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Minnesota

DWI LAWS

At-a-Glance

149940

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June 1992

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Acknowledgements

The research of DWI Laws was completed by Stephen Simon and Jeff Schmidt, MN DWI Task Force. The design and layout of this report was completed by Ray Lewis and Daniel Storkamp. Technical production of this report was done by Amy McKenney-Maki.

The funding for the preparation of this report was provided by a grant from the the Bureau of Justice Statistics, U.S. Department of Justice. The contents of this report may be reproduced in part or in its entirety with attribution.

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Study Summary

The following laws are the major statutes pertaining to Driving While Impaired (DWI) in the state of Minnesota. They express the original text of the laws, but not changes enacted in subsequent years.

For example, one 1976 law required a pre-sentence investigation for any person convicted of any offense arising out of a DWI arrest. The law was optional for counties with less than 10,000 population and did not apply to juveniles or out-of-state drivers. The terminology was changed in 1978 to "alcohol problem assessment" (APA) to allow courts to conduct the assessment after sentencing.

The 1987 legislature amended this law to require all counties to provide "alcohol problem screenings" and "chemical use assessments." The 1987 law required assessors to meet the qualifications adopted by the Department of Human Services (DHS) in addition to using DHS criteria on chemical use problem level and recommended level of care. It also included juvenile DWI offenders.

Although the terminology has changed since adoption of the requirement in 1976 and refinement in 1987, the basic purpose remains the same. The law requires assessors to identify the severity of the drivers' chemical use problems, and to recommend the appropriate level of education or treatment needed to resolve the problem and prevent subsequent offenses.

1961

Implied consent law adopted, authorized license revocation for refusal to submit to blood alcohol test.

Minnesota Statute: Section 169.123 Subds. 1-8

Date Effective: August 1, 1961

1967

DWI presumption at .15 abolished.

Minnesota Statute: Section 169.121 Subd. 2

Date Effective: August 3, 1967

1971

DWI crime of blood alcohol limit at or over .10 adopted.

Minnesota Statute: Section 169.121 Subd. 1(d)

Date Effective: August 1, 1971

1971

Invoke implied consent if refusal or failure of PBT.

Minnesota Statute: Section 169.123 Subd. 2

Date Effective: August 1, 1971

1971

Preliminary screening breath test (PBT) to establish probable cause authorized.

Minnesota Statute: Section 169.123 Subd. 2

Date Effective: August 1, 1971

1973

Drinking age lowered to 18.

Minnesota Statute: Sections 340.78; 340.81; 340.02 Subd. 8;
340.119 Subd. 2; 340.13 Subd. 12; 340.14
Subd. 2; 340.403 Subd. 3

Date Effective: July 1, 1974

1976

Civil administrative penalty, license revocation, adopted for .10 or more breath test result (first state in the country to adopt).

Minnesota Statute: Section 169.127 Subds. 1-6

Date Effective: August 1, 1976

1976

Mandatory pre-sentence investigation required before sentencing for any conviction arising out of a DWI charge.

Minnesota Statute: Section 169.124, 169.126

Date Effective: August 1, 1976

1976

First gross misdemeanor DWI offense, applies to individual who is DWI with license revoked for previous DWI or implied consent revocation.

Minnesota Statute: Section 171.245

Date Effective: August 1, 1976

Note: Section 171.245 was repealed by Laws 1978, Chapter 727, Section 11. See now: Section 169.129 established by Laws 1978, Chapter 727, Section 9.

1976

Drinking age raised to 19.

Minnesota Statute: Section 340.02 Subd. 8; 340.035; 340.119;
340.355; 340.403; 340.73; 340.731; 340.78;
340.79; 340.80; 340.81

Date Effective: September 1, 1976

Note: Section 340 was repealed and replaced with section 340A. The age provisions are now in section 340A.503.

1978

1980

Blood and urine test results admissible without in-court presence of chemist who analyzed sample unless defendant requests presence.

Minnesota Statute: Section 634.15

Date Effective: For hearings and trials commencing after
August 1, 1980

1982

Repeat DWI offender gross misdemeanor crime adopted (second in 5 years and third in 10 years).

Minnesota Statute: Section 169.121 Subd. 3

Date Effective: April 1, 1982

1983

1983

**Felony criminal vehicle operation crime based on
DWI and simple negligence resulting in death or
injury.**

Minnesota Statute: Section 609.21

Date Effective: July 1, 1983

1984

Revocation period for implied consent test refusal increased to one year.

Minnesota Statute: Section 169.123 Subd. 2(b)(2)

Date Effective: August 31, 1984

1984

Police officer can choose type of implied consent alcohol concentration test to be offered driver; only has to offer one test.

Minnesota Statute: Section 169.123 Subd. 2(c)

Date Effective: August 31, 1984

1984

Involuntary and non-implied consent tests now also admissible in criminal DWI cases.

Minnesota Statute: Section 169.121 Subd. 2

Date Effective: August 31, 1984

1986

Drinking age raised to 21.

Minnesota Statute: Sections 340A.301 Subd. 2; 402; 503;
Grandfather Clause

Date Effective: September 1, 1986

1987

Convicted misdemeanor DWI offenders can be placed on probation for up to two years.

Minnesota Statute: Section 690.135 Subd. 2(3)

Date Effective: August 1, 1987

1988

Mandatory 30 day jail sentence or 8 hours community service for each day less than 30 day jail sentence ordered by court for repeat DWI offenders (twice within 5 years, three times within 10 years).

Minnesota Statute: Section 169.121 Subd. 3a

Date Effective: August 1, 1988

1988

Mandatory license plate impoundment by court for third alcohol related license revocation in 5 years or fourth in 10 years.

Minnesota Statute: Section 168.041 Subd. 3a

Date Effective: August 1, 1988

1989

Gross misdemeanor crime for refusing to take implied consent test if defendant has a prior alcohol related license revocation within 5 years.

Minnesota Statute: Section 169.121 Subd. 1a

Date Effective: August 1, 1989

1990

Mandatory license plate impoundment by police officer at time of license revocation for third alcohol related license revocation in 5 years, fourth in 10 years.

Minnesota Statute: Section 168.042, Subds. 1-14

Date Effective: August 1, 1990

1992

Vehicle driven by DWI offender subject to forfeiture upon conviction for fourth alcohol-related offense.

Minnesota Statute: Section 169.1217 Subd. 6 & 7

Effective: January 1, 1993

1992

Vehicle towed pursuant to a DWI arrest will be released only upon proof of ownership and insurance.

Minnesota Statute: Section 169.1216 Subd. 2

Date Effective: January 1, 1993

1992

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