valid license.

This unique program requires drivers to maintain valid insurance, attend a class, continue to pay the majority of their unpaid fines on schedule that takes into consideration their financial means, and ultimately helps the driver obtain a valid license. There is no other service like this that I am aware of.

Without question, this program should be available statewide for the benefit of not just the drivers who lost their driving privileges, but for all of us.

If I can offer any other information or background on my support for these efforts, please do not hesitate to contact me.

Sincerely,

MARK S. RUBIN
St. Louis County Attorney

MSR:ymk

DULUTH COURTHOUSE
100 N. FIFTH AVE. W., #501
DULUTH, MINNESOTA 55802
218-726-2323

GOVERNMENT SERVICES CENTER
320 W. SECOND ST., #403
DULUTH, MINNESOTA 55802
218-726-2034

VIRGINIA COURTHOUSE
300 S. FIFTH AVE., #222
VIRGINIA, MINNESOTA 55792
218-749-7101

HIBBING COURTHOUSE
1810 TWELFTH AVE. E., #107
HIBBING, MINNESOTA 55746
218-262-0158

OFFICE OF DAKOTA COUNTY ATTORNEY
JAMES C. BACKSTROM
COUNTY ATTORNEY



Dakota County Judicial Center
1560 Highway 55
Hastings, Minnesota 55033-2392
Phillip D. Prokopowicz, Chief Deputy
Jay R. Stassen, First Assistant

651-438-4438
Fax: 651-438-4479 (Civil Division)
Fax: 651-438-4500 (Criminal Division)
Fax: 651-438-4499 (Administrative Division)
E-mail: attorney@co.dakota.mn.us

SENT VIA EMAIL

January 17, 2019

Scott Adkisson
Driving Diversion Program
P.O. Box 19
Red Wing, MN 55006

Dear Mr. Adkisson:

The Dakota County Attorney's Office supports the Driving Diversion Program and encourages legislation that not only continues the Driving Diversion Program (DDP) in the current cities and license reinstatement for traffic violations that are prosecuted by my office, but also supports legislation that would make this a permanent, statewide program.

Dakota County has a high number of individuals cited for driving with an invalid driver's license status every year. Many of these individuals are repeat offenders and our current system of fine collection and prosecution could be more effective. The DDP is an effective approach that utilizes intervention and practical incentives to keep participants on the right track and paying off their outstanding fines.

The Dakota County Attorney joined the DDP in 2015 and this program is a positive option for offenders who meet the criteria. The recidivism rate for individuals who have completed the three-hour class is exceptional and the program shows great promise in getting offenders out of the criminal justice system thereby saving money for taxpayers in the long term. The program has increased public safety by assisting participants in reinstating their driving privileges and requiring that all participants carry valid insurance. The program has also promoted judicial efficiency by removing many DAR and DAS cases from the court system.

The Dakota County Attorney fully supports the Driving Diversion Program and encourages our legislators to make this a permanent statewide program.

Sincerely,

James C. Backstrom
Dakota County Attorney

Criminal Division
Kathryn M. Keena, Head

Victim/Witness Supervisor
Kelly Nicholson

Community Relations Director
Monica Jensen

Office Manager
Jennye Croft

Civil Division
Margaret M. Horsch, Head

Child Support Enforcement Division
Sandra M. Torgerson, Head



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January 10, 2018

Scott Adkisson
Driving Diversion Program
P.O. Box 19
Red Wing, MN 55006

Dear Mr. Adkisson:

The City of Bloomington has valued the ability to refer revoked and suspended drivers to the Driving Diversion Program (DDP) since 2011. Many of these drivers are repeat offenders who simply could not afford to obtain a valid license. While individuals enter the program without a valid license and often without vehicle insurance, the program requires drivers to maintain valid insurance, attend a class, and continue to pay the majority of their unpaid fines on a schedule that takes into consideration their financial means.

To date, 318 individuals have completed the program who were initially cited for driving without a valid license in Bloomington. There are currently 41 active program participants from this jurisdiction. Based on this success, Bloomington is supportive of legislation to make DDP a permanent program.

Thank you.

Sincerely,

Melissa Manderschied
Bloomington City Attorney



City of Duluth
Attorney's Office

411 West First Street • Room 410 • Duluth, Minnesota • 55802-1198
218-730-5490 • Fax: 218-730-5918 • www.duluthmn.gov

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January 9, 2019

Diversion Solutions
Scott Adkisson
415 Main Street
Red Wing, MN 55066

Dear Mr. Adkisson:

The Duluth City Attorney's Office supports legislation that will make the License Reinstatement Program permanent throughout the State of Minnesota.

In 2009, the Duluth City Attorney's Office, along with the city attorney offices from St. Paul, Inver Grove Heights and West St. Paul participated in a pilot program to get suspended and revoked Minnesota drivers reinstated that paired governmental agencies with a private company. Prosecutors from the Duluth City Attorney's Office felt strongly at that time, and still do today, that some kind of intervention was needed to break the cycle of unlicensed drivers routinely reoffending. The prosecutors identified that many of the reoffending drivers were eligible to reinstate their driving privileges except for their inability to satisfy the financial requirements for reinstatement. Unlicensed drivers cited childcare needs, employment needs, medical needs and the lack of access to a mass transit system near their home or place of employment as reasons they drove without a license. These unlicensed drivers continue to get caught, continue to receive a court fines and continue to get deeper in debt and further away from their ability to satisfy the financial requirements for driver's license reinstatement.

The Driver Diversion Program has had a tremendous positive impact in Duluth. It is an excellent tool to assist medium and low-income individuals to earn their driving privileges back by paying off their financial requirements at a rate equal to their earning power. Participants in the Driver Diversion Program can legally drive for employment purposes, childcare purposes and grocery shopping without incurring further fines and suspensions.

The Driver Diversion Program provides positive impact on the Program's participants and helps make our community safer by reintroducing licensed and insured drivers back onto our roadways. Diverting individuals into the Driver Diversion Program removes them from the stigma of the criminal court process while still making them accountable for their past traffic related behavior.

In conclusion, the Duluth City Attorney's Office fully supports the Driver Diversion Program and legislation making the License Reinstatement Diversion Program permanent for the entire State of Minnesota. Please call me if you have any questions about this valuable program.

Sincerely,


Gunnar Johnson
City Attorney

APPENDIX 3
LETTER OF SUPPORT

DIVERSION SOLUTIONS
THIRD PARTY ADMINISTRATION



DIVERSION SOLUTIONS, LLC

January 18, 2019

From: Scott Adkisson
CEO

To: MN State Legislatures

Diversion Solutions is proud to say we are involved in the LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM (DDP). Diversion Solutions was at the table from the concept meetings with our pilot cities and DPS/DVS to testifying in the 2008/2009 legislative session, committing to you that if given this opportunity we would build a program that is the first of its kind in the nation. Not only did we fulfill our commitment but have exceeded our projections pledge. During my testimony, I pledged to keep 15% of the participants in good standing during a 12 month period, this was a very aggressive pledge. I am happy to say that over 50% of our participants are now graduating from the program. During this time we have asked and received 4 pilot extensions. Thank You!

We have made many changes to the program with the support of DVS and our contracted jurisdictions in the last few years. With the changes implemented in 2018, 88% of our participants have finished the program or are in good standing and only 12% were released from the program. More significantly only 4% are recidivits. Changes on how we deal with payments and reviewing the ability to pay have dramatically reduced the amount of individuals we terminated.

Diversion Solutions looks forward to supporting the residents of our great state.

Respectfully,
Scott Adkisson

415 Main Street, Red Wing, MN 55066

www.diversionsolutions.net

651-385-4341