



# Impact of Exempting the Recording of Low Level Speed Violations in Minnesota

FINAL REPORT

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# **Impact of Exempting the Recording of Low Level Speed Violations in Minnesota**

## **Final Report**

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## **Executive Summary**

This report covers work done to respond to a request from the Minnesota State Legislature that was included in amendments to Minn. Stat. § 171.12, passed in the 2012 Legislative session. Specifically, the report examines the impacts of Minnesota Statute § 171.12, Subd. 6, better known as the “Dimler Amendment,” which calls for certain low-level violations of certain speed limits to not be entered on the violator’s driving record. The statute called for a report from the commissioners of Transportation, Public Safety, and Health on the impacts of increasing the Dimler qualifying range from 5 mph to 10 mph in 60 mph speed zones on travel reliability, travel efficiency, safety, and privacy. Based on the findings of these analyses, the impacts of the 2012 changes were negligible.

More significantly, however, in the course of this project, the researchers came upon findings that led them to question the efficacy of the law itself. The public appears to not be aware of the law’s existence, which may be compounded by the fact that the law lays on top of Minnesota’s already complex speed laws and regulations. Further, the exemptions may be benefiting a small, but significant number of repeat offenders and complicating regulation of commercial vehicle drivers.



## **Introduction**

This document was developed to inform the report requested by the Minnesota State Legislature in amendments to Minn. Stat. § 171.12, as in the 2012 Legislative session, and included here in Appendix A.

## Chapter 1: Legal Background and Legislative History

This section briefly reviews the history of the amendment and provides an interpretation as to which roads the amendment applies.

### 1.1 Minnesota Speed Limit Laws

The state of Minnesota has what could be described as a mixed system of speed limit laws. Along some segments of road speed limits are *prima facie* limits, while along other segments, particularly within municipal boundaries, speed limits are absolute. Most states maintain absolute speed limits, but Minnesota and a few other states also use a *prima facie* standard (Carr, 2012).<sup>1</sup>

Minnesota's *prima facie* standard stems from the law requiring drivers to exercise a "duty to drive with due care" at a speed that "is reasonable and prudent under the conditions"<sup>2</sup>.

In other words, the posted speed limit is an upper limit that may be exceeded if sufficient and justifiable reason for violating the limit exists (The Office of the Revisor of Statutes, 2014). Consequently, the statute states that a speed in excess of the posted limit is only "*prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful" (The Office of the Revisor of Statutes, 2014)<sup>3</sup> *Prima facie* evidence is evidence that is "sufficient to justify, but not to compel" a finding of legal liability.<sup>4</sup> It is not conclusive proof of legal culpability, but rather *suggests*, without a showing otherwise, a legal violation.<sup>5</sup> In a challenge to a speeding ticket, a judge must consider *prima facie* evidence, but can reject or limit the legal impact of the evidence by other evidence presented by the driver. A driver may rebut the presumption of legal culpability by showing a court that her or his speed was reasonable considering all conditions at the time of violation. For example, if a driver is cited for driving 75 miles per hour on a segment of road posted at 65 miles per hour, the driver can challenge the ticket by producing evidence that the speed was "reasonable and prudent."

As noted by legal scholars and judges, the idea of a *prima facie* speeding law directly contradicts commonly held beliefs that speed limits are absolute—or strict liability—limits.<sup>6</sup> This may be because presumed speed limits were suspended by federal legislation<sup>7</sup> from 1974-1987, but the effect is still apparent. In strict liability cases, prosecutors do not need to prove a culpable mental state or intent, nor prove that speed was unreasonable or imprudent. Instead, the only proof necessary is that the driver was driving in excess of the speed limit. In Minnesota, strict liability applies along some, but not all, roads. Speed limits within municipal boundaries are designated as "maximum limits" (also known as absolute limits) and "any speed in excess thereof" is automatically illegal and cannot be challenged as reasonable and prudent.<sup>8</sup> Along these roads, exceeding the speed limit is automatically illegal, and drivers cannot rely on a defense of a "reasonable or prudent" speed.<sup>9</sup>

A debate about the relative merits of *prima facie* and absolute speed limits is beyond the scope of this report. However, a *mixed speed limit system*—a system with both *prima facie* and absolute speed limits—is highly likely to confuse drivers, and may even correlate with an increased

disregard, possibly even disrespect for traffic safety and driving etiquette among roadway users in Minnesota.<sup>10</sup> The Dimler Amendment adds another complication to what can be a confusing set of speed limit laws.

## 1.2 Legislative History<sup>11</sup>

The Dimler Amendment was first introduced in the Minnesota House of Representatives by Representative Charles H. Dimler.<sup>12</sup> Representative Dimler represented District 36A, and was a member of the House Transportation Committee. Representative Dimler's initial bill was referred to the Transportation Committee but was not introduced or discussed by the committee. An unrelated transportation-focused bill was introduced and passed in the State Senate and then transmitted to the House.<sup>13</sup> In between the bill's second and third reading in the House, Representative Dimler moved to amend the bill, adding the section which exempts speed violation convictions fewer than ten miles per hour over the speed limit set by section 169.141.<sup>14</sup> This amendment was approved after a vote to exclude those Representatives not present; the bill was passed in the House, approved by a Conference Committee, repassed by the Senate, and subsequently signed into law by Governor Rudy Perpich on March 25, 1986.<sup>15</sup> No further record of the law, including floor debate recordings, conference or other House or Senate committee minutes or records, and no contemporary news stories of the Amendment's passage or implementation exist. Due to this lack of information, the rationale or intent of Representative Dimler or those who supported the bill is not available to interpret this law.

The original language of the law did not designate specific speed limits to which the amendment applied, instead referring to section 169.141, which referred to highway speeds. It only stated that records would not be kept for speeding violations "unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section."<sup>16</sup> Section 20 of the same bill added a subdivision to section 169.99, which required a space on the statewide "uniform traffic ticket" where a police officer is to record "whether the speed was greater than ten miles per hour in excess of the speed designated under that section."<sup>17</sup> (The current version of this citation is included in Appendix III)

The original version of the law remained in effect until the 84<sup>th</sup> Legislature in July 2005 when Representative Mary Liz Holberg introduced changes to the Dimler Amendment during the first special session of the legislature.<sup>18</sup> The bill was passed by both bodies of the legislature, and signed the next day by Governor Tim Pawlenty. This modification was the first act to limit the Dimler Amendment to specific speed limits. The revised bill stated that records of convictions would not be kept for

"violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten [mph] in excess of a 55 [mph] speed limit, or more than five [mph] in excess of a 60 [mph] speed limit."<sup>19</sup>

The bill also added subdivision to section 171.12, which excludes violations committed while operating a commercial motor vehicle, or by a holder of a commercial driver's license, regardless of vehicle type in which the violation was committed.<sup>20</sup> The language of section 171.12 subd. 6(c) remains unchanged today.

The most recent changes to the bill occurred in 2012. The revised bill retained the exemption of recording violations of ten mph or less in 55 mph zones.<sup>21</sup> The bill's language increases the "Dimler-qualifying range" for 60 mph roads to 10 mph in excess of the speed limit, for a two-year period. From August 1, 2012 until August 1, 2014, speeding citations would not be recorded for speeds up to "ten miles per hour in excess of" a 60 mph speed limit. After August 1, 2014, the Dimler qualifying range returns to the 5 mph range established in the 2005 version of the law. In other words, violations are not recorded for speeds up to five miles per hour greater than a 60 mph speed limit after August 1, 2014. This two year period serves as a test period during which the impact of increasing the Dimler qualifying range can be observed and analyzed.<sup>22</sup> Finally, section 49 of the 2012 bill required the Commissioners of Transportation and Public Safety to jointly report on the impacts of the transition from a 5 mph Dimler qualifying range to a 10 mph range.<sup>23</sup>

### **1.3 Legislative Intent**

Despite a lack of material to interpret the law's legislative history, it appears that the Dimler Amendment may have been a response to mandatory speed limit reductions implemented by the United States Congress. In 1974, the federal government responded to massive energy shortages by requiring state and federal highways to implement a national maximum highway speed limit of 55 mph.<sup>24</sup> This law drastically reduced speed limits on roads across the country. Congress intended to promote fuel efficiency and reduce automotive fuel use by requiring slower travel.<sup>25</sup> This requirement was implemented by making federal highway funding contingent on enforcement of the law—a well-established, though often controversial use of Congress's spending power.<sup>26</sup> The Minnesota State legislature implemented the federal requirements by adding section 169.141 to the state statutes in 1974.<sup>27</sup> The Minnesota Commissioner of Transportation issued an order instituting the federally mandated 55 mph speed limit, and also temporarily overturned the prima facie limits by ordering that any "speed in excess of the designated speed" was unlawful.<sup>28</sup> The Minnesota Legislature repealed this law in 1996 after the federal mandate ended.<sup>29</sup>

Given this federal mandate, Representative Dimler may have been trying to address concerns about increased travel time caused by reduced speed limits. This intent can be surmised by reference to the language used in his amendment. The original amendment prevented recording of violations of section 169.141—the speed limit statute implementing the national maximum speed limit 55 mph as a result of energy shortages from the OPEC embargo.<sup>30</sup> Because huge amounts of federal funding were at risk, states were hesitant, if not practically incapable of not imposing reduced speed limits. A simple remedy for constituent concerns about longer travel times was to set speed limits as required by federal law, but then dilute the indirect impacts of, and the penalties for, violations of reduced speed limits.

### **1.4 Application**

To fully understand the impacts of the recent changes to the Dimler Amendment it must be clear to which roads this law applies. The language of the current version of the Dimler Amendment limits its application to roads where the posted speed limit is 55 miles per hour (mph) or 60 mph. As described above, Representative Dimler included broad language in his original amendment. The 1986 amendment stated: "[t]he department shall not keep on the record of a driver any

conviction for a violation of section 169.141 unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section.”<sup>31</sup>

The language does not specify a type of road, or any area where the law shall or shall not apply. Instead, the statute only mentions the posted speed limit (PSL). Specifically, the statute states:

“the [D]epartment [of Public Safety] shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of the speed limit.”<sup>32</sup>

This same broad language is repeated in subdivision 6(b) for 60 mile per hour PSLs.

According to the plain meaning of the statute—the meaning an “ordinary” or “reasonable” person would attribute to the statute—the Amendment applies to *any* road in the state with a posted limit of 55 mph or 60 mph. Because the word road is not used, and relevant definitions in the Transportation title of the State Code do not indicate a specific meaning, the Amendment is likely to be interpreted to be enforceable anywhere the PSL is 55 mph or 60 mph. This includes freeways or expressways, interstate highways, and all trunk highways with speed limits of 55 mph or 60 mph. Minnesota House Research documents interpret the application of the Dimler Amendment in the same manner.<sup>33</sup> Section 171.12 subd. 6 is not mentioned in any other section of Chapter 171, nor elsewhere in the Transportation title. Furthermore, even if the word road was used elsewhere in state statutes, the statutes define the word as including all potential types of roads and highways.<sup>34</sup>

Other potential sources of interpretation of the Dimler Amendment’s application are administrative rules and regulations promulgated by state agencies. These rules are designed to fill any enforcement or interpretation gaps left by the statute; however, the Department of Transportation, which is typically delegated authority over speed limits, does not mention this section of law. Moreover, the Minnesota Administrative Code does not contain any rules or interpretations of Representative Dimler’s amendment. There is no existing case law interpreting this amendment, nor has the State Attorney General published official interpretations or opinions regarding this Amendment.

Section 169.14 restricts the application of the Dimler Amendment to a limited number of roads by expressly providing speed limits different from 55 mph or 60 mph limits of most roads. First, subdivision 2 provides speed limits within the State.<sup>35</sup> Several road types, including interstate highways, freeways, and expressways are prescribed specific speed limits by this section. None of these roads have speed limits that qualify violations for the Dimler exemption unless specifically noted otherwise, and thus, Dimler does not apply to state freeways, expressways, or interstate highways.<sup>36</sup> However, these speed limits are most likely only *prima facie* limits—the final clause of § 169.14 subdivision 2 specifically states that only speed limits within municipalities are “maximum” (absolute) limits. Other roads are provided speed limits that are less than the Dimler qualifying limits: roads in urban districts, alleys, residential roadways, and rural residential districts all have lower speed limits. Again, Dimler does not apply to these roads, nor does the *prima facie* standard apply if the road is within a municipal boundary. Finally, a speed of 55mph is set for “locations other than those specified” in subdivision 2.

By process of elimination, the only remaining roads not specified in subdivision 2 are state and county trunk highways, many of which are two-lane, two-way roads. Furthermore, where these roads are outside of municipal boundaries, speeding violations could also be challenged under the prima facie standard. In general, it appears that the Dimler Amendment applies to a limited number of roads, most of which are two-lane, two-way roads.

This limited application covers a large number of road miles, however. Based on available data, nearly 9,000 miles of roads qualify for the Dimler Amendment’s exemption. MnDOT maintains speed limit data on only state trunk highway roads and interstate highways. Thus, the numerous county roads are not included in this analysis. However, it is reasonable to assume that many county roads, especially in rural areas, have 55 mph speed limits. The vast majority of this total is conventional (i.e., two-lane, two-way, trunk highways) 55 mph roads, 99% of which are in rural areas. Dimler qualifying roadways in urban areas total almost 120 miles, 76% of which are freeways. Only about 10% of Dimler qualifying roads are located in the Minneapolis-St. Paul metropolitan area.<sup>37</sup> A vast majority of these urban roads (80%) are 55mph roads. Although only a small percentage of roads that qualify for Dimler are located in the Twin Cities metropolitan area, these roads account for a substantial proportion of the state’s total vehicle miles traveled due to the large population in the area. See Tables 1 and 2, and Figures 1, 2 and 3 for detailed information about Dimler qualifying road locations and mileage totals.

Table 1: Total Highway Miles of Dimler Roads

Speed Limit and Road Type		Road Location			
		Rural	Suburban	Urban	Total Miles
Posted Speed Limit	<b>55 mph</b>	<b>6,846.0</b>	<b>119.1</b>	<b>91.2</b>	<b>7,056.3</b>
	Conventional	6,783.2	3.9	22.5	6,809.5
	Expressway	60.7	50.8	3.4	115.0
	Freeway	2.2	64.3	65.3	131.8
	<b>60 mph</b>	<b>1,613.7</b>	<b>83.4</b>	<b>27.5</b>	<b>1,724.6</b>
	Conventional	1,590.1	-	-	1,590.1
	Expressway	23.5	-	2.9	26.4

Freeway	-	83.4	24.6	108.0
<b>Not 55/60 mph</b>	<b>2,146.5</b>	<b>138.7</b>	<b>805.9</b>	<b>3,091.1</b>
Conventional	539.9	55.4	719.9	1,315.3
Expressway	754.3	34.9	73.6	862.8
Freeway	852.3	48.3	12.3	912.9
<b>Total Miles</b>	<b>10,606.2</b>	<b>341.1</b>	<b>924.6</b>	<b>11,872.0</b>

Source: MnDOT

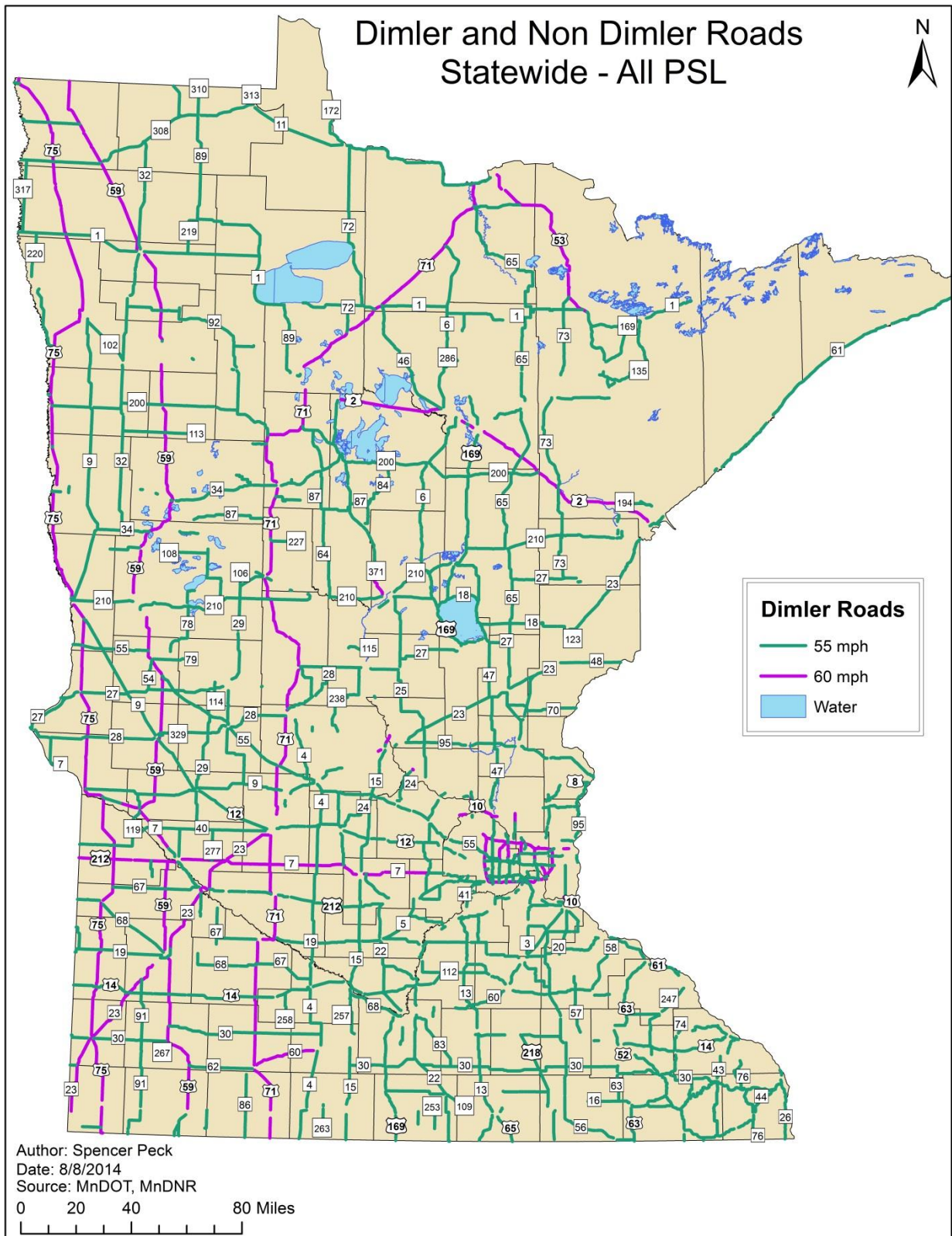


Figure 1: Dimler and Non-Dimler Roads Statewide - All Posted Speed Limits



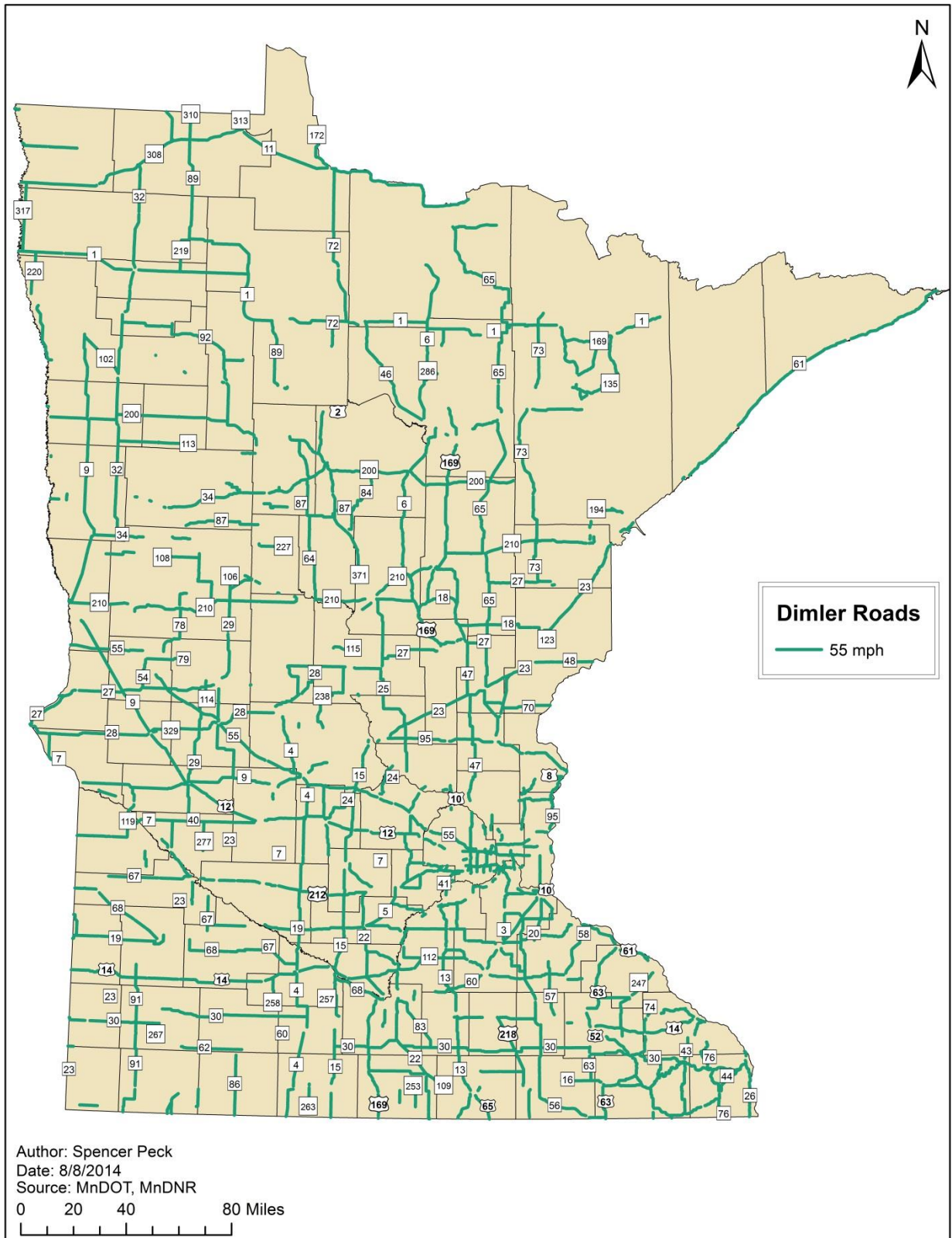


Figure 2: 55 Mile Per Hour Dimler Roads

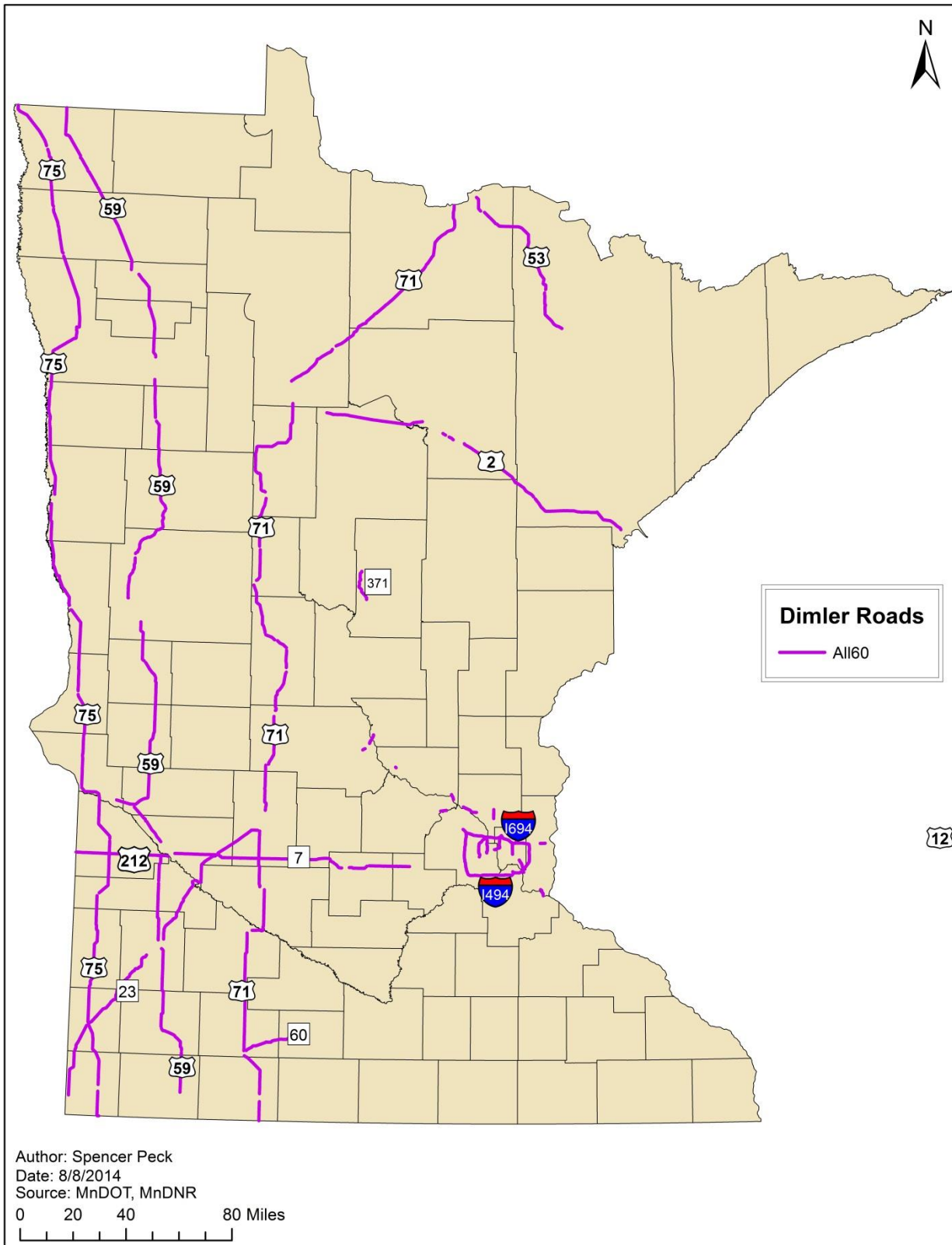


Figure 3: 60 Mile Per Hour Dimler Roads

Table 2: Total Miles of Dimler Roads — Minnesota Metro Counties

Road type and speed limit		County									Total Miles
		Anoka	Carver	Dakota	Hennepin	Ramsey	Scott	Sherburne	Washington	Wright	
Posted Speed Limit and Road Type	55 mph	27.9	86.7	145.8	135.4	46.5	82.5	26.9	83.0	81.3	716.0
	Rural	24.1	81.5	116.0	45.6	3.0	76.1	23.7	66.7	77.3	513.8
	Conventional	22.1	81.1	110.6	33.6	3.0	67.8	22.0	64.2	77.3	481.6
	Expressway	1.9	0.4	5.4	12.0	-	8.3	1.7	0.7	-	30.3
	Freeway	-	-	-	-	-	-	-	1.8	-	1.8
	Suburban	3.8	5.2	27.6	55.8	25.7	6.4	3.2	11.4	0.3	139.5
	Conventional	-	-	0.7	-	1.1	-	-	2.1	-	3.9
	Expressway	3.8	5.2	12.9	14.1	7.2	6.4	3.2	5.3	0.3	58.5
	Freeway	-	-	14.0	41.8	17.4	-	-	4.0	-	77.2
	Urban	-	-	2.3	34.0	17.8	-	-	4.9	3.7	62.7
	Conventional	-	-	2.3	-	-	-	-	-	3.7	6.0
	Expressway	-	-	-	1.0	-	-	-	-	-	1.0
	Freeway	-	-	-	33.1	17.8	-	-	4.9	-	55.8
	60 mph	14.6	15.9	11.4	64.7	41.5	-	2.5	22.1	2.2	174.8
	Rural	7.1	15.9	-	-	-	-	2.5	4.4	2.2	32.1
	Conventional	-	15.9	-	-	-	-	-	-	2.2	18.1
	Expressway	7.1	-	-	-	-	-	2.5	4.4	-	14.1
	Suburban	7.4	-	11.4	48.8	28.8	-	-	15.5	-	111.9
	Freeway	7.4	-	11.4	48.8	28.8	-	-	15.5	-	111.9
	Urban	-	-	-	15.9	12.7	-	-	2.1	-	30.8
	Expressway	-	-	-	-	2.9	-	-	-	-	2.9
	Freeway	-	-	-	15.9	9.8	-	-	2.1	-	27.9
	Total	42.4	102.6	157.2	200.1	87.9	82.5	29.5	105.0	83.5	890.8

Source: MnDOT

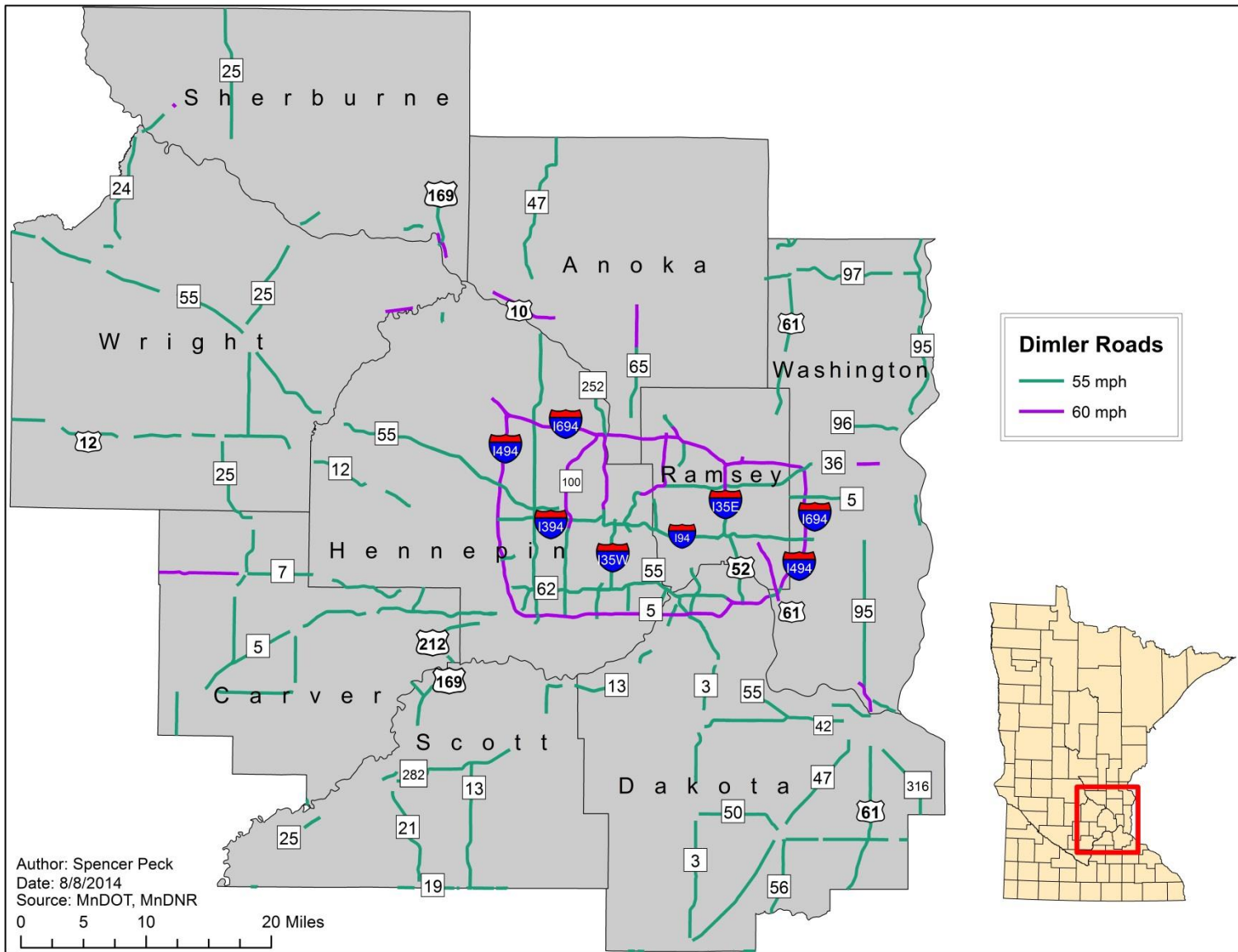


Figure 4: Dimler and Non-Dimler Roads in Minnesota Metro Counties

A few caveats to this interpretation must be noted. First, many segments of the interstate freeways within the Twin Cities metropolitan area are posted at 55 and 60 mph. Based on the broad language of the amendment, and the lack of case law interpreting that language, it seems that Dimler would apply to these road sections. As described above, section 171.12 subd. 6 applies broadly, and the only relevant criteria limiting application is the posted speed limits.<sup>38</sup>

Local areas have the authority to establish the speed limit on any street or highway that is not part of the state's trunk highway system. These speed limits may be different than those dictated by state law, but must be based on engineering and traffic investigations, are approved by the Commission of Transportation, and must include appropriate signage.<sup>39</sup> It is conceivable that a local authority may use this authority to establish a speed limit that falls within the purview of Dimler, on roads beyond a two-lane, two-way road. Most of these are likely within the Twin Cities metropolitan area, but other large cities (e.g., Duluth, Rochester) may have exercised this power.

In summary, state speed limit laws operate by process of elimination to substantially restrict the application of the Dimler Amendment to mainly the two-lane, two-way state trunk highway system, in both the Metro area and Greater Minnesota. However, some instances exist, largely in municipal areas, where various authorities have established speed limits covered by Dimler on roads that are otherwise expressly provided other speed limits.

## Chapter 2: Privacy Impacts of Dimler

### 2.1 Generally

Because an individual's driving record is widely and publicly available, including to data aggregators and insurance companies, recent changes to the statute have no new or significant impacts on the privacy of driving records or personal information. First, drivers can only expect minimal protection of privacy in their movements on public roadways. Second, personally identifying information contained in an individual's driving record is protected by clear, consistent federal.<sup>40</sup> Moreover, driving record information is already available through several avenues, including the Department of Public Safety, public court records, and via resale by large data aggregators. A detailed description of the "lifecycle" of a speeding ticket is available in Appendix IV.

Drivers have only minimal rights to privacy in regards to their movements on public thoroughfares, and almost no right to expect information about violations of laws while driving on public roads to be protected. The right to privacy on public roadways is substantially limited by United States Supreme Court case law. In the seminal case *U.S. v. Knotts*, the Supreme Court reaffirmed that individuals have

"a lesser expectation of privacy in a motor vehicle because its function is transportation . . . . A car has little capacity for escaping public scrutiny. It travels public thoroughfares where both its occupants and its contents are in plain view . . . . A person travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his [or her] movements from one place to another."<sup>41</sup>

As a result of this and subsequent cases, drivers cannot expect complete privacy of their use of, or movement along public roadways. If a driver is using public roadways, her or his movement can be recorded, monitored, and shared in many ways. Use of public roadways undoubtedly extends to violations of the posted speed limits.

The federal Drivers Privacy Protection Act (DPPA) limits how the information collected by state traffic and public safety agencies can be used. According to Section 2721(a) of this law, State departments of motor vehicles, and anyone employed or contracted by the agency, is prohibited from disclosing personal information to anyone.<sup>42</sup> Personal information includes,

"information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status."<sup>43</sup>

The DPPA permits disclosure of personal information (and highly restricted personal information) in a limited number of situations. These situations include, but are not limited to: (1) use by a government agency including courts and law enforcement agencies<sup>44</sup>; (2) for use in relation to motor vehicle or driver safety and theft<sup>45</sup>; and for use by insurers in claims investigations, and rating or underwriting.<sup>46</sup> As described below, insurance companies access personal information in the course of processing claims and providing quotes for, and insurance policies to, drivers and other motor vehicle operators. This access is protected by the statute, and has been upheld by federal case law.<sup>47</sup>

## **2.2 Court System**

When ticketed for driving in excess of the speed limit, motorists have the opportunity to either pay the fine, or challenge the ticket in court and present contrary evidence to reduce the fine or have prosecution of the violation deferred. The courts must rely on the ticket (which also acts as the summons) and the specific provision of law cited by the law enforcement officer on the uniform traffic ticket. As a result, it is possible that the Dimler Amendment is either under-, or over-applied. In the latter case, if the citing officer, judge, or defendant misinterprets or misapplies the Dimler Amendment, violations of non-Dimler qualifying speed limits could be treated as Dimler violations. In the former, if a judge or defendant is unaware that the Dimler Amendment is applicable, then the court will follow normal procedure.

Regardless of whether Dimler was appropriately applied, a driver's privacy is minimally impacted by the Dimler Amendment. Once adjudicated, a speeding ticket remains part of the court's public records. Any public or private citizen or entity can access court records in both paper and electronic format. The only difference is that if the ticket does qualify for the Dimler exception, record of the conviction is not recorded by the Department of Vehicle Safety (DVS). If the ticket does not qualify for the Dimler Amendment, the ticket and conviction are added to a driver's record. Regardless of whether Dimler was applied, the ticket and record of conviction remain in the state courts' record system, which are publicly available.

## **2.3 Department of Public Safety**

The Department of Public Safety (DPS) is the final recipient of records of all traffic violations. Driving records, including traffic citations, are maintained by DPS. As described in more detail below, driving records are also distributed by DPS upon request for any reason related to operating a motor vehicle, including obtaining auto insurance.<sup>48</sup>

## **2.4 Impact on repeat offenders**

One area where the Dimler Amendment's prohibition on recording certain speed violations does have an impact is whether a person loses their driver's license for repeat offences. Minnesota law section 171.18(3) allows the suspension of the license of a driver who is "an habitually reckless or negligent driver of a motor vehicle"<sup>49</sup> and Minnesota rules 7409.2200 implements this law, stating that a person's license can be suspended for 30 days if they are convicted of four traffic offenses with a 12 month period or five traffic offenses in a 24 month period.<sup>50</sup> Since Dimler prevents some of these convictions from appearing on a driver's record, certain drivers may violate speed limits repeatedly without risking suspension as long as most of these violations occur on Dimler-qualifying roadways.

To determine the extent of this kind of "Dimler recidivism," the research team looked at the number of repeat offenders among those who received Dimler qualifying citations. Data from the Minnesota Court System was used to analyze citation patterns. The data spanned the period from January 2005 to June 2014 and included nearly 1.5 million citations issued to just over 1.04 million unique driver's licenses<sup>51</sup>. Over the period of analysis, 48.4% of citations occurred on roadways with posted speed limits of 55 or 60 mph. Dimler-qualifying offenses also made up 22% of all citations (45.5% of citations on 55 or 60 mph PSL roadways).

Of the 1,044,931 drivers licenses with a citation, about 73.8% only have one citation for the analysis period. About 16.8% have exactly two citations. Those with three or more citations make up 9.4%. Those with five or more citations are 1.8% of the data with the highest number of

citations being 24. As a first step, we investigated whether Dimler makes up a large proportion of citations for persons with a higher number of citations as compared to those with lower number of citations. We found that Dimler qualifying citations make up on average 21.1% of citations for those with 15 or more citations, 23.5% for those with 10 or more citations, 21.6% for those with 5 or more citations, and 21.5% for those with 3 citations or more. These averages suggest that higher numbers of offenses are not enabled by Dimler in a systematic way.

However, among those with 15 or more citations during the analysis period, at least one person has more than 50% of their citations qualifying for Dimler. A look at this person's driving record would suggest that their records retain fewer than half the number of citations that were originally issued to them. Similarly, among those with 10-14 citations, thirty nine people have 50% or more of their citations qualifying for Dimler. Among those with 4-9 citations, over 1500 have 50% or more of their citations being Dimler qualifying. These numbers represent 2.6%, 5.5%, and 8.6% respectively of those with 15 or more, 10 to 14, and 4 to 9 citations. In effect, over 1500 Minnesota drivers who should have had their license suspended for repeat violations, if these offenses occurred within 12 – 24 months, retained their licenses as a result of the Dimler Amendment. While this is a small fraction of all people with more than 4 citations, these people are receiving lesser punishment than the 90% of repeat offenders whose citations have occurred on different class of roadways or were speeding outside of the Dimler speed window. This raises issues not only about the effectiveness of the law, but also of fairness – Dimler essentially enables some to escape the consequences of repeated offense while treating other violators more harshly without providing a sound basis for why such treatment is warranted.

## **2.5 Impact on Commercial Driver License Applications**

Another impact of Dimler's prohibition of recording certain speed violations relates to people holding commercial driver licenses (CDL's), problems may arise when a person that has received a Dimler conviction subsequently applies for a CDL, as the granting of a CDL is both a federal and state function. While the State of Minnesota grants the CDL, the Motor Vehicle Safety Act of 1986 gave the USDOT the authority to oversee the how the state handles this process.<sup>52</sup> Federal regulations require notification of moving violations (and license suspensions),<sup>53</sup> by the CDL holder, but also verification of the CDL's record by the State.<sup>54</sup> Not recording such violations can subject the state to federal withholding of funds due to "masking."<sup>55</sup> However, the amendment expressly states that it does not apply when the violation is done in a commercial vehicle, or by a person holding a CDL.<sup>56</sup> One area where this will need to be addressed is when a person holding a Commercial Driver's License Learner's Permit (CLP) commits a Dimler Violation. CLP holders will need to meet the same requirements as CDL holders starting in July 2015,<sup>57</sup> and without extending the CDL exemption to CLP holders, such a situation could also be considered masking.<sup>58</sup>

## **2.6 Insurance Companies**

Insurance companies are another user of driving records and other private data. The research assumed that insurance companies were able to access private data as a special exception to the protections provided by the Driver's Privacy Protection Act (DPPA).<sup>59</sup> After discussion with officials from an insurance industry advocacy organization, the Insurance Federation of Minnesota (IFM), it was found that insurance companies use only publicly available data purchased in bulk from large data aggregators, which indicates that insurance companies likely do not pose an increased risk to the privacy of drivers' protected or non-protected data.



Moreover, because Dimler violations are excluded from driving records, insurance companies and other data users are unable to access drivers' private information; in effect, the Amendment provides an added layer of protection to drivers convicted of Dimler qualifying violations. But this extra protection risks negative consequences. The following section describes the process typically used, and what type of information insurance companies receive in order to develop and manage insurance policies.

#### *2.6.1 How driving records can be accessed:*

Insurance companies buy access to aggregated driving records from third-party data vendors. Data vendors are considered "permitted users" of protected information contained in driving records, pursuant to the Drivers Privacy Protection Act (DPPA).<sup>60</sup> These vendors are allowed by law to buy data "in bulk" from State departments, for a variety of uses, including resale. Insurance companies purchase access to this data in very large chunks, because accessing individual records is expensive—it costs an insurance company (or any interested party, with a valid purpose) \$5 for each query of public driving records. According to a representative of IFM, vendors usually purchase bulk data on a monthly basis during the Department of Public Safety's Driver and Vehicle Services' normal business hours. There are around one dozen data vendors who regularly purchase bulk data from government offices.<sup>61</sup>

#### *2.6.2 When driving records are accessed:*

Insurance companies access an individual's driving records, through the data vendors' databases, in a limited number of situations: (1) when a driver is shopping for a new insurance policy and provides the company with her/his driver's license information; or (2) when a driver is renewing an existing insurance policy. This information is available to insurance companies as a result of private contracts between insurers and data vendors. Insurance companies are usually granted 24-hour access to a data vendors' aggregated databases. However, this data is also publicly available to any interested party, via web-based database access points.<sup>62</sup>

#### *2.6.3 What information is included in an individual driving records:*

The data available to insurance companies through the data vendors is quite comprehensive and detailed. Driving records include all personal information that is available on a driver's license, including, name, address, height, weight, eye color, birthdate, driving restriction, and others.<sup>63</sup> The record also includes all recorded moving violations, but does not include non-moving violations (i.e., parking citations, defective equipment, etc). Dates and places of violations are also included for cited moving violations. Records of moving violations may include a date, approximate (or specific) location, and potentially a time of the violation. Even if driver has no moving violations, the driving record contains all the personal information described above.

#### *2.6.4 Why driving records are accessed:*

According the Insurance Federation of Minnesota, insurance companies access driving records to determine the level of risk involved in insuring individual drivers. Based on the number, frequency, and severity of moving violations, along with other criminal, demographic, and consumer data, insurance companies are able to estimate the costs of potential insurance claims for drivers. When developing these cost estimates, insurance companies typically consider only violations 3 years old or newer. When driving records are unavailable, other sources provide a reliable proxy for insurance ratemaking, including credit scores.<sup>64</sup>

Insurance Federation officials stressed the importance of the “sanctity of the driving record.” Laws like the Dimler Amendment that prevent recording of law violations allow risk-taking, arguably dangerous drivers to avoid paying insurance premiums that accurately reflect the public impact of risky, illegal behavior. As a result, the increased costs are passed off to all other drivers, in the form of higher insurance premiums and potentially longer claim investigations. Passing unforeseen costs on to other customers could be considered a negative externality of the Dimler Amendment.<sup>65</sup>

## Chapter 3: Driver Perceptions of Speed Limits and Speeding

In general, drivers seem to perceive a large level of flexibility in the enforcement of the law, as well as the importance of posted speed limits. Whether this is because Dimler encourages drivers to drive at speeds in excess of the limit because penalties are insignificant, or for other reasons (e.g., because drivers perceive that law enforcement selectively enforces speed limits) is unclear. Regardless, the surveys show that the public is at best confused by speed limit laws, and at worst negligent when it comes to following laws. This section reviews conclusions and findings of two qualitative research surveys conducted by the Minnesota Department of Transportation (MnDOT): (1) the 2012 MnDOT Omnibus Transportation Survey<sup>66</sup>, and (2) the Heightened Enforcement of Aggressive Traffic (HEAT) Speed Management Program survey.<sup>67</sup> The surveys show that on average, respondents said they thought they could drive five miles over the speed limit before being stopped

### 3.1 2012 MnDOT Omnibus Transportation Survey

MnDOT has conducted an annual Omnibus Survey since 1987 (except 2007) in order to gauge public attitudes about various MnDOT services. Participating offices in 2012 included: Maintenance; Traffic Safety and Technology; Transit, including the Bike and Pedestrian programs; Communications; and Customer Relations. Responses were collected via a computer assisted telephone interviewing system (CATI), with interviews conducted between November 11 and December 5, 2012. The target audience was based on a sample of the statewide population designed to be proportionate to county populations. Respondents were screened to be 18 years old or older and not work in a profession where knowledge of the research process or topic may bias responses.

One of the many goals of the Survey was to determine public perceptions about speed limits. The 2012 Survey asked respondents 3 questions about speed limits to gauge the public's awareness of the Dimler Amendment, including the speed other drivers typically drive on Dimler qualifying roads, how speed limits are determined, and what each individual and her or his family could do to improve safety on while using the roads. The following text and tables summarize the results of MnDOT's survey.

Most respondents said they believed that one had to drive 5 miles per hour or more over the speed limit in a 55 or 60-miles/hour zones (Accora Research Inc., 2012) before a ticket is placed on his or her driving record.

Table 3: Minnesotans' Perception of Speed Violation Exceptions<sup>68</sup>

Mph over speed limit	Statewide	TC Metro	Greater MN
0 mph	2%	2%	2%
1 – 4 mph	6%	6%	6%
5 – 9 mph	41%	38%	45%
10 – 14 mph	36%	39%	32%
15 mph or more	8%	8%	8%
Don't know	7%	7%	7%
<i>Base</i>	800	420	380

Source: MnDOT

About half of respondents reported that on a dry, sunny day, other drivers would drive within the 10 mph on a Dimler qualifying road. However, a notable proportion believed that other drivers would drive faster than the 10 mph Dimler range.

Table 4: Perception of Law Enforcement Discretion of Speed<sup>69</sup>

MPH	Statewide	MSP Metro <sup>70</sup>	Greater Minn. <sup>71</sup>	MPH	Statewide	MSP Metro	Greater Minn.
<b>55 miles-per-hour highway</b>				<b>60 miles-per-hour highway</b>			
0 – 54	4%	4%	4%	0 – 54	2%	3%	2%
55 - 59	8%	9%	7%	55 - 59	1%	1%	1%
60 – 64	47%	44%	50%	60 – 64	10%	9%	12%
65 – 69	29%	32%	25%	65 – 69	46%	41%	52%
70 – 74	7%	7%	7%	70 – 74	30%	36%	24%
75+	2%	1%	3%	75+	7%	8%	6%
<b>Base</b>	800	420	380	<b>Base</b>	800	420	380

Source: MnDOT

Altogether, most respondents think MnDOT uses research and analysis to determine speed limits, and some respondents note a variety of factors that may be included in that analysis.

Table 5: Perception of How Speed Limits are Set<sup>72</sup>

How MnDOT determines speed limits	Statewide	MSP Metro	Greater Minn.
Pedestrian traffic/residential and commercial population	25%	26%	23%
Visibility/curves in road	18%	17%	20%
Amount of traffic/traffic flow	14%	14%	14%
Width of road/number of lanes/shoulder width/number of exits	11%	12%	10%
Accident rates/safety	10%	9%	10%
Observation/research engineering	9%	11%	8%
Cross-traffic/stop lights	8%	10%	6%
Don't know	28%	26%	30%
	<b>Base</b> 800	420	380

Source: MnDOT

Interestingly, a significant proportion of respondents thought that following the laws, including obeying the posted speed limit, was a crucial factors in staying safe while using the roadways.

Table 6: Actions Minnesotans Believe They Can Take to Keep Themselves and Their Family Safe on the Roads<sup>73</sup>

<b>Suggestions for drivers to improve roadway safety</b>	<b>Statewide</b>	<b>Metro</b>	<b>Greater Minn.</b>
Stay aware of your surroundings/pay attention	37%	37%	37%
Follow the laws	26%	28%	23%
No speeding	20%	20%	22%
Buckle up	13%	11%	16%
Drive defensively	10%	9%	10%
Drive safely/be cautious	10%	9%	10%
No cell phone use/no texting	9%	10%	9%
Follow signs	5%	5%	5%
<i>Base</i>	<i>800</i>	<i>420</i>	<i>380</i>

Two conclusions can be drawn from the information gathered in this survey. First, the public believes there is some flexibility in enforcement of the speed limits laws; that drivers have some allowance to drive faster than the speed limit before either being stopped for speeding, or for the ticket being placed on their driving record. However, the survey results are unable to clarify whether the general public clearly understands the source or rationale for this flexibility. Second, a dichotomy exists between the public’s relative respect for the influence of posted speed limits on their own safety, the process for setting posted speed limits, and the speeds drivers choose to drive. These conclusions reveal confusion among Minnesota drivers regarding the importance of speed limits a confusion that likely has a negative impact the driving experience and overall safety of all Minnesota road users.

### **3.2 Heightened Enforcement of Aggressive Traffic (HEAT) Speed Management Program**

In July 2009, MnDOT’s Office of Traffic, Safety, and Technology (OTST), DPS’s Office of Traffic Safety (OTS), and the Minnesota State Patrol (MSP) partnered to develop the HEAT speed management program. HEAT is “a three-year aggressive driving enforcement and education campaign to improve roadway safety. This collaborative effort targeted one of the more ubiquitous, high-risk riving behaviors – speeding – while promoting compliance with all traffic safety laws”<sup>74</sup> As part of this three-year enforcement and education campaign, Minnesota Department of Transportation (MnDOT) directed the completion of surveys to gather information before, during and after HEAT’s implementation. The survey was designed to measure the public’s perception of several aspects of aggressive driving behavior (ADB).<sup>75</sup> The collaborators conducted three HEAT surveys during the last several years: a pre-campaign survey in 2009<sup>76</sup>, a mid-point assessment in 2011<sup>77</sup>, and the post-campaign survey in 2012.<sup>78</sup> The survey responses reported here are from the July 2009 pre-campaign report. Respondents were asked both open-ended, and closed-ended questions about speeding. The following text, figures and tables describe the results of the survey.

Minnesotans were asked, “In your opinion, how fast can you go on state highway/freeway or county/local roads before a law enforcement officer stops you, and how many miles per hour over the posted speed limit is that?” Overall, 54 percent of respondents thought they could exceed the limit by zero to five miles before being stopped, and nearly one-third (30%) said they could drive between six and 15 miles over the speed limit. Minneapolis-St. Paul metropolitan area metro area respondents were significantly more likely to think they could drive 10-15 miles over the speed limit than respondents in greater Minnesota (25% compared to 18%). Nearly one-third of respondents said they could drive between six and 15 miles over the speed limit, only a third mentioned speeding as an aggressive driving behavior, and speeding was one of the behaviors least likely to be rated as threatening.

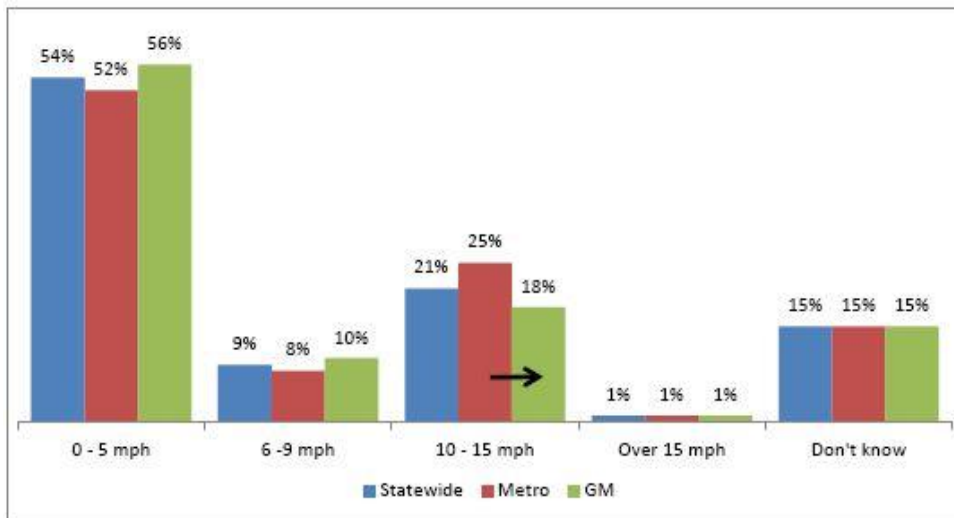


Figure 5: Perceived Miles Over the Speed Limit One Can Drive "Before an Officer Stops You," all Respondents and by Geographic Area, 2010

Minnesotans were then asked “In your opinion, what is the most important reason for stopping speeders?” the most common reason mentioned by respondents was to assure safety (53%), and to prevent crashes, deaths and injuries (36%), but only 19% said it was to enforce the law (19%).

Table 7: Stated Reasons Why Speeders Need to be Stopped, 2012

	Responses	Percent of Reponses
<b>Assure Safety</b>	258	53%
Safety in general	125	25%
Public safety/everyone's safety	97	20%
Violators are a danger to other drivers	56	11%
Other	36	7%
<b>Prevent Crashes &amp; Deaths</b>	175	36%
Prevent crashes	133	27%
Prevent deaths	27	5%
Other (prevent injuries)	15	3%
<b>Enforce Laws</b>	93	19%
Slow people down	37	8%
Drivers not obeying law	24	5%
Stop reckless/careless drivers	23	5%
Other (stop ADB, stop weaving, etc.)	9	2%
<b>Check for other violations</b>	18	4%
<b>Other (monetary, don't know)</b>	22	4%

\* Open-ended responses were coded by category. Many respondents mentioned more than one reason; thus, total percentages 100%. The base number for figuring this percent was 491 (total number of respondents providing a response).

Over ninety percent (92%) of respondents said weather is very important factor when deciding how fast to drive, followed by posted speed limit (78%) and perception of speed safety (74%).<sup>79</sup> Compared to all or some other age groups, 18 to 24 year olds were significantly less likely to consider weather, speed limit, perceived safe speed, traffic volume, and speed of other traffic to be a very important. Two behaviors perceived as least threatening were speeding (driving 10 miles over the speed limit (41%) and driving 10 miles under the limit (21%)). Respondents aged 18 to 24 were significantly more likely to say that driving 10 miles over the speed limit was a major threat than 25 to 34 year olds. Forty-one percent of respondents felt that speeding (10 miles over the limit) was a major threat to personal safety. Just over half (54%) said they saw this behavior very frequently.

## Chapter 4: Quantitative Analysis

The analysis in this section covers three quantitative areas where the Dimler Amendment may have had an impact: (1) speed comparison before and after the amendment on roadways where Dimler applies; (2) crash frequencies with speed as a contributing factor on roadways where Dimler applies; (3) travel time reliability and efficiency on roadways where Dimler applies based on analysis by MnDOT; and (4) analysis of citations data to investigate whether Dimler qualifying violations causes recidivism.

### 4.1 Speed comparisons before and after the Dimler Amendment

This section looks at speed data at several locations on state roadways to investigate whether the proportion of vehicles driving in the Dimler qualifying range<sup>80</sup> changed after the amendment came into effect as compared to the prior period. The analysis is limited to roadways where Dimler applies (as described above) and where volume and speed data was available. MnDOT provided volume and speed data collected using Automatic Traffic Recorders (ATR) or Weigh in Motion (WIM) stations at different locations on the state's roadways. These devices provide the number of vehicles and each vehicle's travel speeds for each day of the year and every hour of a 24-hour segment. This data was then aggregated into speed groups of 5 mph increments.<sup>81</sup> The ATR/WIM devices also provide route, speed limit on the route, roadway type, number of lanes, and location identifier.

The analysis selected a subset of the data focusing on only Dimler qualifying roadways with posted speed limits of 55 mph and 60 mph. The analysis includes seventeen locations where the PSL is 55 mph and six locations where the posted speed limit (PSL) is 60 mph. These locations were selected on the basis of continuously working ATR/WIM stations, and included all available locations for which valid data is available. The sample may therefore differ from the general population of Dimler qualifying locations. The available data covered a 16-month period after the Dimler Amendment came into effect on August 1, 2012 until December 2013. Data from before the 2012 changes to the Dimler Amendment, from August 1, 2010 to December 2011, was selected as a baseline, comparison period. The roadway types and ATM/WIM locations included in the analysis are shown in Table 8.

For roadways with a PSL of 55 mph, vehicles were categorized into three groups—vehicles travelling below 55 mph, vehicles traveling within the Dimler qualifying range of 55-65 mph, and vehicles travelling above 65 mph. Figures 6 and 7 shows the proportion of vehicles driving in each of the speed categories in the baseline and study period during weekdays and weekends on roadways with a PSL of 60 mph. Figures 8 and 9, show the same for roadways with a PSL of 55 mph. For roadways with PSL of 60 mph, the analysis categorized vehicles into four groups — below 60 mph, 60-65 mph, 65-70 mph, and above 70 mph. Each speed category corresponds to vehicles traveling at the posted speed limit, vehicles traveling at speeds in the old Dimler qualifying range, vehicles in the new Dimler qualifying range, and vehicles exceeding the speed limit at speeds outside both the old and new Dimler range.



Table 8: Roadway Type and Locations Used for Speed Comparisons

Posted Speed Limit	Roadway type	Location ID*
55 mph	Rural 2-lane/2-way	33, 41, 54, 56, 179, 198, 199, 209, 221, 222, 223, 225, 381
	Urban 2-lane/2-way	388, 390
	Urban divided highway (non-interstate)	40
	Urban freeway	38
60 mph	Rural 2-lane/2-way	34, 210, 219, 220
	Rural divided highway (non-interstate)	197
	Urban freeway	341

\*Location IDs match those in figures 6 - 9.

The figures suggest that at most locations no practically meaningful difference is present in the proportion of people driving with each speed range. Assuming that none of these roadways have changed (e.g., roadway or shoulder widening, smoother pavement, etc.), a chi-squared test was used to determine whether proportions of vehicles traveling within the Dimler qualifying range in the comparison period are statistically different from the proportions observed in the baseline period.

The results show statistically significant differences in the proportion of vehicles travelling at the Dimler qualifying speed range, though the latter period proportions are not always higher. For roadways with a PSL of 55 mph, the baseline and comparison period proportions driving in the Dimler qualifying range (55 – 65 mph) were statistically different from one another in all 17 cases (p-values<0.001). Of the 17 weekday cases, the proportions in the 55 – 65 mph speed range in the comparison period were higher in 11 cases and lower in 6 cases than the proportions in the same speed category in the before period.

The absolute difference in proportions between the baseline and comparison periods in the Dimler speed range was within 5% in 9 of the 17 cases. In part, the statistical significance is a result of the very large sample size where even the practically insignificant difference of 0.004 in before and after proportions reports a p-value less than 0.001. In three of the eight cases where the baseline-comparison difference in proportions in the Dimler range exceeded 5% (IDs 56, 198, 199, 221, 222, 225, 388, 390), the baseline proportions in the Dimler speed category were higher.

### Speed distribution on 55mph roadways

8/2010-12/2011 □ — —  
 8/2012-12/2013 □ — —

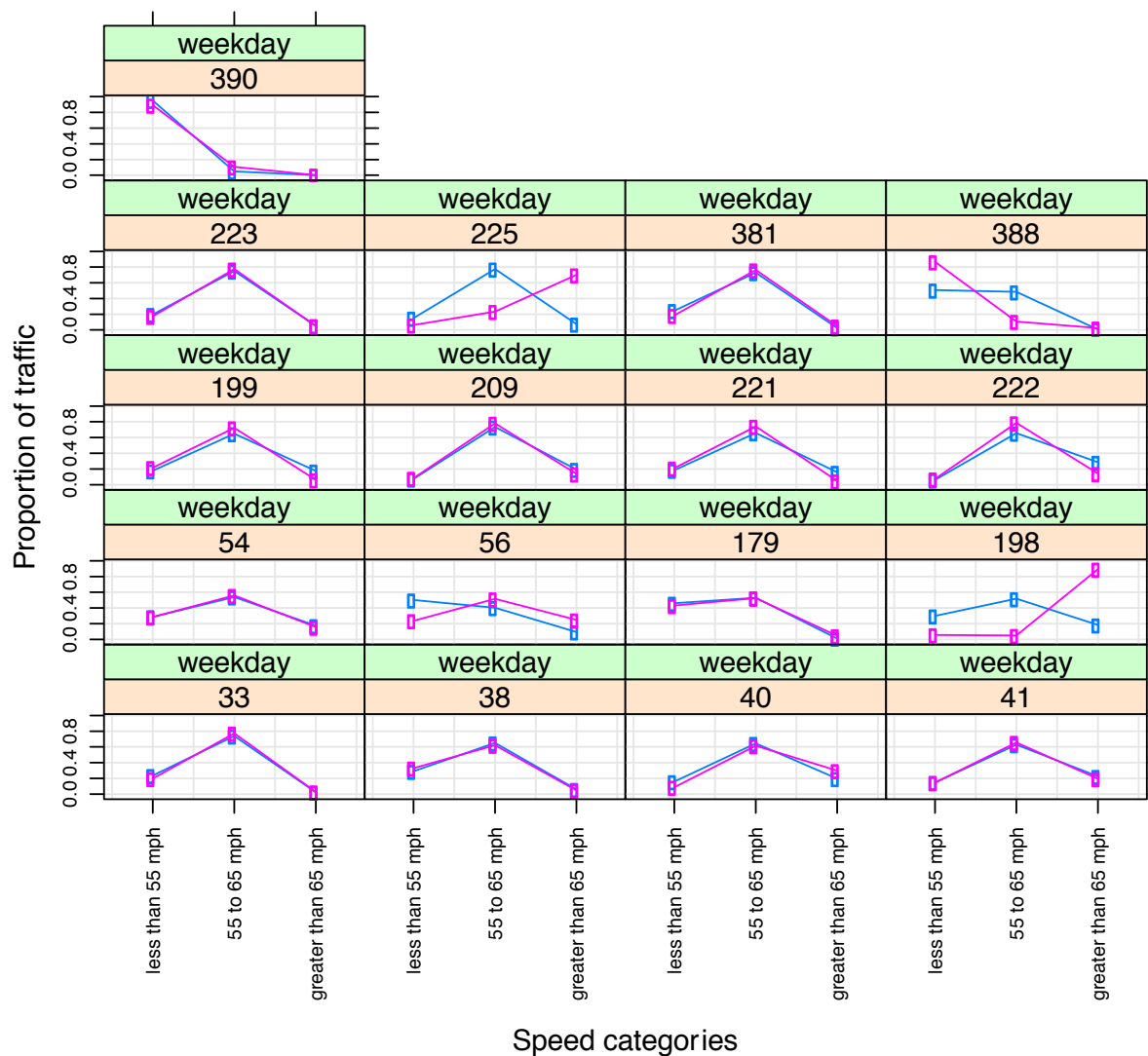


Figure 6: Proportion of Vehicles Driving on 55 mph PSL Roadways Mon-Fri During Baseline and Comparison Periods

### Speed distribution on 55mph roadways

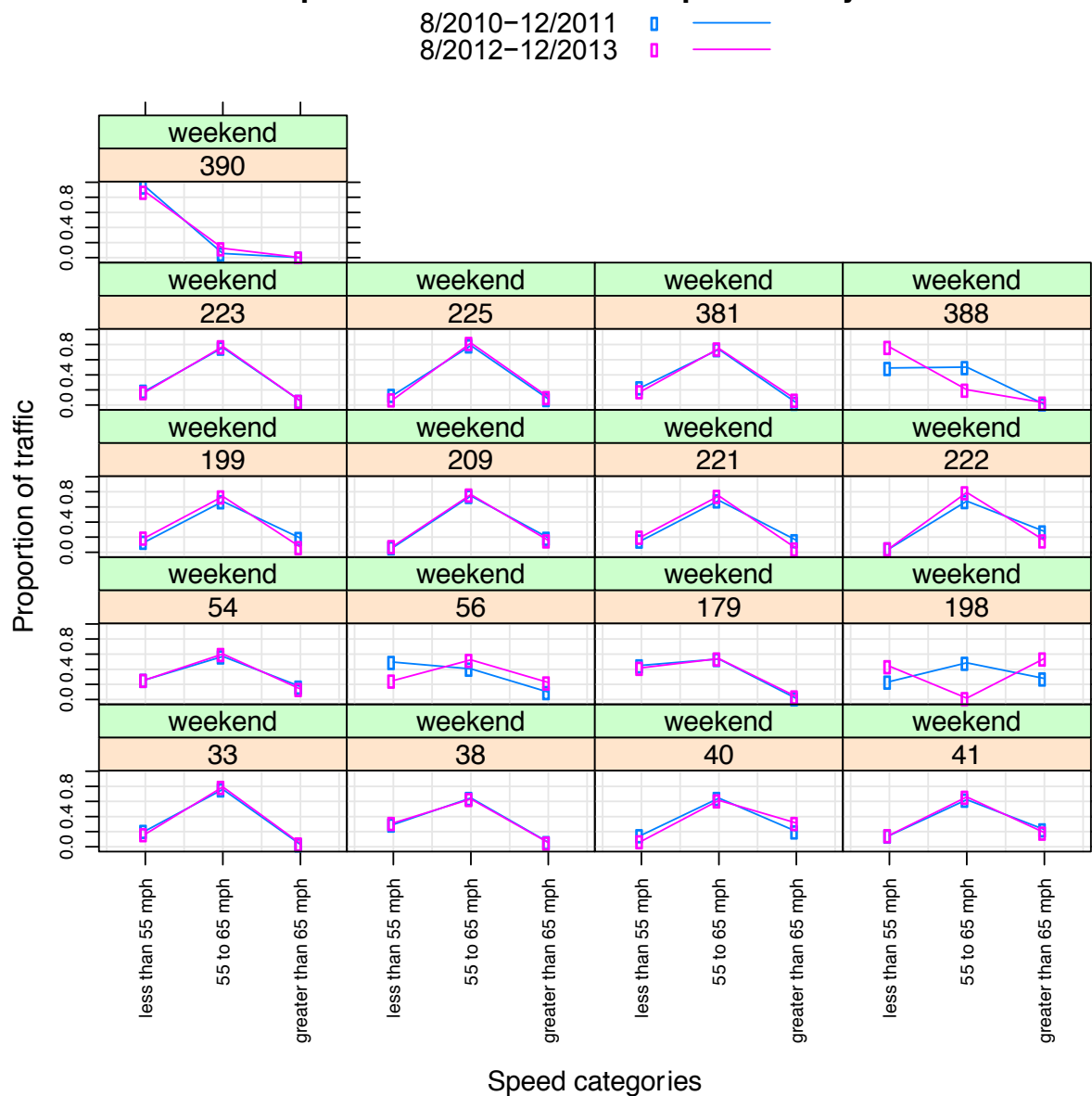


Figure 7: Proportion of Vehicles Driving on 55 mph PSL Roadways Sat-Sun During Baseline and Comparison Periods

The results for roadways with a PSL of 60 mph are no different from those observed for 55 mph roadways. Statistically, all comparison period proportions are different from baseline period proportions. Of the six cases, two cases had higher proportions in the 60–70 mph speed category in the baseline period than in the comparison period. The remaining four had higher proportions in the comparison period. If location ID 341, which had unreliably high and low volumes for some periods, is excluded, only two locations had baseline proportions in the 60 – 70 mph that were higher and three locations where comparison period proportions were higher.

### Speed distribution on 60mph roadways

8/2010-12/2011 □ —  
 8/2012-12/2013 □ —

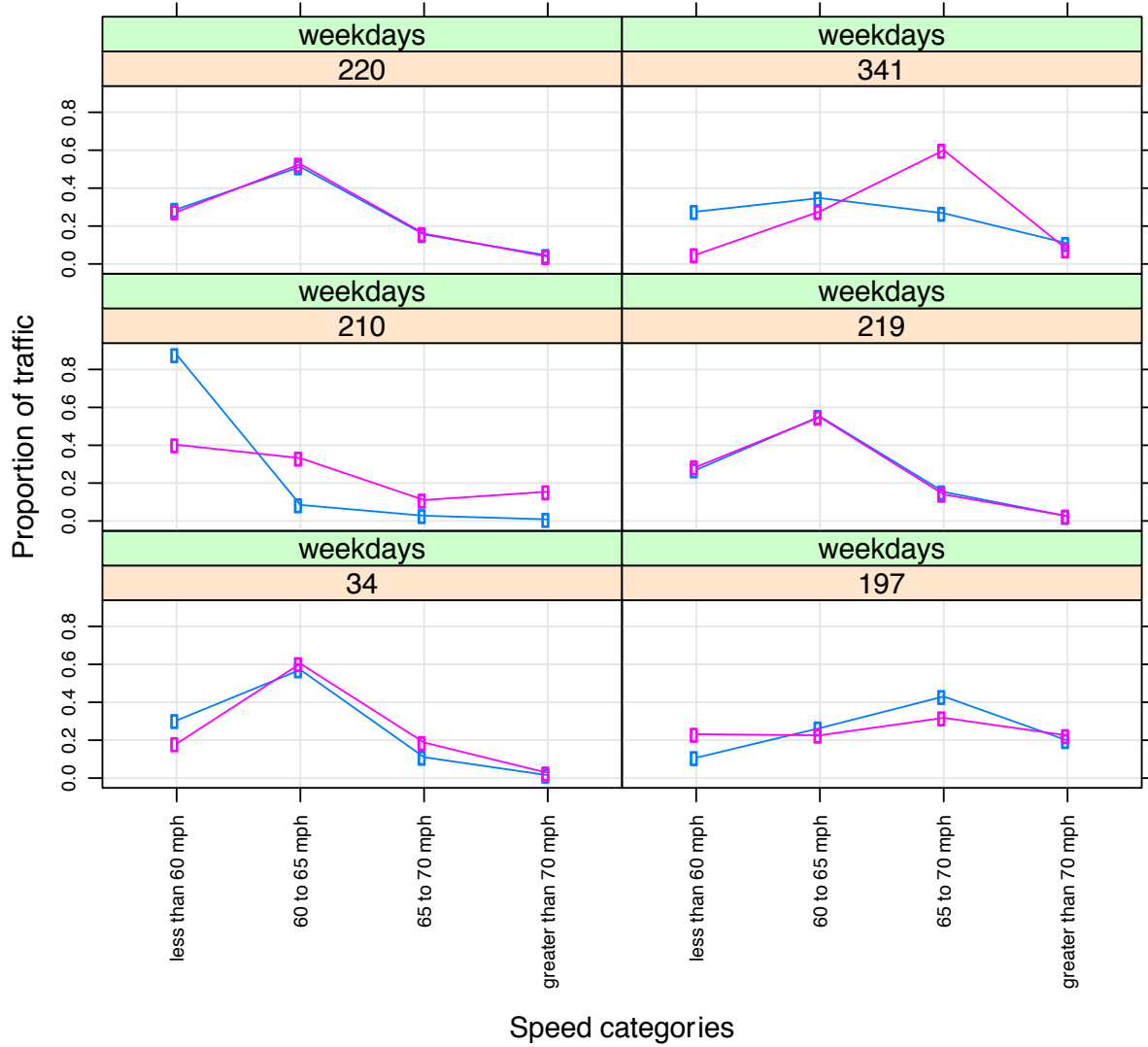


Figure 8: Proportion of Vehicles Driving on 60 mph PSL Roadways Mon-Fri During Baseline and Comparison Periods

### Speed distribution on 60mph roadways

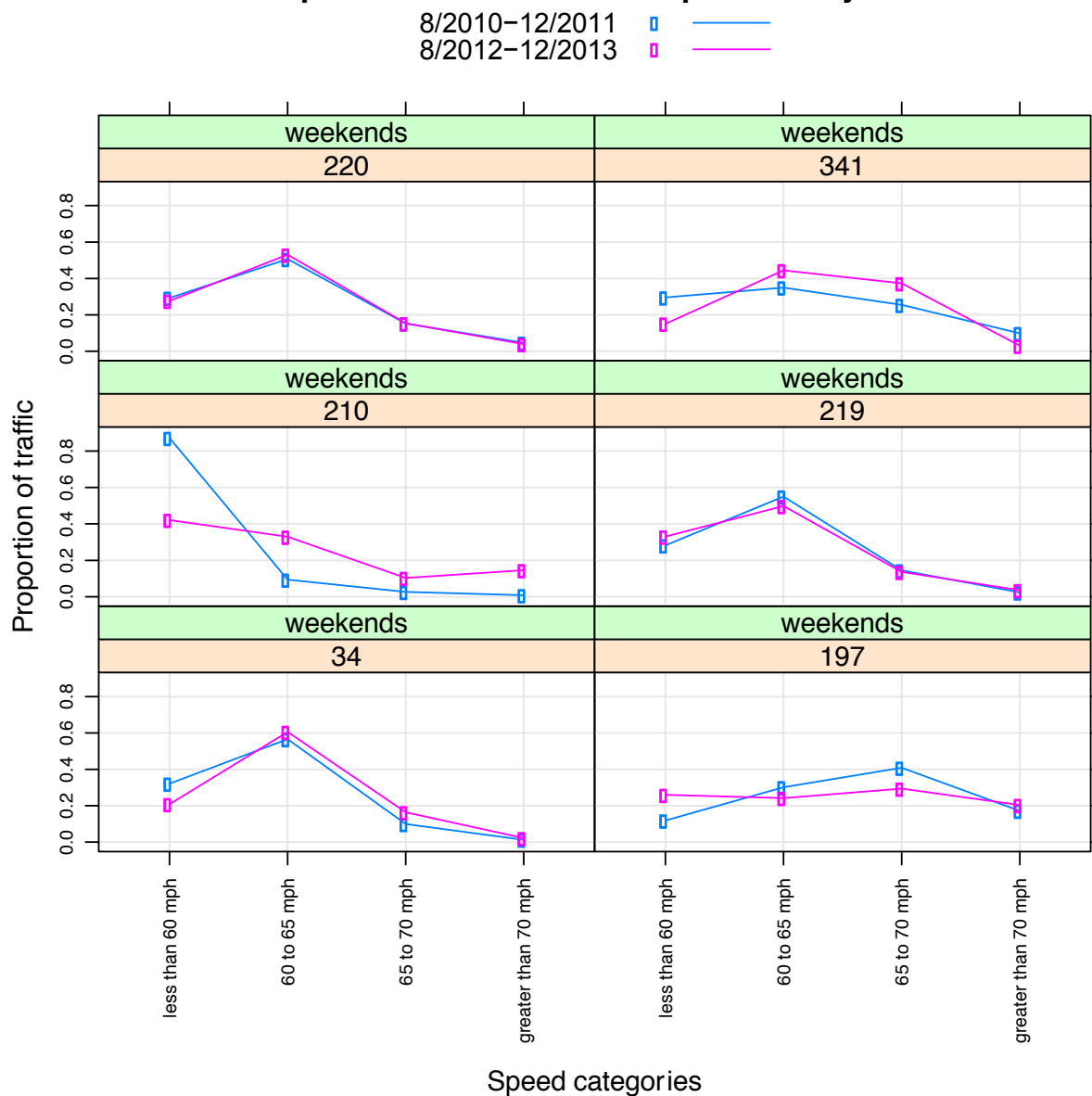


Figure 9: Proportion of Vehicles Driving on 60 mph PSL Roadways Sat-Sun During Baseline and Comparison Periods

Despite the statistical significance of the chi-square test, the results suggest that no systematic differences are present as a result of the changes to the Dimler Amendment on either roadways with 55 mph or 60 mph posted speed limits. In some cases, the differences are not practically significant, despite statistical significance. In others, certain local conditions related to demand or roadway characteristics likely account for the differences. It is also important to note that this analysis was based on a very small sample of locations and the generalizations may not hold for all Dimler qualifying roadways.

## **4.2 Crashes and Injuries on 55 mph and 60 mph Roadways**

This section analyzes the frequency of crashes/injuries where the Dimler Amendment applies. Assuming drivers are aware of the Dimler Amendment, the analysis asks whether any behavior changes resulting from changes to the law may have resulted in shifts in crash frequencies (particularly speed-related crashes). Currently, there is limited information on whether drivers are aware of the law, or if a behavioral adjustment occurred as a result of awareness of the law. Though it doesn't show causality, a significant shift in speed-related crashes would be consistent with the assumption that the law actually encourages higher speeds, which in turn may lead to more vehicle crashes at higher speeds.

The same baseline and comparison periods as used for the speed data, are used for crash data.<sup>82</sup> MnDOT provided aggregated crash data showing the number of fatalities as well as the type of injury<sup>83</sup> resulting from crashes on roadways with PSLs of 55 mph and 60 mph.

The data also separates incidences where speed was a contributing factor or not. Some 55mph PSL roads have been converted to 60mph roadways in 2013 (the after period). While the conversion affected only a small fraction of 55 mph roadways, it represented an 80% increase in total road miles of 60 mph roadways.

In order for the before and after period crash counts to be comparable, crashes that occurred on these roadways were not included in the analysis below. The analysis predicts expected crashes in each category for the after period and compares that prediction with observed crash frequencies. Table 9 reports the number of crashes reported for the analysis periods in the baseline and comparison periods.

Table 9: Count of Injuries on 55 mph and 60 mph Roadways During the Baseline and Comparison Periods

Injury	Speed Related	55 mph roadways		60 mph roadways	
		Baseline	Comparison	Baseline	Comparison
A	No	600	597	61	47
B		2857	2931	429	454
C		6576	6842	1302	1346
K		226	266	30	32
A	Yes	112	122	11	15
B		475	478	105	117
C		995	954	297	285
K		49	49	1	6

Assuming each count to be a Poisson random variable, an expected number of crashes is estimated for the comparison period. The expected crashes are adjusted in the comparison period by using the ratio of vehicle miles travelled in the comparison and baseline time periods. The estimates show that over the periods analyzed, the difference between what is expected based on the experience of the baseline period and what was actually observed was not statistically significant at the 95% confidence level. The results are given in Table 10.

The reported difference is calculated by subtracting observed crashes (which serve as estimates for the after-period safety of roadways) from the expected crashes for each injury type and class of roadway where speed would be a factor or not had no changes been made.<sup>84</sup> The VMT based adjustment factors serve to correct the expected crashes in light of higher or lower VMT observed in the comparison period relative to the baseline.

As can be seen in Table 10, the standard deviations are large relative to the estimated differences in crash frequencies and, with one exception, a 95% confidence interval around the estimated difference encompasses zero, indicating that not enough evidence exists that the observed crashes in the before and after periods are different from one another. The exception is on non-speed related minor injuries on 55 mph roadways, where there was an increase in such injury crashes. However, since this occurred on 55 mph roadways (which the Dimler Amendment did not affect), and because these are non-speed related crashes, there is no reason to believe this increase was related to the Changes made to Dimler. In all other cases, no significant change is detected.



Table 10: Differences in Crash Injuries and Fatalities Before and After the 2012 Dimler Amendment Changes

Injury	Speed a factor	55 mph roadways		60 mph roadways	
		Difference	Std. Dev.	Difference	Std. Dev.
Life Altering Injury	No	3.3	35.2	13.3	10.5
Minor Injury		-44.6	76.9	-24.7	29.8
Moderate Injury		-201.7	116.8	-51.1	51.7
Fatality		-37.8	22.4	-2.8	8.0
Life Altering Injury	Yes	-10.4	15.6	-4.9	5.2
Minor Injury		-11.5	31.3	-12.4	15.0
Moderate Injury		61.4	44.6	11.6	24.2
Fatality		0.3	10.0	-6.0	2.8

There are some limitations to this analysis. First, it assumes that nothing other than the Dimler Amendment changed to affect crash frequencies. While the analysis adjusted for total VMT in the baseline and comparison periods, many other factors including but not limited to construction schedules, changes in enforcement, changes in vehicle fleet, weather conditions could have

occurred over the periods analyzed that may have had a confounding effect on the observed crash counts. It is not possible to account for these potential and widespread changes that may have had an impact on observed crash numbers.

The control VMT also applies to all roads rather than affected roadways alone, and at a minimum assumes a proportional shift in VMT. In addition,, the duration of the analysis period is short. It is therefore difficult to estimate the differences in crashes with a considerable amount of confidence as evidenced by the large standard deviations. Overall, and given the noted limitations, the analysis reveals little evidence of a shift in speed-related or non-speed related crashes following changes to the Dimler Amendment on either 55 mph or 60 mph PSL roads.

### **4.3 Reliability and Efficiency of Travel Time**

Reliability and Efficiency refer to concepts of whether a system performs as expected and whether it provides the least cost alternative given some output. This section is based on a review of the performance of the Interregional Corridors (IRC) in the state. The IRC network consists of nearly 2600 miles of roadway, for which MnDOT established goals of operating at 55 mph, 60 mph, and 65 mph for different corridors.<sup>85</sup> These roadways include many Dimler qualifying 2-lane roads and interstate sections.

MnDOT's analysis shows that only 2% of the IRC has fallen short of its intended average speed goal every year from 2008-2012.<sup>86</sup> Though the most recent changes to the Dimler Amendment came into effect in August 2012 and data for period after 2012 is as yet unavailable, the fact that no difference is observed in meeting targets suggest the effect of these changes, if any occurred, was negligible.

In addition, since the ability to travel at or above 55 mph or 60 mph occurs during uncongested conditions only, the effect of the amendment is likely also minimal. The exception may be when high speeds lead to crashes or other incidents that require closures or other interventions that limit the capacity of the affected roadway. However, as the previous section shows, a systematic relationship that suggests that comparison period crashes were higher cannot be reached based on the data. Data on non-crash incidents is not available.

## Chapter 5: Conclusion

The purpose of this study is to measure the impact of the changes made to the Dimler Amendment by legislation from the 2012 session. The Minnesota State Legislature requested the Commissioners of Transportation, Public Safety, and Health to jointly report on the impacts of increasing the Dimler qualifying range from 5 mph to 10 mph in 60 mph speed zones. The Legislature requested the report to analyze impacts to travel reliability, travel efficiency, safety, and privacy. Based on the results of the analysis, impacts as a result of the 2012 changes were small, or even negligible. Moreover, in the regular course of research and analysis, information was discovered that leads us to question the very existence of the law.

Many scholars, judges, and law enforcement agencies have long criticized the Dimler Amendment as implying a license to speed to some drivers.<sup>87</sup> They argue that those drivers who can afford multiple speeding tickets now don't have to worry about driving licenses being suspended or insurance rates going up because of repeated violations. Supporters of the present law argue that otherwise-safe drivers shouldn't have to be penalized with major increases in insurance rates because of minor speeding violations.<sup>88</sup> This debate is likely to continue as long as automobile speed limits are regulated and humans are in control of driving. However, this analysis sheds light on a few aspects of the Dimler law that legislators and policy makers should consider.

First and foremost, the underlying purpose and spirit of the Dimler Amendment no longer exists. The law was originally enacted as a response to federally mandated 55 mph speed limits on all highways, including interstate highways. Although concrete evidence of this intent is unavailable, Representative Dimler was most likely responding to the decrease in highway speed limits by diminishing the direct and indirect impacts of the law on all drivers. The amendment's direct reference to the provision of law implementing the reduced federal limit strongly supports this intent. Changes to the law also support this interpretation. The amendment initially exempted speeding violations on every road. Subsequent amendments narrow the scope of exemption to speeds at which drivers can only achieve on highways.

The scope and coverage of the Dimler exemptions are also problematic. Amendments to section 171.12 have narrowed the limitation substantially since 1986 so that only a portion of the state's roads have speed limits for which speeding violations qualify for an exemption. This limited scope can create confusion regarding how the law is applied and enforced, and can therefore limit its effectiveness. Public perceptions of speed limits and proper, safe driving behavior illustrate the substantially limited impact of the Dimler Amendment. Both surveys detailed above reveal a public that understands speeding as an acceptable, frequent behavior. Further, Dimler encourages such an understanding by partially absolving those who break the law from legal and social responsibility.

In addition, the Dimler Amendment offers only negligible protection for driver's protected personal information. Under the Driver's Privacy Protection Act, data vendors are granted an exemption and allowed to access driving records for several reasons, including resale to insurance companies. The Dimler Amendment does not affect this access. Moreover, conviction records are publicly available through both the state courts record system.

At best, the amendment offers drivers an opportunity to avoid some of the consequences, such as losing their license or not being able to obtain a Commercial Drivers License for violating important safety regulations. Dimler simply reduces the social, financial, and penal sanctions designed to foster a safe roadway. This loophole is especially detrimental to the public because it protects repeat offenders from the consequences (i.e., license suspension or revocation) of their decision to speed.

At best, Dimler does almost nothing for drivers, effective enforcement of laws, or protection of driver's private, personal information. The law has almost no impact on safety as evidenced by comparable crash and injury rates during the periods analyzed. The law has only negligible impacts to travel time and reliability.

The quantitative analysis shows that during the periods analyzed, along segments with consistent data, most vehicle volumes and 85th percentile speed did not change, and in some cases these measures experienced negative changes.

At worst, the Dimler Amendment reduces the effectiveness of posted speed limits and allows habitual offenders to stay on the roads, by preventing the full weight of legal and social penalties from being applied. Dimler also contributes to confusion about the purpose—namely safety of all who use the roads—and the validity of speed limits. The amendment also may increase the costs of driving for individuals and for society by preventing insurance underwriters from creating accurate insurance premiums for the highest risk drivers on the road.

## References

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- <sup>1</sup> [J. Carr, Speed Traffic and Speed Laws](#) (last accessed June 27, 2014) only 3 states (Rhode Island, Texas, and Utah) use a purely prima facie standard, 9 other states (Arizona, California, Colorado, Connecticut, Massachusetts, Michigan, Minnesota., Ohio, and Oregon) use a mixed system where certain limits are absolute and others are prima facie limits.
- <sup>2</sup> Minnesota Statute § 169.14 – Speed Limits, Zones; Radar, Subdivision 1 – Duty to drive with due care.
- <sup>3</sup> [Id. at Subdivision 2 – Speed limits.](#)
- <sup>4</sup> 75 Am. Jur. 2d Trial § 749
- <sup>5</sup> See *Tully v. Flour City Coal & Oil Co.*, 253 N.W. 22, 23 (Minn. 1934); *Butler v. Engel*, 68 N.W.2d 226, 238 (Minn. 1954) (stating that the legislature intended a negligence standard of culpability for the criminal speeding statute). Is this available on line? I could not find full text. If not no big deal.
- <sup>6</sup> See Allen M. Brabender, *The Misapplication of Minnesota’s Speeding Statute and the Need to Raise the Posted Limit or Expand Use of the Dimler Amendment*, 27 Hamline L. Rev. 1, 2 (2004). Is this available on line? I could not find full text. If not, no big deal.
- <sup>7</sup> See *Id.* at 4. Same as noted for note #4
- <sup>8</sup> [Minnesota Statute §169.14 – Speed Limits, Zones; Radar, Subdivision 2 – Speed limits.](#)
- <sup>9</sup> See *Butler v. Engel*, 68 N.W.2d 226, 230 (1954) (stating that violation of municipal speed limits is negligence per se unless the statute makes it prima facie evidence of negligence).
- <sup>10</sup> See Minnesota Dept. of Transportation surveys, *infra* notes 48 and 49. For a few interesting perspectives on each system’s merits see Brabender, *supra* note 5; Margaret Raymond, *Penumbra Crimes*, 39 Am. Crim. L. Rev. 1395; 6 A.L.R.3d 1326 *Indefiniteness of Automobile Speed Regulations as Affecting Validity*, See also *State v. Sivin*, 225 A.2d 846 (Conn. Cir. Ct. 1966).
- <sup>11</sup> The complete language of each iteration of the Dimler Amendment can be found in Appendix A.
- <sup>12</sup> Mn H.F. 2547, 1986 House Journal.
- <sup>13</sup> Mn. S.F. 1910, 1986 Senate Journal.
- <sup>14</sup> *Id.*
- <sup>15</sup> 1986 Minn. Sess. Laws ch. 454 § 24.
- <sup>16</sup> 1986 Minn. Sess. Laws ch. 454 § 24 available at <https://www.revisor.mn.gov/laws/?id=454&doctype=Chapter&year=1986&type=0>, and modified in 1996 <https://www.revisor.leg.state.mn.us/laws/?id=455&year=1996&type=0>
- <sup>17</sup> *Id.* at §20. See also, Minn. Stat. 2012 § 169.99.
- <sup>18</sup> Mn. H.F. 140, 2005 Special Session.
- <sup>19</sup> 2005 Minn. Sess. Laws 1<sup>st</sup> Sp. Sess, ch.7 § 69.
- <sup>20</sup> *Id.* See also, Minn. Stat. 2012 § 171.12 subd. c.
- <sup>21</sup> 2012 Minn. Sess. Laws ch. 287 § 35.
- <sup>22</sup> 2012 Minn. Sess. Laws ch. 287 § 35.
- <sup>23</sup> *Id.* at § 49.
- <sup>24</sup> Emergency Highway Energy Conservation Act, Pub. L. No. 93–239, Jan. 2, 1974, 87 Stat 1046; enacted by Federal Aid Highway Amendments of 1974, Pub. L. No. 93-639, 88 Stat. 2281.
- <sup>25</sup> Pub. L. No. 93–239 at sec. 2(a).
- <sup>26</sup> *Id.* at sec. 2(b) & 2(f).
- <sup>27</sup> Minn. Sess. Laws 1974, ch. 79 § 1 (codified as Minn. Stat. Ann. § 169.141 (repealed 1996)) available at <https://www.revisor.mn.gov/laws/?year=1974&type=0&doctype=Chapter&id=79> reproduced in Appendix II.
- <sup>28</sup> Commissioner’s Order No. 54539, Mar. 1, 1974 available at [https://www.revisor.mn.gov/state\\_register/?vol=1&num=9&search=%22Speed%20limit%22](https://www.revisor.mn.gov/state_register/?vol=1&num=9&search=%22Speed%20limit%22) reproduced in Appendix II.
- <sup>29</sup> 1996 Minn. Sess. Laws ch. 455 art. 1 § 11.
- <sup>30</sup> As stated above, this provision was repealed in 1996, and Minnesota, along with all other states, now has relatively broad discretion to set their own speed limits.
- <sup>31</sup> Minn. Laws 1986, *supra* note 2. This bill also made minor changes to the State’s Uniform Traffic Ticket law, Minn. Stat. §169.99 by adding Subd. 1b: “The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.141 must specify whether the speed was greater than ten

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miles per hours in excess of the speed designated under that section.” No other relevant changes were made by this law.

<sup>32</sup> Minn. Stat. § 171.12 subd. 6(a).

<sup>33</sup> See [Matt Burress, Minnesota House Research Short Subject, 1 \(Sept. 2012\)](#). Furthermore, Major Nancy Silkey from Minnesota State Patrol stated that law enforcement agencies enforce the law based solely on speed limit, without regard to road type or location.

<sup>34</sup> Minn. Stat. § 160.02 subd. 26. See Appendix II for the definition of roads.

<sup>35</sup> Minn. Stat. § 169.14. The relevant sections of this law are reproduced for reference in Appendix II.

<sup>36</sup> However, some sections of Interstate Highway, specifically those within the Twin Cities metropolitan area do have Dimler qualifying speed limits. See immediately subsequent paragraph.

<sup>37</sup> Minneapolis-St. Paul metropolitan area includes the seven counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.

<sup>38</sup> That these roads are interstate highways within municipal boundaries, and are expressly provided a speed by statute, is overcome by the authority granted to the Commissioner of Transportation to establish speed limits different than those imposed by §169.14. Because these roads are located within municipalities, these speed limits are absolute, not prima facie speed limits. However, the provision establishing speed limits within municipalities as absolute limits does not have any legal effect on the application of the Dimler Amendment. The absolute limit only prevents a cited driver from appearing in court and challenging the citation on the grounds that her or his speed was reasonable and prudent given the conditions. The dichotomy between absolute and prima facie speed limits does not appear to impact record keeping, but only changes the method of adjudication.

<sup>39</sup> Minn. Stat. § 169.14 subd. 5.

<sup>40</sup> [5 U.S. Code § 552a – Records maintained on individuals](#)

<sup>41</sup> *U.S v Knotts*, 460 U.S. 276, 281 (1983)

<sup>42</sup> Drivers Privacy Protection Act, 18 U.S.C. § 2721(a)(1) (2012), this prohibition also applies to “highly restricted personal information” which is defined as “an individual’s photograph or image, social security number, medical or disability information.” 18 U.S.C. § 2725(4).

<sup>43</sup> 18 U.S.C. § 2725(3).

<sup>44</sup> *Id.* at § 2721(b)(1).

<sup>45</sup> *Id.* at § 2721(b)(2).

<sup>46</sup> *Id.* at § 2721(b)(6).

<sup>47</sup> See *i.e.*, *Reno v. Condon*, 528 U.S. 141 (U.S.S.C. 2000) (holding DPPA constitutional); *Johnson v. W. Pub. Corp.*, 504 F. App’x 531 (8th Cir. 2013) *cert. denied*, 134 S. Ct. 474 (U.S. 2013) (affirming data aggregator’s ability to resell personal information in bulk to entities with a legally valid use).

<sup>48</sup> See *supra* note 44.

<sup>49</sup> Minn. Stat. § 171.18 subd. 3.

<sup>50</sup> Minnesota Rules 7409.2200 Available at <https://www.revisor.mn.gov/rules/?id=7409.2200> last accessed September 10, 2014. The suspension period increases to 90 days with 5 convictions in 12 months or 6 in 24 months, 180 days at 7 convictions in 24 months and one year for 8 or more convictions in 24 months.

<sup>51</sup> These numbers are based on data that excludes citations whose driver’s licenses were not collected, unknown, or were deemed not valid. It also excludes double entries. Nearly 240,000 records from the original file were not used in this analysis.

<sup>52</sup> 49 U.S.C. Chapter 313

<sup>53</sup> 49 CFR 383.31 and 49 CFR 383.33

<sup>54</sup> 49 CFR 384.209(2)(b) and 49 CFR 384.205

<sup>55</sup> 49 CFR 384.226 and 49 CFR 384.401

<sup>56</sup> Minn. Stat. § 171.12 subd. 6(c).

<sup>57</sup> 49 CFR 383.71

<sup>58</sup> 49 CFR 384.206

<sup>59</sup> See *supra* note 41 at (b) (6) (2012)

<sup>60</sup> See *supra* note 20, at § 2721.

<sup>61</sup> Data vendors include LexisNexis, Thompson Reuters, RL Polk, Choice Point, the large credit firms, and many others.

<sup>62</sup> See *i.e.*, Minnesota Driver & Vehicle Services Driver’s License Status request page at <https://dutchelm.dps.state.mn.us/dvsinfo/mainframepublic.asp> (last visited May 16, 2014).

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- <sup>63</sup> Available via <http://www.dmv.org/mn-minnesota/driving-records.php>
- <sup>64</sup> According to the Insurance Federation, scholarship demonstrates a “highly significant, positive statistical correlation between a person’s credit score and the number of insurance claims she or he will file.” Mr. Mark Kulda, Insurance Federation of Minnesota, telephone interview, Mar. 28, 2014.
- <sup>65</sup> The Insurance Federation also stressed similar externalities associated with other methods that prevent violations from being recorded on a driver’s record, including county-level diversion programs especially those in Greater Minnesota, and court administered “continuances for dismissal,” and “stays of adjudication.”
- <sup>66</sup> Minnesota Department of Transportation, *2012 Omnibus Transportation Survey*, (2012) available on request at the [Minnesota Department of Transportation Contact Webpage](#)
- <sup>67</sup> Minnesota Departments of Transportation, *Heightened Enforcement of Aggressive Traffic (HEAT) Speed Management Program*, (May 2012) available on request at the [Minnesota Department of Transportation Contact Webpage](#)
- <sup>68</sup> Respondents were asked, “For persons who receive a ticket for speeding on a 55- or 60-mile per hour road, how many miles per hour over the speed limit can he or she be cited before the ticket is placed on his or her driving record (and insurance is notified)?”
- <sup>69</sup> Respondents were asked, “On a typical sunny day when you drive on a dry [55 or 60] miles-per-hour highway in your area, how fast do you think other drivers will travel?”
- <sup>70</sup> MSP Metro refers to the Minneapolis-St. Paul metropolitan area.
- <sup>71</sup> “Greater Minn. refers to all areas within the state of Minnesota, that are not part of the Minneapolis-St. Paul metropolitan area.
- <sup>72</sup> Respondents were asked, “To the best of your knowledge, how are speed limits set for highways with a speed limit of 45 miles per hour or greater?”
- <sup>73</sup> Respondents were asked, “What do you think you and your family can do to stay safe when using the roadways?”
- <sup>74</sup> University of Minnesota Center for Transportation Studies, *Highway Enforcement of Aggressive Traffic (HEAT)* at <http://www.minnesotatzd.org/initiatives/heat/> (last accessed July 18, 2014).
- <sup>75</sup> Aggressive Driving Behavior is defined by the survey as
- <sup>76</sup> Minnesota Department of Transportation, *HEAT Program (High Enforcement of Aggressive Traffic (2009)* at <http://www.dot.state.mn.us/hottopics/speedlimits/HEAT%20Evaluation%20Plan%20Public%20Document.pdf>
- <sup>77</sup> Minnesota Department of Transportation, Unpublished internal documents (draft reports) ( March 2013).
- <sup>78</sup> Minnesota Department of Transportation, *High Enforcement of Aggressive Traffic: A joint effort between Mn/DOT and Public Safety*, (2013) at <http://www.dot.state.mn.us/hottopics/speedlimits/>.
- <sup>79</sup> This perception is consistent with a Prima Facie enforcement regime.
- <sup>80</sup> Between 55 mph and 65 mph in 55 mph zones, and between 60 mph and 70 mph in 60 mph zones.
- <sup>81</sup> For example: “below 40 mph,” “40-45 mph,” “45-50 mph,” continuing in 5 mph increments up to speeds of 100 mph, and one category for speeds exceeding 100 mph.
- <sup>82</sup> Baseline period: August 1, 2010 – December 2011; Comparison period: August 1, 2012 – December 2013.
- <sup>83</sup> Type A (incapacitating injury), Type B (serious injury), Type C (minor injury), and Type K (Fatality).
- <sup>84</sup> A positive value indicates there were fewer crashes than expected based on the before experience and a negative value indicates that there were more crashes than expected)
- <sup>85</sup> Minnesota Department of Transportation, *Annual Minnesota Transportation Performance Report*, 30 (2011) available at <http://www.dot.state.mn.us/measures/pdf/2011-Full%20Report%204-3-13%20LOW%20RES.pdf> (last accessed July 11, 2014).
- <sup>86</sup> Minnesota Department of Transportation, *Annual Minnesota Transportation Performance Report*, 38 (2012) available at <http://www.dot.state.mn.us/measures/pdf/2012ReportBooklowrez4-15.pdf> (last accessed July 11, 2014).
- <sup>87</sup> See *supra*, Brabender at note 6; Carr at note 1; and *Tully v. Flour City Coal & Oil Co* at note 5.
- <sup>88</sup> John Williams, *Minnesota’s Speed Limit: Background and Issues*, (Minnesota House Research Information Brief, 5 June 1996) available at <http://archive.leg.state.mn.us/docs/pre2003/other/960317.pdf>.

## **Appendix A:**

### **Timeline of Dimler Amendment**



**New language** Strikethrough text represents language deleted from the original statute.

**Deleted Language**

Original Amendment

Minn. Stat. 1986, § 171.12, Subd. 6. Certain convictions not recorded. The department shall not keep on the record of a driver any conviction for a violation of section 169.141 unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section.

Effective Date: March 25, 1986- June 30, 2007

Enacted legislation: 1986 Minn. Sess. Law Ch. 454 § 24.

2005 Amendments

Minn. Stat. 2006 § 171.12, subd. 6. Certain convictions not recorded. **Except as provided in paragraph (b),** the department shall not keep on the record of a driver any conviction for a violation of ~~section 169.14, subdivision 2, paragraph (a), clause (3),~~ **a speed limit of 55 or 60 miles per hour** unless the violation consisted of a speed greater than ten miles per hour in excess of ~~the lawful speed~~ **a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.**

**(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.**

Effective Dates: July 1, 2007 – July 31, 2012

Enacted legislation: 2005 Minn. Sess. Law Serv. 1st Sp. Sess. Ch. 7 § 69.

2012 Amendments

Minn. Stat. 2012 § 171.12, Subd. 6. Certain convictions not recorded. (a) Except as provided in paragraph ~~(b)~~**(c)**, the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 ~~or 60~~ miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit ~~, or more than five miles per hour in excess of a 60 miles per hour speed limit.~~

**(b) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than:**

(1) ten miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2012, and before August 1, 2014; or

(2) five miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2014.

(c) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

Effective Dates: August 1, 2012 - present

Enacted legislation: Minn. Sess. Laws 2012, c. 287, art. 4, § 35, eff. Aug. 1, 2012

## **Appendix B**

### **Process of a Moving Violation Conviction, From Citation to Driving Record**

Minn. Stat. § 169.14

**Subd. 2. Speed limits.**

(a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;
- (3) 55 miles per hour in locations other than those specified in this section;
- (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
- (6) ten miles per hour in alleys;
- (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway; and
- (8) 35 miles per hour in a rural residential district if adopted by the road authority having jurisdiction over the rural residential district.

**Subd. 5b.** Segment in urban district. When any segment of at least a quarter-mile in distance of any city street, municipal state-aid street, or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic investigation by the commissioner meets the definition of “urban district” as defined in section 169.011, subdivision 90, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least ten days prior to the erection of the signs.

Minn. Stat. § 169.141

**Fuel Conservation; Highway Speed Reductions; Penalty.**

**Subdivision 1. Legislative findings.** The legislature finds that there is a fuel shortage in this state; that by reason of the fuel shortage, it may be necessary to reduce highway vehicular speeds to conserve fuel; and that it is necessary to provide the executive department of government with the authority to impose highway vehicular speed restrictions upon a finding by the governor that such speed restrictions are necessary to conserve fuel.

**Subd. 2. Maximum speed designated by order.** Upon a finding by the governor, after due consideration of available information and consultation with such federal and state officials as the governor deems appropriate, that it is necessary to reduce highway vehicular speeds, the

commissioner of transportation, with the approval of the governor, shall, by order, designate the maximum allowable speed of vehicles using the highways of this state. The order shall be effective the day following the filing of a certified copy thereof in the office of the secretary of state, and shall remain in effect until rescinded by order of the commissioner of transportation. Any speed in excess of the designated maximum speed as contained in the order is unlawful, and the penalties provided in section 169.89 apply.

**Subd. 3. Contrary law suspended.** The provisions of section 169.14 and the provisions of any other law authorizing highway vehicular speeds in excess of the maximum speed designated in the order of the commissioner of transportation provided for in subdivision 2 are inapplicable and of no effect during the period of time in which the order of the commissioner of transportation is in effect.

**Subd. 4. Exemption for emergency vehicles.** The provisions of this section do not apply to authorized emergency vehicles when responding to emergency calls.

History: 1974 c 79 s 1; 1976 c 166 s 7; 1980 c 520 s 1; 1986 c 444

Minn. Stat. § 160.02

**Subd. 18b. Expressway.** "Expressway" means a divided highway with partial control of access.

**Subd. 19. Freeway.** "Freeway" means a divided highway with full control of access.

**Subd. 26. Road or highway.** "Road" or "highway" includes, unless otherwise specified, the several kinds of highways as defined in this section, including roads designated as minimum-maintenance roads, and also cartways, together with all bridges or other structures thereon which form a part of the same.

Minn. Stat. § 169.011

**Subd. 19. Controlled-access highway.** "Controlled-access highway" means, in this chapter, every highway, street, or roadway in respect to which the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

**Subd. 37. Laned highway.** "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

**Subd. 63. Residence district.** "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

**Subd. 64. Residential roadway.** "Residential roadway" means a city street or town road that is less than one-half mile in total length.

**Subd. 81. Street or highway.** "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

**Subd. 90. Urban district.** “Urban district” means the territory contiguous to and including any city street or town road that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

Minn. Laws ch. 79 (H.F.No.2862)

An act relating to highway traffic regulations: authorizing the executive department of government to reduce maximum highway vehicular speeds under certain circumstances; providing penalties.

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

Section 1. [169.141] HIGHWAY TRAFFIC REGULATIONS; HIGHWAY SPEED REDUCTION; FUEL CONSERVATION; LEGISLATIVE FINDINGS; HIGHWAY SPEED REDUCTIONS AUTHORIZED.

Subdivision 1. The legislature finds that there is a fuel shortage in this state; that by reason of the fuel shortage, it may be necessary to reduce highway vehicular speeds to conserve fuel; and that it is necessary to provide the executive department of government with the authority to impose highway vehicular speed restrictions upon a finding by the governor that such speed restrictions are necessary to conserve fuel.

Subd. 2. Upon a finding by the governor, after due consideration of available information and consultation with such federal and state officials as he deems appropriate, that it is necessary to reduce highway vehicular speeds, the commissioner of highways, with the approval of the governor, shall, by order, designate the maximum allowable speed of vehicles using the highways of this state. The order shall be effective the day following the filing of a certified copy thereof in the office of the secretary of state, and shall remain in effect until rescinded by order of the commissioner of highways. Any speed in excess of the designated maximum speed as contained in the order is unlawful. Any person operating a vehicle on the highways of this state in excess of the designated maximum speed is guilty of a petty misdemeanor; except that a person who violates the designated maximum speed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, or who is convicted of a third or subsequent violation of the designated maximum speed, such violations being committed within a 12 month period, is guilty of a misdemeanor.

Subd. 3. The provisions of Minnesota Statutes, Section 169.14 and the provisions of any other law authorizing highway vehicular speeds in excess of the maximum speed designated in the order of the commissioner of highways provided for in subdivision 2 are inapplicable and of no effect during the period of time in which the order of the commissioner of highways is in effect.

Subd. 4. The provisions of this section do not apply to authorized emergency vehicles when responding to emergency calls.

Sec. 2. This act is effective the day following its final enactment.

Approved March 1, 1974.

Executive Order No. 78

Directing the Commissioner of Highways to Lower the Speed Limit to 55 Miles Per Hour

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable Statutes, hereby issue this Executive Order:

WHEREAS, the Minnesota Legislature, Laws of 1974, ch. 79 (S.F. 2644), has determined that there is a fuel shortage in this state; and that by reason of the fuel shortage, it may be necessary to reduce highway vehicular speeds to conserve fuel; and,

WHEREAS, after consideration of available information and after consultation with federal and state officials, I have concluded it necessary to reduce highway speeds, so to conserve fuel, to a maximum allowable speed of 55 miles per hour for all vehicles using the highways of this state;

NOW, THEREFORE, I order that, pursuant to Laws of 1974, ch. 79 and other applicable Statutes, the Commissioner of Highways issue an order, effective 12:01 a.m. on Sunday, March 3, 1974, designating 55 miles per hour as the maximum allowable speed for vehicles using the highways of this state.

This Executive Order is effective March 1, 1974.

IN TESTIMONY THEREOF, I hereunto set my hand on this first day of March, 1974.

I, JOAN ANDERSON GROWE, Secretary of State of the State of Minnesota, do hereby certify that the annexed is a full, true and correct copy of Executive Order No. 78 by Governor Wendell R. Anderson Directing the Commissioner of Highways to lower the speed limit to 55 miles per hour, as filed in this office on March 1, 1974 under Official Document #26544.

Commissioner's Order No. 54539

Pursuant to authority vested in me, and as provided in Laws of 1974, ch. 79, effective March 3, 1974. I hereby designate the maximum allowable speed of vehicles using the streets and highways of the State of Minnesota to be 55 miles per hour during all hours of the day and night. Any speed limits that have been authorized and established under the provisions of Minn. Stat. § 169.14 subd. 4 and 5 that are in excess of the Maximum Speed Limit of 55 mph herein established are suspended during the period of time in which this order is in effect.

Dated March 1, 1974

Ray Lappegaard

Commissioner of Highways


**I, JOAN ANDERSON GROWE, Secretary of State of the State of Minnesota, do hereby certify that the annexed is a full, true and correct copy of Commissioner of Highways Order No. 54539 re Maximum Speed Limit of 55 mph, as filed in this office.**

**Appendix C:**

**Standard Minnesota Traffic Citation Form**



# CITATION

<b>State of Minnesota</b>		 550000205185	
Citation #: <b>0000</b>		Sequential Citations ___ of ___	
County Name:			
Identification: <input type="checkbox"/> DL <input type="checkbox"/> DVS Web <input type="checkbox"/> Photo ID <input type="checkbox"/> FP <input type="checkbox"/> Other			
DL Number		MN	<input type="checkbox"/> CDL <input type="checkbox"/> State _____
Name: First Middle Last Suffix			
Address – Street, Apt #			
City		State	Zip
DOB (mm/dd/yyyy)	Height	Weight	Eyes    Gender
<input type="checkbox"/> Juvenile Court Offense. Circle One: JTR, JPO, DEL	Parent or Guardian's Name: Address:		<input type="checkbox"/> Same address as Juvenile    Child's Race
Veh. Lic. No.	Plate Year	State	Make    Style <input type="checkbox"/> 16+ pass.    Color
Date of Offense	Time of Offense	<input type="checkbox"/> Accident/Crash <input type="checkbox"/> Property <input type="checkbox"/> Injury <input type="checkbox"/> Fatal <input type="checkbox"/> Pedestrian	
<input type="checkbox"/> Unsafe conditions Weather: _____	<input type="checkbox"/> Endangering Life or Property* *Court appearance required if checked		<input type="checkbox"/> Commercial Vehicle DOT# _____ #Pounds overweight: _____ <input type="checkbox"/> Hazardous Materials (DOT)
<input type="checkbox"/> Driver	<input type="checkbox"/> Owner	<input type="checkbox"/> Passenger	<input type="checkbox"/> Operate <input type="checkbox"/> Parked <input type="checkbox"/> Booked
Offense Location		Circle One: City/County/Township/Other Of: _____	
Offense	Charge Description	Statute/Ordinance	<input type="checkbox"/> 3rd violation    PM, M, GM
Offense	Charge Description	Statute/Ordinance	<input type="checkbox"/> 3rd violation    PM, M, GM
Offense	Charge Description	Statute/Ordinance	<input type="checkbox"/> 3rd violation    PM, M, GM
Offense	Charge Description	Statute/Ordinance	<input type="checkbox"/> 3rd violation    PM, M, GM
<input type="checkbox"/> Speed Minn. Stat. § 169.14 (subd. _____) _____mph _____Zone		PM, M <input type="checkbox"/> 3rd in 12 months	
<input type="checkbox"/> No proof of Insurance Minn. Stat. § 169.791 (subd. _____)		M, GM	
<input type="checkbox"/> No Seat Belt Use Minn. Stat. § 169.686.1(a)		PM	
AC Taken – AC: _____ Test type: <input type="checkbox"/> Refused <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine			
<b>If this is a payable citation, you must pay the amount owed or schedule an appearance within 30 days from the date the citation was issued. See the back of this citation for more information.</b>			
Officer(s) Name(s)		Officer No(s)	Prosecutor
Controlling Agency (CAG) MN0000000	How Issued <input type="checkbox"/> In Person <input type="checkbox"/> Mailed <input type="checkbox"/> Left at Scene		Date Issued
Agency Name:		CN/ICR	

0000

Version: 2013.1

## Payable Citation/Method of Payment

To find out if your citation is payable without a court appearance, how much to pay, or to pay your fine, choose one of the following methods:

- **Online:** Using MasterCard or Visa, access [www.mncourts.gov/fines](http://www.mncourts.gov/fines). Have your citation number available.
- **By Phone:** Using MasterCard or Visa, call **651-281-3219** in the metro or **1-800-657-3611** outside of the metro area. Have your citation number available. Disponible por teléfono en Español.
- **By Mail:** Check or Money Order payable to Court Administration. Send to: Minnesota Court Payment Center, PO Box 898, Willmar, MN 56201. Include a copy of your citation or indicate the citation number on the check or money order.

**You have the right to appear in court.** Please refer to the front of this citation. **If a court date is noted,** you must either pay your fine by this date or you may choose to appear in court on the date, time and at the location indicated. **If no court date is noted,** you must pay the amount owed or you may schedule an appearance within 30 days from the date this citation was issued. To make a payment or schedule an appearance call: **651-281-3219** in the metro area or **1-800-657-3611** outside of the metro area. Please allow 10 business days (from the date you receive your citation) for processing before calling.

BY PAYING THIS FINE(S), YOU ARE ENTERING A PLEA OF GUILTY to this offense(s) and voluntarily waive your rights to the following: (Minn. R. Crim. P. 23.03)

1. To a court trial, if the offense is a petty misdemeanor, or a court or jury trial for all other offenses;
2. To be represented by counsel;
3. To be presumed innocent until proven guilty beyond a reasonable doubt;
4. To confront and cross examine all witnesses; and
5. To either remain silent or to testify on your own behalf.

A plea of guilty will result in a conviction. If convicted, you must pay a state imposed surcharge under Minn. Stat. § 357.021, subd. 6. The current amount of the required state surcharge is \$12 for parking-related offenses and \$75 for all other offenses (Minn. Stat. § 169.99). Additionally, a law library fee will be owed. These surcharges and fees are included in the total payable amount provided to you by phone or web.

**Under Minn. Stat. § 480.15, subd. 10c, unpaid fines may be referred for collections. You have the right to contest the referral.**

Issuance of a worthless check to the court is a crime, and you will be subject to civil and criminal penalties. In addition, a charge of up to \$30 will be assessed on all returned checks (Minn. Stat. § 604.113, subd. 2).

Other important notices regarding your rights can be found on the Minnesota Judicial Branch website at: [www.mncourts.gov/fines](http://www.mncourts.gov/fines)

## If a Court Appearance is Required

Certain charge(s) require you to appear in court. To verify if the charge(s) you have received require a court appearance, please call **651-281-3219** in the metro or **1-800-657-3611** outside of the metro area and refer to the front of this citation. If you must appear in court and a **court date is noted on the front of this citation,** your appearance is scheduled for the date, time and location indicated. If you must appear in court and **no court date is noted on the front of this citation,** a Notice to Appear indicating a court date will be mailed to the address on the citation. If this address is not correct, you must immediately notify the court at the number noted above of your current address. If you have questions regarding the charge(s), call the number noted above.

## Penalties for Failure to Appear or Respond

Failure to appear or respond as required may result in the following:

- The Department of Public Safety and/or the Department of Natural Resources may be notified of your failure to appear and/or conviction, depending on the charge(s). These agencies may suspend your driver's license or DNR licenses for failing to appear.
- A warrant may be issued for your arrest.
- Late penalties may be assessed.
- For Petty Misdemeanors, and Misdemeanors Certified as Petty Misdemeanors, failure to appear or respond as required is considered a waiver of the right to trial, and a guilty plea and conviction will be entered on the charge(s), unless the failure to appear is due to circumstances beyond your control. (Minn. Stat. § 169.91; 609.491; Minn. R. Crim. P. 23.04-23.05.)

## If this is a Juvenile Court Offense:

The Court will mail further information and instructions to you.



## **Appendix D:**

### **Process of a Moving Violation Conviction, from Citation to Driving Record**

