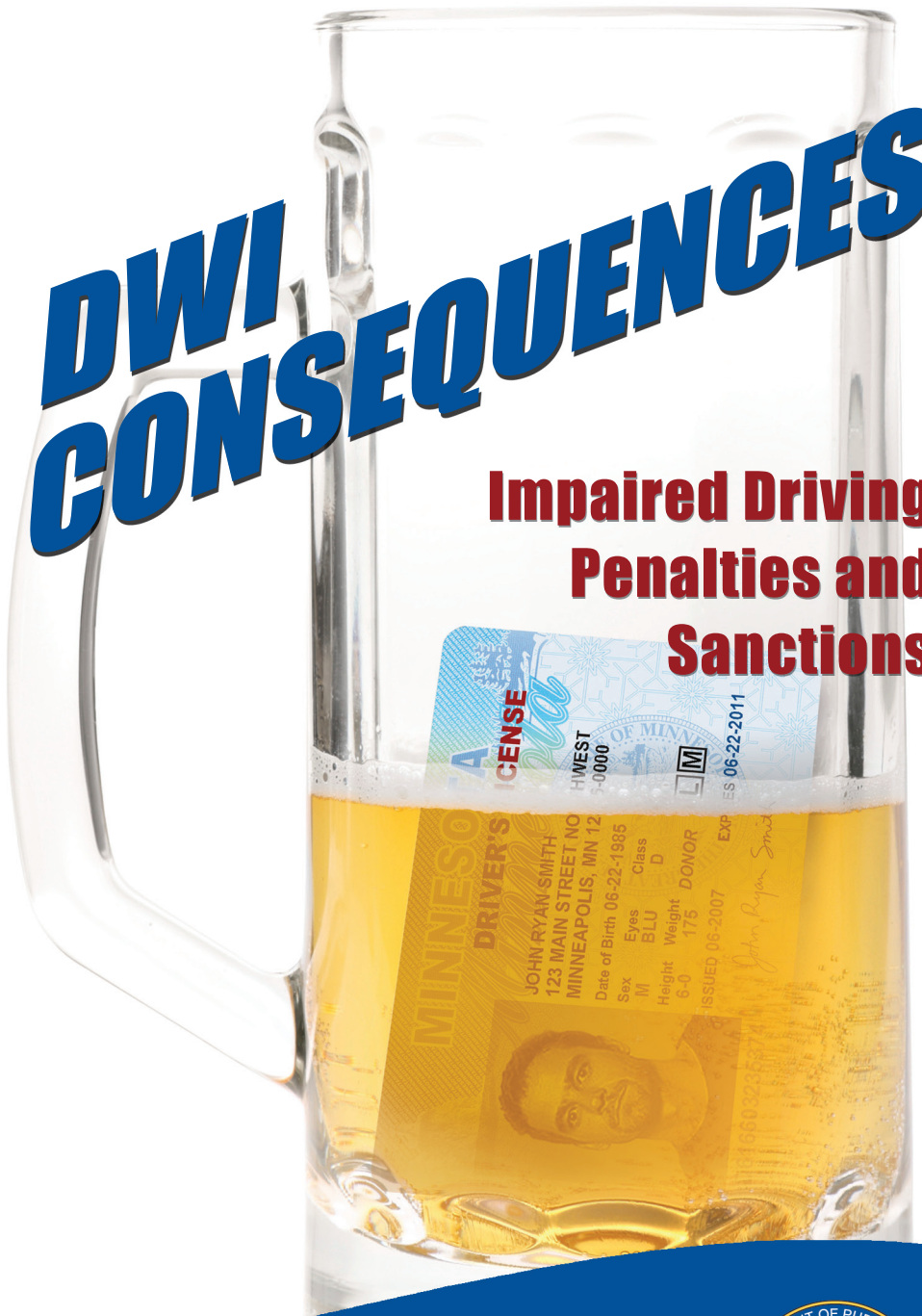


# DWI CONSEQUENCES

## Impaired Driving Penalties and Sanctions



# THE LAW

If your alcohol-concentration level is 0.08 or higher (0.04 in a commercial vehicle) and you are in control of a moving or parked vehicle, you can be arrested for DWI and will be subject to administrative license sanctions. If a law enforcement officer can prove that alcohol or drugs caused you to commit driving errors, you can also be convicted of DWI at lower alcohol concentrations.

# PENALTIES AND SANCTIONS

Each year in Minnesota, more than 30,000 people are arrested for DWI. Each person may experience unique criminal penalties in addition to administrative license sanctions, depending on the arrest situation, previous driving violations and criminal record.

# IGNITION INTERLOCK LAW

First-time DWI offenders with a 0.16 and above alcohol-concentration level and second-time DWI offenders will be required to use ignition interlock or not have driving privileges ranging from one to two years — depending on offense level. DWI offenders with three or more offenses in a 10-year period will be required to use ignition interlock for a period of three to six years — depending on offense level.

Interlock is installed in the vehicle and requires user to provide a breath sample in order to start the vehicle.

The following information is a guideline for penalties and sanctions you may experience if you are arrested for impaired driving. There are additional laws, penalties and sanctions for individuals under 21. These guidelines are based on offenses that occur within a 10-year period.

**All alcohol-related loss of driving privileges require a \$680 reinstatement fee, DWI knowledge test, driver's license application with fees, and chemical health assessment.**

## FIRST OFFENSE

If arrested for DWI, you will face both criminal and administrative sanctions

CRIMINAL PENALTIES		ADMINISTRATIVE SANCTIONS	
Alcohol-Concentration Level	Criminal Penalties	Alcohol-Concentration Level	Driver's License Administrative Sanctions
Under 0.20	<ul style="list-style-type: none"><li>• <b>Misdemeanor</b> - 90 days in jail and/or \$1,000 fine</li></ul>	Under 0.16	<ul style="list-style-type: none"><li>• <b>90 days of no driving privileges</b> - Driver has a choice of the following:<ol style="list-style-type: none"><li>1. 15 days of no driving privileges and a limited license for remaining 90-day period</li><li>2. Full driving privileges for 90-day period with use of ignition interlock</li></ol></li><li>• <b>90 days is reduced to 30 days with a guilty plea of DWI</b></li></ul>
Under 0.20 and child in vehicle	<ul style="list-style-type: none"><li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li></ul>	Under 0.16 and child in vehicle	<ul style="list-style-type: none"><li>• <b>90 days of no driving privileges</b> - Driver has a choice of the following:<ol style="list-style-type: none"><li>1. 15 days of no driving privileges and a limited license for remaining 90-day period</li><li>2. Full driving privileges for 90-day period with use of ignition interlock</li></ol></li></ul>
0.20 or over	<ul style="list-style-type: none"><li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li></ul>	0.16 or over and/or child in vehicle	<ul style="list-style-type: none"><li>• <b>1 year of no driving privileges OR 1 year of an ignition interlock restricted driver's license</b></li><li>• <b>License plates impounded</b></li><li>• <b>Vehicle forfeited</b></li></ul>
0.20 or over and child in vehicle	<ul style="list-style-type: none"><li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li><li>• <b>Vehicle forfeited</b> (administrative)</li></ul>	Refused Test	<ul style="list-style-type: none"><li>• <b>1 year of no driving privileges</b> - Driver has a choice of the following:<ol style="list-style-type: none"><li>1. 15 days of no driving privileges and a limited license for remainder of the year</li><li>2. Full driving privileges for the year with use of ignition interlock</li></ol></li></ul>
Refused Test	<ul style="list-style-type: none"><li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li></ul>		

## SECOND OFFENSE

If arrested for DWI, you will face both criminal and administrative sanctions

CRIMINAL PENALTIES		ADMINISTRATIVE SANCTIONS	
Alcohol-Concentration Level	Criminal Penalties	Alcohol-Concentration Level	Driver's License Administrative Sanctions
Under 0.20	<ul style="list-style-type: none"> <li>• <b>Misdemeanor</b> - 90 days in jail and/or \$1,000 fine</li> </ul>	Under 0.16	<ul style="list-style-type: none"> <li>• 1 year of no driving privileges <b>QR</b></li> <li>• 1 year of an ignition interlock restricted driver's license</li> <li>• License plates impounded</li> </ul>
0.20 or over	<ul style="list-style-type: none"> <li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li> <li>• <b>Vehicle forfeited</b> (administrative)</li> </ul>	0.16 or over	<ul style="list-style-type: none"> <li>• 2 years of no driving privileges <b>QR</b></li> <li>• 2 years of an ignition interlock restricted driver's license</li> <li>• License plates impounded</li> </ul>
Child in vehicle and any alcohol-concentration level	<ul style="list-style-type: none"> <li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li> <li>• <b>Vehicle forfeited</b> (administrative)</li> </ul>	Child in vehicle	<ul style="list-style-type: none"> <li>• Depending on alcohol-concentration level — see above two categories</li> </ul>
Refused Test (additional charge to DWI)	<ul style="list-style-type: none"> <li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li> <li>• <b>Vehicle forfeited</b> (administrative)</li> </ul>	Refused Test	<ul style="list-style-type: none"> <li>• 1 year of no driving privileges <b>QR</b></li> <li>• 1 year of an ignition interlock</li> </ul>

## THIRD OFFENSE

Alcohol-Concentration Level	Criminal Penalties	Driver's License Administrative Sanctions
Any level and/or Refused Test	<ul style="list-style-type: none"> <li>• <b>Gross Misdemeanor</b> - 1 year in jail and/or \$3,000 fine</li> <li>• <b>Vehicle forfeited</b> (administrative)</li> </ul>	<ul style="list-style-type: none"> <li>• License cancelled as "inimical to public safety"</li> <li>• <b>3 years of no detected use of alcohol and/or drugs for removal of the ignition interlock device</b></li> <li>- 1 year of a limited license with an ignition interlock restriction upon enrollment in treatment</li> <li>- 2 years of an ignition interlock restricted driver's license upon completion of treatment</li> <li>• <b>License plates impounded</b></li> </ul>

## FOURTH OR MORE OFFENSE

Alcohol-Concentration Level	Criminal Penalties	Driver's License Administrative Sanctions
Any level and/or Refused Test	<ul style="list-style-type: none"> <li>• <b>Felony 7 years and/or \$14,000 fine</b></li> <li>• <b>Vehicle forfeited</b> (administrative)</li> </ul>	<ul style="list-style-type: none"> <li>• License cancelled as "inimical to public safety"</li> <li>• <b>4–6 years of no detected use of alcohol and/or drugs for removal of ignition interlock device</b></li> <li>- 1 year of a limited license with an ignition interlock restriction upon enrollment in treatment</li> <li>- 3–5 years of an ignition interlock restricted driver's license upon completion of treatment</li> <li>• <b>License plates impounded</b></li> </ul>

**Limited License** — Paper license that is issued while driving privileges are revoked. Limited licenses allow driving to work, school and abstinence-based programs.

**Ignition Interlock Restricted License** — Driver license issued that only allows the person to drive a vehicle if an ignition interlock device is installed. Learn more about Driver's ignition interlocks at [dvs.dps.mn.gov](https://dvs.dps.mn.gov).

## FELONY DWI

You may be charged with a felony if you:

- Are arrested for your fourth DWI in a 10-year period.
- Have previously been convicted of a felony DWI.
- Have a prior felony conviction for an impaired driving-related criminal vehicular homicide or injury.

A fourth offense may result in a loss of license for 4 years and until rehabilitation and other reinstatement requirements are met. The criminal penalties for felony DWI are up to 7 years in prison with a 5-year conditional release to follow and a \$14,000 fine.

## CRIMINAL VEHICULAR OPERATIONS

Degree	Arrest	Criminal Penalties	Driver's License Sanctions
Manslaughter/death to an unborn child	Felony	10 years in prison and/or \$20,000 fine	Immediate 1-year suspension and 15-year revocation for conviction
Any other fatal	Felony	10 years in prison and/or \$3,000 fine	Immediate 1-year suspension and 10-year revocation
Great bodily harm/ injury to unborn child	Felony	5 years in prison and/or \$10,000 fine	Immediate 1-year suspension and 5-year revocation
Substantial bodily harm	Felony	3 years in prison and/or \$10,000 fine	Immediate 1-year suspension and 3-year revocation
Bodily harm	Gross Misdemeanor	1 year in prison and/or \$3,000 fine	1-year revocation

## LOSS OF DRIVING PRIVILEGES FOR COMMERCIAL DRIVERS

Drivers with a class A, B, or C commercial driver's license (CDL) and/or who operate commercial motor vehicles are also subject to disqualification of commercial driving privileges.

A CDL holder or a person required to have a CDL will be disqualified for 1 year if he or she refuses to be tested for alcohol or drugs or is convicted of DWI while operating any type of motor vehicle.

If the driver is transporting hazardous materials at the time, a 3-year disqualification is imposed.

A subsequent incident will result in lifetime disqualification of commercial driving privileges.

Drivers that have a class A, B, or C license and arrested for a DWI in their passenger vehicle are unable to receive a class A, B, or C work permit for the entire revocation period.



Minnesota Department of Public Safety  
Office of Traffic Safety  
444 Cedar Street  
St. Paul, MN 55101

[ots.dps.mn.gov](http://ots.dps.mn.gov)