



MINNESOTA JUDICIAL TRAINING UPDATE



DIMLER AMENDMENT: KEEPING A SPEEDING TICKET OFF A VIOLATOR'S DRIVING RECORD

QUESTION: WHAT IS THE DIMLER AMENDMENT AND HOW CAN IT BE USED TO KEEP A CONVICTION FOR SPEEDING OFF A PERSON'S DRIVING RECORD?

WHAT IS THE DIMLER AMENDMENT (M.S. 171.12, subd. 6)

The so-called "Dimler Amendment", originally enacted in 1986 and named after its sponsor, representative Chuck Dimler, governs which speeding violations are recorded on a driving record maintained by the Department of Public Safety. Application of the Dimler Amendment not only keeps a driving infraction off a person's driving record but has the practical effect of insulating a driver's insurance company from being notified of the speeding ticket.

55 MILE PER HOUR ZONE – M.S. 169.14 Subd. 2. (a) (3)

A conviction for a violation of a speed limit of 55 MPH shall not be recorded on the violator's driving record unless the violation consisted of a speed greater than 10 MPH in excess of a 55 MPH speed limit. (e.g. speed of 66 or greater is recorded; speed of 65 or lower is NOT recorded);

60 MILE PER HOUR ZONE – M.S. 169.14 Subd. 4: (2012 Amendment)

A conviction for a violation of a speed limit of 60 MPH shall not be recorded on the violator's driving record unless the violation consisted of a speed greater than:

- 1) **Before August 1, 2014:** Ten (10) miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2012, and before August 1, 2014 (e.g. speed of 71 or greater is recorded; speed of 70 or lower is NOT recorded);
- 2) **After August 1, 2014:** Five (5) miles per hour in excess of the speed limit, for any violation occurring on or after August 1, 2014 (e.g. speed of 66 or greater is recorded; speed of 65 or lower is NOT recorded).

EXCEPTIONS

The Dimler Amendment 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.

AMENDING TICKET TO REDUCE THE SPEED If the ticket is issued for a speed in excess of the Dimler Amendment (e.g. 68 in a 55 MPH zone), the issuing officer, the prosecutor, or the court all have authority to amend the ticket to a speed which falls within the Dimler Amendment (e.g. amend speed down to 64 in a 55 MPH zone).

AMENDING TICKET TO CHANGE STATUTORY CITATION If an amendment to the statutory charging provision is necessary in order for the Dimler Amendment to apply, only the issuing officer or the prosecutor has authority to amend the ticket, NOT the court.

DEPARTMENT OF PUBLIC SAFETY (DPS) vs. MNCIS

Although a speeding conviction under the Dimler amendment does not appear on the violator's Department of Public Safety (DPS) driving record, it does remain on MNCIS. If necessary, when deciding on a charge, a plea bargain, or a sentence the prosecutor or judge can still locate the conviction in MNCIS. In most instances, a police officer or an insurance company is going to look at a person's driving record for past infractions rather than MNCIS.

M.S. 171.12, SUBD. 6. CERTAIN CONVICTIONS NOT RECORDED.

- (a) 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 55 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of the 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.