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Statement of Position

Administrative Citations for Traffic Violations

Before the 2009 Minnesota Legislative session, both the Office of the State Auditor and the Minnesota Attorney General's Office had taken the position that local governments in Minnesota lacked authority to issue administrative fines for traffic offenses. Some local governments, however, had implemented administrative penalty programs to enforce traffic laws.

The legislature clarified this issue in 2009, and enacted Minnesota Statutes, section 169.999. This statute, among other things, provides the authority for local governments to implement an administrative citation program, identifies the procedures that must followed to implement an administrative citations program, and provides a limited list of covered violations.

Resolution Required

The law requires that the governing board of a local unit of government pass a resolution before implementing an administrative citation program. The resolution must:

- Authorize issuance of administrative citations;
- Obligate the local unit of government to provide a neutral third party to hear and rule on challenges to administrative citations; and
- Bar peace officers from issuing administrative citations in violation of the new law.

Local units of government that had administrative penalty programs for traffic violations in place before the law was enacted had to bring their programs into compliance with current law. The law requires local units of government to notify the Commissioner of Public Safety after they pass the required resolution.

A Limited List of Covered Offenses

The statute limits the violations for which a peace officer may issue an administrative citation. The violations are limited to:

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This Statement of Position is not legal advice and is subject to revision.

- Speeding under ten miles per hour over the lawful speed limit;
- Failing to obey a stop line; or
- Operating a vehicle in violation of one or more safety or equipment-related standards.¹

Uniform Administrative Citation

The law requires the use of the uniform administrative citation prescribed by the Commissioner of Public Safety. The uniform administrative citation includes notice that the person has the right to contest the citation. An administrative citation may not be issued to someone who has a commercial driver's license or to a driver of a commercial vehicle.

Right to Contest an Administrative Citation

A local unit of government implementing an administrative citation program must provide a civil process for a person to contest the administrative citation, and the peace officer who issues the administrative citation must inform the vehicle operator of his or her right to contest the citation. The person must be allowed to challenge the citation before a neutral third party. The local unit of government may employ a person to hear and rule on challenges, or may contract with another local unit of government or a private entity to provide the service.

Amount, Distribution and Use of the Fine

The statute sets the fine payable for an administrative violation at \$60. Two-thirds of this amount (\$40) must be credited to the general revenue fund of the local unit of government that employs the peace officer who issued the citation, and one-third (\$20) must be sent to the Commissioner of Management and Budget (MMB) for deposit in the state general fund.² If a state trooper issues the administrative citation, the state general fund receives \$40, and the local unit of government that collects the fine and provides the hearing officer receives \$20.

A local unit of government receiving administrative fines must use at least one-half of the funds for law enforcement purposes. These funds "must be used to supplement but not supplant any existing law enforcement funding."

Reporting

A county, city, or town that employs a peace officer to issue administrative citations and collects administrative fines must include the total amount collected as a separate category in any financial report, summary, or audit. The annual reporting form local

¹ See Minn. Stat. §§ 169.46–.68, and 169.69-.75 (consisting of primarily equipment-related violations).

² The League of Minnesota Cities publishes the form used in remitting funds to MMB, and has additional information on this topic, in the "Administrative Traffic Citations Tool Kit," which can be downloaded at: <http://www.lmc.org/media/document/1/adminfinestoolkit.pdf>.

units of government file with the OSA has a separate revenue line for reporting the amount collected. The reported amount should include only administrative fines for violations of the specific statutes listed in section 169.999.