



MARTINE LAW TRAINING UPDATE



HOW TO KEEP A SPEEDING TICKET OFF YOUR MINNESOTA DRIVING RECORD

DIMLER AMENDMENT (M.S. 171.12, Subd 6)



What is the Dimler Amendment (M.S. 171.12, Subd. 6)

The “Dimler Amendment”, 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 (DPS). Application of the Dimler Amendment not only keeps a driving infraction off a person’s driving record but also has the practical effect of insulating a driver’s insurance company from being notified of the speeding conviction.

What if you speed in a 55-mile-per-hour zone? M.S. 169.14 Subd. 2. (a) (3)

A conviction for a speed violation in a 55-mph zone **shall not** be recorded on the violator’s driving record unless the violation consisted of a speed greater than 10 mph in excess of the 55-mph speed limit. For example, a conviction for a speed of 66 mph or greater is recorded on your driving record, but a conviction for a speed of 65 mph or lower is NOT recorded.

What if you speed in a 60-mile-per-hour zone? M.S. 169.14 Subd. 4

A conviction for a speed violation in a 60-mph zone **shall not** be recorded on the violator’s driving record unless the violation consisted of a speed greater than 5 mph in excess of the 60-mph speed limit. For example, a conviction for a speed of 66 mph or greater is recorded on your driving record, but a conviction for a speed of 65 mph or lower is NOT recorded.

Two exceptions where the Dimler Amendment does not apply:

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, or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

(3) The Dimler Amendment only offers relief in 55 mph and 60 mph zones. It does not apply to speeding in any other speed zone.

What can you do if your speeding ticket is written for over 65 mph?

Step One: Politely ask the officer if they would be willing to issue a ticket for a slightly reduced speed of 65 or less. Officers have discretion to issue tickets for reduced speeds and will often do so, especially if the driver is cooperative and respectful. However, if the officer declines your request, don't worry, go to step two.

Step Two: Go to court and ask/convince the prosecutor or the presiding judge to reduce the ticket from a speed over 65 to a speed of 65 or less. Both the prosecutor and the judge have the authority to amend a speeding ticket to a reduced speed. As long as there are no aggravating circumstances, such as reckless driving or an accident, many prosecutors and judges will routinely reduce speeding tickets, allowing the driver to take advantage of the Dimler amendment and keep the speed conviction off their driving record.

What if you get a traffic ticket for a non-speeding violation? (e.g., illegal turn, stop sign, or dozens of other minor traffic violations)

- For the Dimler Amendment to apply, your ticket **MUST** be written for a speeding offense in violation of M.S. 169.14. You can always request that your ticket be amended from a non-speeding violation to a speeding violation under M.S. 169.14.
- If an amendment to the statutory charging provision is necessary for the Dimler Amendment to apply, either the issuing officer or the prosecutor has the authority to amend the ticket, but **NOT** the presiding judge.

Minnesota 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 appear in the Minnesota Court Information System (MNCIS). That means, in future cases against you, when deciding on a charge, a plea bargain, or a sentence, the prosecutor or judge can still locate the conviction in MNCIS. However, in most instances, a police officer or an insurance company is going to look at a person's DPS driving record for past infractions rather than MNCIS.

If you want to read the actual "Dimler Amendment" statutory provision – Here it is:**M.S. 171.12, Subd 6. Certain convictions not recorded.**

- (a) Except as provided in paragraph (c), the department must 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 must 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 five miles per hour in excess of the speed limit.
- (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 or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

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