

MINNESOTA

IMPAIRED DRIVING FACTS

2017

Produced by:

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Acknowledgements:

- The Office of Traffic Safety is pleased that Ben Johnson of the Minnesota House of Representative Research Department permitted the reproduction here of their 2018 article, “An Overview of Minnesota’s DWI Laws” (see Appendix D). Minnesota’s DWI law is notably complex, but this article provides a concise overview.

Note:

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October 2018

We are making progress, but our roads will not be safe until the day comes when everyone who drinks alcohol decides to line up a sober ride.

In 2008, 129 people died in drunk driving-related crashes in Minnesota. Ten years later, that number has been reduced by nearly half (72). From 2008 to 2012, drunk driving-related deaths accounted for 26 percent of all Minnesota traffic fatalities. In the last five years, that number has dropped to 21 percent.

The 2017 Minnesota Motor Vehicle Impaired Driving Facts report is a year's worth of data representing lives lost and others forever changed by impaired driving. In 2017, officers, deputies and troopers arrested 24,862 drivers for DWI, an increase of 3 percent from 2016. That number is significantly less than the 35,000 impaired driving incidents that occurred in 2008, but we cannot ignore the nearly 25,000 impaired drivers who are risking the lives of all of us every day.

Highlights from the 2017 Minnesota Motor Vehicle Impaired Driving Facts report include:

- 113 of the 358 people (32 percent) who died on Minnesota roads were killed in alcohol-related crashes (any evidence of alcohol detected in a driver, pedestrian or bicyclist.)
- 72 (20 percent) fatalities were drunk driving-related (driver alcohol concentration 0.08 percent or greater).
- 2,389 people suffered injuries in alcohol-related crashes.
- The 24,862 DWI arrests in 2017 means that an average of 68 DWI incidents are recorded each day.
- The average blood alcohol concentration (BAC) for drivers with a DWI was 0.15, with the average BAC for a drunk driver involved in a fatal crash at 0.19.
- One out of every seven licensed Minnesota drivers has at least one DWI.

While we are encouraged by the progress, one DWI arrest, one impaired driving-related crash, one life lost due to impaired driving is one life too many. We all need to speak up about impaired driving. If you see an impaired driver on the road, call 911. If you see an impaired person about to drive, get them a sober ride home. Together we can save lives.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hanson", written over a horizontal line.

Michael J. Hanson

Director

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I. IMPAIRED DRIVING INCIDENTS ON RECORD

Summary

In 2017, 24,862 impaired driving incidents occurred in Minnesota and were entered into people's driving records, which is a 3% increase from the previous year. Eighty-six percent of the incidents involved taking a test for alcohol or drugs;* 14% involved a test refusal. A few incidents (three, less than 1%) involved both a test failure and a test refusal (for example, an alcohol test refusal and a drug test failure). A small but significant number of the total incidents included a conviction for "criminal vehicular operation" resulting in a fatality (15 such incidents) or injury (225 such incidents). However, these totals will increase as court cases are settled.

"Not-a-Drop" and "Disqual" violations

Two types of incidents are reported in Table 1.01 but not otherwise considered as "impaired driving incidents" in this report. First, there are "not-a-drop" violations. (The Not-A-Drop law was passed in 1993 and applies to persons under age 21, making it illegal for them to drive while having any amount of alcohol in their blood.) The number of such violations rose steadily from 2,834 in 1998, to 3,307 in 2000, but then dropped rather sharply over the past decade to 481 in 2017.

The second violation type has the jargonistic name "disqual." This refers to an incident where a commercial vehicle driver is tested and found to have an alcohol concentration (AC) of 0.04%, but less than 0.08%, which disqualifies a driver from operating a commercial vehicle. These incidents are rare - there were only 4 in 2017. (Note that if the commercial driver has an AC over the *per se* illegal level, then the incident will be counted as a DWI incident; it will still trigger the disqualification, but it will not be counted here as a "disqual.")

When do incidents occur?

There is high consistency year after year with respect to the days of the week when drinking and driving occurs and 2017 was similar to past years: Mondays through Thursdays had comparatively few incidents. Fridays accounted for 15%, Saturdays for 26% and Sundays for 23% of all incidents.

Alcohol concentration levels remain steady

In 1997, the Legislature adopted special sanction provisions effective in January 1998 for high-AC offenders (0.20% or higher), and alcohol test results began to be available starting in 1998. The number of high-scoring violators have declined ever since; there were 6,079 in the over 0.20% category in 1998, then 3,731 in 2017. This represents a 39% decline. (Note that the Legislature adopted special sanction provisions effective in July 2011 for high-AC offenders (0.16% or higher). Average alcohol level among first-time violators was 0.157% in 1998 and 0.147% in 2017. Second-or-subsequent violators averaged 0.173% in 1998 and 0.164% in 2017. These lower alcohol concentration levels are to be expected to some degree due to the lower 0.08% *per se* level that went into effect August 1, 2005.

Who are the violators?

Driver's license files provide only limited data on who impaired drivers are. However, there is a strong relationship between age and impaired driving. Twenty-to-thirty-four-year-olds accounted for 52% of the impaired driving incidents in 2017. In addition, there were 1,212 impaired driving incidents among underage drivers (it is illegal to drink in Minnesota if you are less than 21 years of age).

There is an exceedingly strong relationship between gender, age and impaired driving. Most succinctly put, the problem is concentrated in the young adult male population. In 2017, males committed 72% of the impaired incidents for which gender of the violator was reported.

Recidivism: 40% of violators were recidivists

Section IV will look at recidivism more closely. In general, though, in recent years, about 60 percent of all violators had no prior alcohol incidents on record, and 40 percent did. There is an interesting violation pattern among the recidivists: about half of those who incur a second incident go on to incur a third. About half of those who incur a third go on to incur a fourth, and so on.

* The tests are usually for alcohol, but they might be for controlled substances. In 2017, there were 1,982 incidents (involving either an implied consent violation or a criminal

conviction, or both) for driving while impaired by controlled substances.

TABLE 1.01

OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1998 - 2017

Year	Impaired Driving Incidents (“DWIs”)						Related Incidents				
	Total	Implied Consent	Criminal Conviction	Tests Taken	Tests Refused	Both Taken & Ref.	Criminal Vehicular Operation		Drugs	Not-A-Drop	Commercial Vehicle
							Fatality	Injury			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1998	32,418	30,893	27,183	27,481	4,750	187	40	213	218	2,834	23
1999	34,560	32,809	29,372	29,568	4,852	140	27	252	207	3,267	13
2000	35,013	33,326	29,371	29,987	4,853	173	40	252	334	3,307	19
2001	33,541	32,067	28,154	28,620	4,835	86	22	170	398	3,076	16
2002	33,159	31,891	27,749	28,303	4,764	92	35	229	403	2,974	16
2003	32,352	30,968	26,943	27,680	4,482	190	37	317	544	2,638	11
2004	34,351	32,771	29,111	29,654	4,465	232	27	283	693	2,623	8
2005	37,073	35,189	31,790	32,307	4,621	145	34	301	840	2,411	17
2006	42,000	40,395	35,890	36,942	4,934	124	26	302	723	2,415	17
2007	38,760	37,216	33,419	34,040	4,661	59	44	269	659	2,135	28
2008	35,864	34,450	30,679	31,557	4,297	10	35	242	642	1,711	14
2009	32,994	31,612	27,686	29,085	3,896	13	40	270	824	1,435	12
2010	30,084	28,809	25,541	26,540	3,535	9	40	259	926	1,236	19
2011	29,479	28,120	25,288	25,942	3,522	15	29	248	983	1,149	19
2012	28,649	27,421	24,367	24,960	3,682	7	22	235	1102	944	8
2013	26,014	24,695	22,059	22,173	3,826	15	34	205	1223	732	8
2014	25,392	24,278	21,289	21,522	3,865	5	6	337	1,439	576	9
2015	25,374	23,779	21,124	21,440	3,930	4	10	324	1,778	606	12
2016	24,059	21,193	20,543	20,416	3,636	7	9	214	1,527	538	8
2017	24,862	22,941	19,063	21,280	3,579	3	15	225	1,982	481	4

Column Notes:

- (1) Column 1 counts the total number of impaired driving incidents in Minnesota. Columns 2 through 9 are subsets of column 1.
- (2) Almost all incidents include the civil-law “implied consent” violation either of (i) taking and “failing” the test for alcohol or controlled substances (“drugs”), or (ii) refusing to take the test.
- (3) In 2017, 77% of all incidents were known to involve a criminal conviction for driving while impaired by alcohol or drugs (as of June 01, 2018—the date on which statistics for this report were compiled). This percentage is understated. As judicial outcomes are decided well into the future, the criminal conviction percentage will increase to approximately 85%.
- (4-6) An incident may involve taking of a test, and a test refusal. For example, a person may take a test for alcohol, and refuse a test for drugs.
- (7-8) Criminal vehicular operation (CVO) offenses are divided into CVO resulting in a fatality (column 7) or CVO resulting in any type of bodily injury, all collapsed into (column 8). Amounts in columns (7) through (11) will increase as court cases are settled. Due to changes in the relevant statutes, CVO data from 2014-2017 were obtained from the Minnesota Courts Administration Office rather than Driver and Vehicle Services.
- (9) Incidents counted in (9) involved an implied consent violation or a criminal conviction, or both, for driving while impaired by a controlled substance (“drugs”). See additional detail in Table 1.02.
- (10) The “not-a-drop” law, making it illegal for persons under age 21 to drive while having any amount of alcohol whatsoever (as opposed to being over the *per-se* illegal level) took effect June 1, 1993.
- (11) Commercial vehicle drivers found to have an alcohol concentration of 0.04% or higher, but less than the *per se* illegal level, are disqualified from operating a commercial vehicle.

TABLE 1.02

**“IMPLIED CONSENTS” VERSUS CRIMINAL CONVICTIONS,
VERSUS BOTH, UNDER THREE ARREST SCENARIOS, 1998 - 2017**

Year	Incidents Involving a Test for Alcohol				Incidents Involving a Test for Drugs				Incidents Involving Refusal of Test for Alcohol or Drugs				All Episodes			
	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N
1998	16%	5%	79%	27,271	30%	39%	31%	210	15%	1%	84%	4,937	16%	5%	79%	32,418
1999	15%	6%	79%	29,368	34%	38%	29%	200	14%	1%	85%	4,992	15%	5%	80%	34,560
2000	16%	5%	79%	29,662	32%	43%	24%	325	15%	1%	84%	5,026	16%	5%	79%	35,013
2001	16%	5%	79%	28,231	36%	21%	43%	389	14%	1%	86%	4,921	16%	4%	80%	33,541
2002	16%	4%	79%	27,914	34%	21%	45%	389	14%	1%	85%	4,856	16%	4%	80%	33,159
2003	17%	5%	79%	27,147	36%	20%	45%	533	14%	1%	85%	4,672	17%	4%	79%	32,352
2004	15%	5%	80%	28,983	35%	17%	48%	671	12%	1%	87%	4,697	15%	5%	80%	34,351
2005	14%	5%	80%	31,483	29%	16%	55%	824	11%	2%	87%	4,766	14%	5%	81%	37,073
2006	15%	4%	81%	36,238	30%	16%	54%	704	12%	1%	88%	5,058	15%	4%	82%	42,000
2007	14%	4%	82%	33,400	28%	23%	49%	640	11%	1%	89%	4,720	14%	4%	82%	38,760
2008	15%	4%	81%	30,942	28%	22%	49%	615	12%	1%	87%	4,307	14%	4%	82%	35,864
2009	16%	4%	80%	28,299	28%	20%	52%	786	12%	2%	87%	3,909	16%	4%	80%	32,994
2010	15%	4%	81%	25,644	27%	20%	53%	896	10%	1%	88%	3,544	15%	4%	81%	30,084
2011	14%	4%	81%	24,999	25%	26%	49%	943	10%	2%	88%	3,537	14%	5%	81%	29,479
2012	15%	4%	81%	23,907	26%	22%	52%	1,053	10%	1%	89%	3,689	15%	4%	81%	28,649
2013	16%	5%	80%	21,003	25%	22%	54%	1,170	11%	1%	88%	3,841	15%	5%	80%	26,014
2014	17%	4%	79%	20,145	25%	19%	56%	1,377	11%	1%	88%	3,870	16%	4%	79%	25,392
2015	16%	5%	78%	19,747	28%	28%	44%	1,693	14%	1%	85%	3,934	17%	6%	77%	25,374
2016	16%	8%	76%	18,898	3%	91%	6%	1,518	12%	1%	87%	3,643	15%	12%	73%	24,059
2017	23%	5%	72%	19,314	29%	48%	23%	1,966	23%	1%	76%	3,582	23%	8%	69%	24,862

Note: 2017 numbers will change as court cases are settled.

A given incident, at the point of arrest, could involve only a test for alcohol, or only a test for drugs, or tests for both, or a refusal of both, or a test for one and a refusal of a test for the other. Incidents were classified into the first arrest scenario (involving test for alcohol) only if (1) there was no test for drugs, and (2) there was no refusal. An incident was classified into the second arrest scenario (involving a test for drugs) if there was any test for drugs, even if there may also have been a test for alcohol. No incident that involved any refusal was classified into the first or second groups. All incidents where the arrest involved any refusal were classified into the third scenario (involving a test refusal) above.

In United States law, the term “conviction” refers to a finding of guilt—either because a person pled guilty or was found guilty—for an offense under criminal law. Minnesota first defined driving while intoxicated to be a crime in 1911. Minnesota first passed the civil Implied Consent law in 1961: By driving, a person implies consent to a test for alcohol, if required to take a test by an officer who has probable cause to suspect impairment. As amended over the years, the Implied Consent law now instructs the Commissioner of Public Safety to

withdraw a person’s driver’s license if the person refuses to take a test for alcohol, or for controlled substances (“drugs”), refuses to comply with a search warrant request, or if the person takes the test and ‘fails’ it by testing over a defined *per-se* illegal level (in the case of alcohol, set, since August 1, 2005, at 0.08%). Additionally, in 1992, Minnesota defined test refusal to be a crime, effective January 1, 1993.

The license withdrawal under the civil law occurs independently of the outcome of proceedings under the criminal law. Thus, an impaired driving incident for which there is an arrest may then lead to a revocation under the civil law (an “implied consent”-“IC” in the table above), or a criminal conviction (“CC” in the above table), or, most commonly, both (“IC+CC”).

Minnesota experienced a decrease in DWI incidents from 2015 to 2016—this was partially a result of a Supreme Court decision which required a search warrant for blood and urine analysis. Results from blood and urine tests obtained via a search warrant were not reportable to DPS under the current Implied Consent Law. This resulted in no revocation until, and if, a person pled guilty to DWI. This was corrected by new legislation, effective July 1, 2017.

TABLE 1.03

IMPAIRED DRIVING INCIDENTS BY MONTH, 1998 - 2017

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1998	2,434	2,393	2,446	2,498	2,997	2,658	2,938	2,954	2,781	2,855	2,661	2,803	32,418
1999	2,618	2,499	2,776	2,743	3,193	2,763	3,030	2,929	2,973	3,130	2,800	3,106	34,560
2000	2,879	2,721	3,013	2,919	2,957	2,905	3,182	2,836	2,995	2,992	2,560	3,054	35,013
2001	2,821	2,429	2,987	2,601	2,869	2,795	2,891	2,797	2,804	2,792	2,623	3,132	33,541
2002	2,725	2,464	2,795	2,581	2,814	2,806	2,909	3,042	2,732	2,648	2,695	2,948	33,159
2003	2,467	2,318	2,749	2,470	2,656	2,716	3,122	2,933	2,642	2,874	2,763	2,642	32,352
2004	2,794	2,708	2,915	2,711	2,970	2,774	3,142	3,179	2,834	2,940	2,614	2,770	34,351
2005	2,593	2,867	2,846	3,065	3,023	2,826	3,381	3,508	3,216	3,334	2,981	3,433	37,073
2006	3,469	3,184	3,601	3,473	3,495	3,573	3,731	3,755	3,667	3,151	3,236	3,665	42,000
2007	3,022	2,731	3,408	3,090	3,333	3,372	3,394	3,456	3,406	2,976	3,089	3,483	38,760
2008	3,066	2,916	3,168	2,711	3,187	2,968	3,444	3,035	2,652	2,915	3,042	2,760	35,864
2009	2,879	2,542	2,884	2,711	2,992	2,589	2,849	3,026	2,708	2,538	2,653	2,623	32,994
2010	2,534	2,501	2,700	2,469	2,665	2,365	2,642	2,665	2,416	2,597	2,130	2,400	30,084
2011	2,369	2,343	2,486	2,461	2,520	2,456	2,702	2,610	2,337	2,478	2,104	2,613	29,479
2012	2,149	2,228	2,527	2,294	2,471	2,436	2,477	2,647	2,416	2,300	2,182	2,522	28,649
2013	2,034	2,046	2,482	2,070	2,136	2,165	2,216	2,410	2,065	2,034	2,182	2,174	26,014
2014	1,849	1,788	2,284	2,106	2,299	2,149	2,208	2,422	2,099	2,040	1,991	2,157	25,392
2015	2,019	1,961	2,208	2,041	2,217	2,088	2,191	2,483	2,126	2,077	1,998	1,965	25,374
2016	2,049	1,897	2,140	2,040	2,256	1,937	2,069	2,101	1,888	2,027	1,805	1,850	24,059
2017	1,869	1,896	2,175	2,083	2,012	1,891	2,289	2,208	2,122	2,062	2,076	2,179	24,862

TABLE 1.04

IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1998 - 2017

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
1998	6,905	2,382	2,489	2,941	3,962	5,397	8,342	32,418
1999	7,463	2,441	2,534	3,112	3,994	6,017	8,999	34,560
2000	7,634	2,375	2,623	3,136	3,869	5,776	9,600	35,013
2001	7,317	2,565	2,569	3,000	3,896	5,557	8,637	33,541
2002	7,087	2,448	2,738	3,118	3,915	5,492	8,361	33,159
2003	6,806	2,395	2,577	3,317	3,630	5,343	8,284	32,352
2004	7,583	2,393	2,598	3,226	4,108	5,495	8,948	34,351
2005	8,123	2,690	2,842	3,255	4,170	6,143	9,850	37,073
2006	9,558	2,854	3,246	3,739	4,695	6,769	11,139	42,000
2007	8,678	2,949	2,858	3,624	4,343	6,185	10,123	38,760
2008	7,990	2,488	2,917	3,125	3,920	5,851	9,573	35,864
2009	7,531	2,292	2,549	2,999	3,885	5,092	8,646	32,994
2010	6,850	2,134	2,256	2,631	3,387	5,107	7,719	30,084
2011	6,715	2,245	2,120	2,504	3,218	4,744	7,933	29,479
2012	6,684	2,129	2,152	2,561	3,145	4,403	7,575	28,649
2013	6,180	1,967	2,117	2,329	2,812	3,898	6,711	26,014
2014	5,981	2,020	2,050	2,422	2,626	3,758	6,535	25,392
2015	5,677	2,102	1,968	2,348	2,832	3,819	6,628	25,374
2016	5,222	2,064	1,949	2,150	2,593	3,837	6,244	24,059
2017	5,772	2,151	2,021	2,251	2,637	3,676	6,354	24,862

TABLE 1.05
ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS
WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2008 - 2017

Year	.01 - .04	.05- .07	.08- .09	.10- .14	.15- .19	.20- .24	.25- .29	.30- .34	.35 +	Average AC	Total Tests	Not Tested	Total Incidents
2008													
First	1	8	2,157	8,020	5,963	2,077	474	84	21	0.146	18,805	2,552	21,357
Repeat	0	4	879	3,787	3,793	1,982	618	138	36	0.162	11,237	3,270	14,507
All	1	12	3,036	11,807	9,756	4,059	1,092	222	57	0.152	30,042	5,822	35,864
2009													
First	1	7	2,035	7,098	5,318	1,917	421	95	17	0.147	16,909	2,438	19,347
Repeat	0	2	834	3,476	3,499	1,901	601	157	44	0.164	10,514	3,133	13,647
All	1	9	2,869	10,574	8,817	3,818	1,022	252	61	0.153	27,423	5,571	32,994
2010													
First	1	4	1,727	6,306	4,672	1,846	446	110	21	0.148	15,133	2,367	17,500
Repeat	0	0	712	3,148	3,278	1,812	600	128	43	0.165	9,721	2,863	12,584
All	1	4	2,439	9,454	7,950	3,658	1,046	238	64	0.155	24,854	5,230	30,084
2011													
First	2	7	1,728	6,142	4,568	1,697	405	91	25	0.148	14,665	2,521	17,186
Repeat	0	0	733	3,019	3,211	1,749	593	155	45	0.166	9,505	2,788	12,293
All	2	7	2,461	9,161	7,779	3,446	998	246	70	0.155	24,170	5,309	29,479
2012													
First	1	3	1,733	5,952	4,364	1,699	463	95	28	0.148	14,338	2,672	17,010
Repeat	0	1	773	2,799	2,890	1,542	554	175	43	0.165	8,777	2,862	11,639
All	1	4	2,506	8,751	7,254	3,241	1,017	270	71	0.154	23,115	5,534	28,649
2013													
First	1	5	1,525	5,099	3,874	1,487	393	80	23	0.148	12,487	2,849	15,336
Repeat	0	2	601	2,533	2,493	1,388	473	153	39	0.165	7,682	2,996	10,678
All	1	7	2,126	7,632	6,367	2,875	866	233	62	0.154	20,169	5,845	26,014
2014													
First	0	3	1,537	4,907	3,645	1,376	364	103	18	0.147	11,953	2,920	14,873
Repeat	0	0	655	2,435	2,386	1,325	492	159	32	0.165	7,484	3,035	10,519
All	0	3	2,192	7,342	6,031	2,701	856	262	50	0.154	19,437	5,955	25,392
2015													
First	0	0	1,418	4,842	3,373	1,394	388	114	30	0.149	11,559	3,411	14,970
Repeat	0	1	592	2,324	2,292	1,294	496	156	42	0.166	7,197	3,207	10,404
All	0	1	2,010	7,166	5,665	2,688	884	270	72	0.155	18,756	6,618	25,374
2016													
First	0	1	1,440	4,512	3,241	1,289	361	103	19	0.147	10,966	3,246	14,212
Repeat	1	0	572	2,199	2,046	1,138	434	138	36	0.164	6,564	3,283	9,847
All	1	1	2,012	6,711	5,287	2,427	795	241	55	0.154	17,530	6,529	24,059
2017													
First	0	1	1,512	4,830	3,280	1,377	380	107	34	0.147	11,521	3,196	14,717
Repeat	0	1	650	2,301	2,102	1,220	418	152	43	0.164	6,887	3,258	10,145
All	0	2	2,162	7,131	5,382	2,597	798	259	77	0.154	18,408	6,454	24,862

Notes:

(1) The row heading "First" designates alcohol test results on first-time violators; the heading "Repeat" designates results on persons with one or more prior incidents on their record. The column "Not Tested" means no alcohol test result was reported; tests for specific controlled substances may have been reported but are not identified on computerized driver records.

(2) The *per se* illegal BAC was 0.10% (one-tenth of one percent, or one part per thousand, of a person's blood, when expressed as a BAC) from 1971 to July 31, 2005, and is

0.08% since August 1, 2005. Among those arrested, concentrations below the *per se* level are rare, even though, due to human variation, a person may be quite impaired at lower levels. An unintended consequence of adopting the *per se* law in 1971 was that the alcohol concentration, rather than actual impairment, became the standard for making an impaired driving arrest. However, drivers may still be arrested and may still incur impaired driving violations while having lower alcohol concentrations. Also, drug-impaired driving often occurs together with alcohol-impaired driving.

TABLE 1.06

**IMPAIRED DRIVING INCIDENTS BY
GENDER OF VIOLATOR, 1998 - 2017**

Year	Male	Female	Not Stated	Total
1998	24,650	6,150	1,618	32,418
1999	26,117	6,548	1,895	34,560
2000	26,086	6,846	2,081	35,013
2001	24,851	6,600	2,090	33,541
2002	24,297	6,657	2,205	33,159
2003	23,479	6,629	2,244	32,352
2004	24,698	7,322	2,331	34,351
2005	26,379	8,172	2,522	37,073
2006	29,409	9,488	3,103	42,000
2007	26,918	8,993	2,849	38,760
2008	24,668	8,603	2,593	35,864
2009	22,648	8,077	2,269	32,994
2010	20,430	7,557	2,097	30,084
2011	20,321	7,431	1,727	29,479
2012	19,463	7,308	1,878	28,649
2013	17,578	6,644	1,792	26,014
2014	17,206	6,297	1,889	25,392
2015	16,835	6,498	2,041	25,374
2016	15,715	6,166	2,178	24,059
2017	16,114	6,386	2,362	24,862

Note: The table at left makes it appear that the number of violators for whom gender is not stated is increasing over time. This is not so. If a person arrested for DWI does not have a Minnesota driving record, one is created showing name and date of birth, but not gender. As years pass, many of these persons subsequently obtain a Minnesota driver's license, causing gender to be entered on record. The table at left merely takes advantage of current information to categorize the gender of persons arrested in prior years.

TABLE 1.07

**IMPAIRED DRIVING INCIDENTS AMONG UNDER-21 DRIVERS,
BY AGE, 1998 - 2017**

Year	0-14	15	16	17	18	19	20	Under 21
1998	2	18	105	301	679	892	930	2,927
1999	4	18	116	289	746	1,003	1,047	3,223
2000	4	10	127	327	710	992	1,118	3,288
2001	1	16	122	277	647	924	1,046	3,033
2002	7	12	124	308	661	862	1,097	3,071
2003	3	21	118	281	697	920	1,079	3,119
2004	3	13	108	302	685	903	1,019	3,033
2005	5	16	122	344	710	1,036	1,238	3,471
2006	4	24	138	391	869	1,291	1,351	4,068
2007	4	11	126	327	720	1,066	1,217	3,471
2008	4	15	105	269	638	885	1,048	2,964
2009	5	7	75	197	536	805	911	2,536
2010	4	9	57	142	434	676	814	2,136
2011	2	6	56	160	377	590	758	1,949
2012	4	10	44	114	341	630	673	1,816
2013	1	10	42	104	289	442	618	1,506
2014	0	5	24	104	267	401	538	1,339
2015	0	4	29	88	277	413	507	1,318
2016	1	4	31	90	241	391	476	1,234
2017	2	3	31	89	247	367	473	1,212

TABLE 1.08

IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1998 - 2017

Year	0-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75+	Unk	Total
1998	2	1,995	6,262	5,591	4,912	5,220	3,628	2,262	1,154	677	340	195	103	77	0	32,418
1999	4	2,172	7,392	5,849	4,912	5,254	3,851	2,372	1,331	672	403	192	96	60	0	34,560
2000	4	2,166	7,778	5,842	4,825	5,120	3,943	2,482	1,400	696	372	194	119	72	0	35,013
2001	1	1,986	7,917	5,451	4,561	4,450	3,910	2,465	1,457	651	339	192	100	61	0	33,541
2002	7	1,967	8,151	5,281	4,372	4,058	3,876	2,496	1,456	752	358	197	105	83	0	33,159
2003	3	2,037	8,249	5,418	4,012	3,643	3,651	2,469	1,382	753	384	188	96	67	0	32,352
2004	3	2,011	8,741	5,918	4,260	3,665	3,844	2,713	1,653	791	425	166	92	68	1	34,351
2005	5	2,228	9,633	6,843	4,382	3,802	3,866	2,938	1,675	922	411	215	92	61	0	37,073
2006	4	2,713	11,059	8,067	4,777	4,159	4,026	3,337	1,985	1,029	449	226	109	59	1	42,000
2007	4	2,250	9,904	7,406	4,493	3,960	3,636	3,173	1,919	1,101	492	262	94	66	0	38,760
2008	4	1,912	8,619	6,908	4,530	3,602	3,281	3,008	1,947	1,104	555	229	101	64	0	35,864
2009	5	1,620	7,633	6,444	4,129	3,386	2,971	2,894	1,899	1,063	539	233	120	57	1	32,994
2010	4	1,318	6,852	5,799	3,968	2,932	2,677	2,575	1,927	1,090	545	237	99	61	0	30,084
2011	2	1,189	6,550	5,866	3,931	2,803	2,686	2,405	1,921	1,083	617	232	121	73	0	29,479
2012	4	1,139	6,451	5,476	3,977	2,657	2,688	2,231	1,843	1,097	612	276	137	61	0	28,649
2013	1	887	5,521	5,075	3,817	2,626	2,270	1,972	1,795	1,058	565	249	109	69	0	26,014
2014	0	801	5,134	4,857	3,618	2,725	2,283	1,877	1,799	1,179	615	318	115	71	0	25,392
2015	0	811	4,992	4,955	3,595	2,836	2,144	1,881	1,819	1,231	618	293	121	74	4	25,374
2016	1	757	4,527	4,830	3,484	2,742	1,928	1,827	1,606	1,192	650	310	130	75	0	24,059
2017	2	737	4,376	4,881	3,702	3,026	2,187	1,826	1,616	1,272	676	349	142	70	0	24,862

TABLE 1.09

IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO* AND NON-METRO AREAS, 1998 - 2017

Year	Twin Cities Metro Area		Non-Metro Area		Total	
	number	percent	number	percent	number	percent
1998	16,711	51.5%	15,707	48.5%	32,418	100.0%
1999	17,132	49.6%	17,428	50.4%	34,560	100.0%
2000	16,815	48.0%	18,198	52.0%	35,013	100.0%
2001	16,349	48.7%	17,192	51.3%	33,541	100.0%
2002	16,209	48.9%	16,950	51.1%	33,159	100.0%
2003	16,037	49.6%	16,315	50.4%	32,352	100.0%
2004	16,773	48.8%	17,578	51.2%	34,351	100.0%
2005	17,875	48.2%	19,198	51.8%	37,073	100.0%
2006	20,531	48.9%	21,469	51.1%	42,000	100.0%
2007	18,795	48.5%	19,965	51.5%	38,760	100.0%
2008	17,824	49.7%	18,040	50.3%	35,864	100.0%
2009	16,348	49.5%	16,646	50.5%	32,994	100.0%
2010	15,206	50.5%	14,878	49.5%	30,084	100.0%
2011	14,956	50.7%	14,523	49.3%	29,479	100.0%
2012	14,762	51.5%	13,887	48.5%	28,649	100.0%
2013	13,431	51.6%	12,583	48.4%	26,014	100.0%
2014	13,283	52.3%	12,109	47.7%	25,392	100.0%
2015	13,107	51.7%	12,267	48.3%	25,374	100.0%
2016	12,321	51.2%	11,738	48.8%	24,059	100.0%
2017	12,641	50.8%	12,221	49.2%	24,862	100.0%

*The Twin Cities metro area includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

TABLE 1.10

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2006 - 2017

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Aitkin	210	251	159	144	108	140	134	133	78	148	130	156
Anoka	2,160	2,336	2,139	1,926	1,690	1,452	1,391	1,189	1,151	1,108	1,241	1,294
Becker	517	383	326	277	276	252	248	192	231	279	231	235
Beltrami	446	512	536	420	378	433	298	299	288	267	308	384
Benton	344	354	288	240	194	153	127	140	163	160	150	153
Big Stone	47	36	28	19	24	20	42	22	23	14	17	21
Blue Earth	681	614	595	645	471	403	346	390	377	372	402	383
Brown	176	161	149	142	126	119	129	114	93	106	87	80
Carlton	415	253	228	241	262	248	239	178	186	176	144	155
Carver	432	395	376	282	286	331	310	257	304	284	272	299
Cass	397	368	272	249	226	224	211	200	190	161	186	202
Chippewa	144	98	97	48	76	55	58	52	50	56	43	59
Chisago	378	374	317	310	239	216	208	231	179	200	247	239
Clay	744	680	541	575	562	516	518	447	425	414	447	407
Clearwater	59	57	75	81	92	49	37	41	41	49	42	56
Cook	101	62	43	47	38	31	32	52	34	23	34	27
Cottonwood	56	72	76	54	57	70	51	56	61	51	59	55
Crow Wing	717	651	587	517	420	376	356	356	358	388	353	394
Dakota	3,011	2,937	2,538	2,369	2,078	2,059	1,812	1,616	1,607	1,661	1,381	1,537
Dodge	153	162	125	100	83	105	68	73	54	62	53	77
Douglas	259	265	302	267	232	216	162	152	171	154	148	164
Faribault	91	102	80	60	60	65	69	64	54	68	53	67
Fillmore	143	116	102	89	91	89	75	80	72	57	55	51
Freeborn	203	184	168	191	205	200	159	114	148	120	131	143
Goodhue	529	398	445	386	335	349	332	259	305	253	233	188
Grant	54	37	43	41	28	22	21	29	14	31	25	20
Hennepin	8,594	7,779	7,489	6,797	6,324	6,797	6,962	6,475	5,886	5,869	5,658	5,858
Houston	155	170	155	125	108	109	115	125	136	130	90	75
Hubbard	182	164	118	138	111	171	120	97	85	141	128	96
Isanti	367	261	189	163	144	158	159	130	152	145	142	124
Itasca	584	455	341	390	280	313	328	322	291	345	285	278
Jackson	83	97	68	58	67	63	82	55	42	48	51	36
Kanabec	105	150	125	82	106	113	89	88	53	50	52	46
Kandiyohi	319	268	295	273	213	231	242	193	182	186	208	192
Kittson	22	20	24	18	15	22	12	18	10	9	9	12
Koochiching	101	108	97	90	92	83	71	71	70	56	76	76
Lac Qui Parle	45	47	35	38	39	27	28	25	26	22	12	17
Lake	67	71	53	63	73	42	69	53	50	37	50	49
Lake of the Woods	66	41	47	50	39	34	45	33	39	36	34	26
Le Sueur	180	181	149	155	105	106	93	82	88	95	68	87
Lincoln	31	37	25	23	26	22	29	24	16	12	18	13
Lyon	200	167	194	181	173	138	159	151	153	129	123	118
McLeod	366	289	282	229	176	184	148	158	160	151	153	185
Mahnomen	97	113	114	105	100	108	99	73	68	80	75	88
Marshall	50	59	61	36	37	43	49	29	28	32	46	37
Martin	119	180	153	118	129	91	89	82	89	93	68	75
Meeker	149	146	123	95	96	62	48	71	54	46	64	76
Mille Lacs	353	293	237	241	233	191	174	125	92	120	101	113

TABLE 1.10 (Continued)

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2006 - 2017

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Morrison	209	213	203	174	187	156	144	168	110	99	100	99
Mower	308	346	414	304	260	275	277	267	313	288	232	286
Murray	35	37	37	25	20	21	25	17	21	15	18	16
Nicollet	359	254	239	186	174	169	168	113	110	117	110	142
Nobles	186	186	176	166	151	117	142	151	133	120	117	127
Norman	55	43	28	39	23	49	39	41	36	30	25	15
Olmsted	837	1,024	999	984	875	966	755	645	676	721	755	743
Otter Tail	429	434	344	302	337	298	266	313	262	273	264	305
Pennington	120	106	96	62	73	66	86	91	89	91	91	100
Pine	351	285	265	206	202	173	176	143	139	116	115	120
Pipestone	59	74	61	45	45	47	36	36	43	43	59	68
Polk	304	282	265	272	251	228	239	246	207	272	284	322
Pope	72	62	57	50	52	40	49	40	41	48	63	51
Ramsey	3,230	2,913	3,005	2,883	2,952	2,667	2,676	2,380	2,629	2,398	2,124	2,121
Red Lake	79	71	53	44	36	30	34	28	23	26	27	35
Redwood	149	152	118	140	97	91	107	83	79	78	82	91
Renville	159	110	100	106	137	126	119	79	117	111	80	102
Rice	348	433	407	366	332	331	265	217	253	232	198	239
Rock	62	55	38	29	36	52	34	53	45	56	57	51
Roseau	141	128	146	148	92	113	116	111	105	94	90	76
St. Louis	1,726	1,565	1,591	1,667	1,317	1,276	1,218	1,074	1,043	1,106	1,096	1,037
Scott	1,257	1,075	962	820	764	636	621	588	699	655	682	591
Sherburne	802	689	584	536	473	414	514	470	390	349	319	373
Sibley	123	129	84	66	54	42	49	70	66	99	78	68
Stearns	1,339	1,308	1,082	1,039	976	963	1,028	873	803	829	829	717
Steele	292	247	212	232	221	193	252	173	188	180	129	151
Stevens	41	44	43	43	27	50	42	31	41	34	40	50
Swift	63	51	57	40	37	65	59	61	51	40	41	38
Todd	240	205	142	150	108	83	103	101	102	99	61	83
Traverse	22	15	15	7	15	8	15	12	7	7	12	12
Wabasha	201	171	179	188	134	134	101	102	105	130	80	99
Wadena	127	112	99	90	71	68	65	67	59	42	45	66
Waseca	152	150	124	89	78	84	86	64	58	82	63	63
Washington	1,847	1,360	1,315	1,271	1,112	1,014	990	926	1,007	1,132	963	941
Watonwan	104	86	64	60	37	51	30	42	31	31	40	37
Wilkin	72	78	56	42	52	71	55	58	65	44	33	38
Winona	381	364	398	341	354	336	318	308	314	341	265	317
Wright	883	846	677	515	480	592	622	496	460	400	353	492
Yellow Medicine	134	103	120	79	119	83	85	60	45	52	56	57

Totals: 42,000 38,760 35,864 32,994 30,084 29,479 28,649 26,014 25,392 25,374 24,059 24,862

TABLE 1.11

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part I: 2002 - 2009

Incident Number	2002	%	2003	%	2004	%	2005	%	2006	%	2007	%	2008	%	2009	%
1	19,516	58.9%	19,147	59.2%	20,403	59.4%	22,487	60.7%	25,942	61.8%	23,593	60.9%	21,357	59.5%	19,347	58.6%
2	7,051	21.3%	6,931	21.4%	7,474	21.8%	7,995	21.6%	9,006	21.4%	8,552	22.1%	8,092	22.6%	7,538	22.8%
3	3,262	9.8%	3,166	9.8%	3,360	9.8%	3,489	9.4%	3,896	9.3%	3,602	9.3%	3,538	9.9%	3,411	10.3%
4	1,582	4.8%	1,520	4.7%	1,517	4.4%	1,541	4.2%	1,642	3.9%	1,589	4.1%	1,519	4.2%	1,462	4.4%
5	744	2.2%	638	2.0%	686	2.0%	700	1.9%	710	1.7%	663	1.7%	638	1.8%	572	1.7%
6	395	1.2%	405	1.3%	358	1.0%	360	1.0%	352	0.8%	332	0.9%	300	0.8%	267	0.8%
7	233	0.7%	218	0.7%	214	0.6%	204	0.6%	186	0.4%	165	0.4%	153	0.4%	148	0.4%
8	114	0.3%	125	0.4%	127	0.4%	119	0.3%	97	0.2%	112	0.3%	95	0.3%	99	0.3%
9	93	0.3%	72	0.2%	79	0.2%	71	0.2%	66	0.2%	57	0.1%	67	0.2%	47	0.1%
10	46	0.1%	35	0.1%	61	0.2%	37	0.1%	39	0.1%	36	0.1%	43	0.1%	34	0.1%
11	36	0.1%	30	0.1%	20	0.1%	27	0.1%	23	0.1%	19	*	25	0.1%	28	0.1%
12	27	0.1%	25	0.1%	19	0.1%	11	*	13	*	12	*	11	*	20	0.1%
13	24	0.1%	9	*	10	*	15	*	10	*	10	*	11	*	5	*
14	11	*	10	*	7	*	6	*	8	*	7	*	6	*	5	*
15	12	*	9	*	2	*	5	*	1	*	2	*	3	*	3	*
16	3	*	3	*	4	*	2	*	2	*	3	*	2	*	2	*
17	6	*	3	*	3	*	0	0%	4	*	2	*	1	*	1	*
18	1	*	1	*	1	*	1	*	2	*	1	*	1	*	2	*
19	0	0%	0	0%	2	*	1	*	1	*	1	*	2	*	0	0%
20	0	0%	1	*	1	*	1	*	0	0%	0	0%	0	0%	1	*
21	1	*	1	*	2	*	0	0%	0	0%	1	*	0	0%	0	0%
22	2	*	1	*	0	0%	1	*	0	0%	1	*	0	0%	0	0%
23	0	0%	1	*	1	*	0	0%	0	0%	0	0%	0	0%	1	*
24	0	0%	1	*	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
25	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	*
26	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
27	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Totals:	33,159	100%	32,352	100%	34,351	100%	37,073	100%	42,000	100%	38,760	100%	35,864	100%	32,994	100%

*Less than one-tenth of one percent

Table continues on next page

TABLE 1.11

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part II: 2010 - 2017

Incident Number	2010	%	2011	%	2012	%	2013	%	2014	%	2015	%	2016	%	2017	%
1	17,500	58.2%	17,186	58.3%	17,010	59.4%	15,336	59.0%	14,873	58.6%	14,970	59.0%	14,212	59.1%	14,717	59.2%
2	6,867	22.8%	6,722	22.8%	6,433	22.5%	5,945	22.9%	5,647	22.2%	5,637	22.2%	5,481	22.8%	5,616	22.6%
3	3,187	10.6%	3,175	10.8%	2,888	10.1%	2,602	10.0%	2,666	10.5%	2,664	10.5%	2,435	10.1%	2,504	10.1%
4	1,395	4.6%	1,319	4.5%	1,286	4.5%	1,157	4.4%	1,173	4.6%	1,212	4.8%	1,015	4.2%	1,085	4.4%
5	562	1.9%	467	1.6%	530	1.8%	496	1.9%	518	2.0%	445	1.8%	468	1.9%	513	2.1%
6	234	0.8%	261	0.9%	202	0.7%	208	0.8%	216	0.9%	234	0.9%	205	0.9%	196	0.8%
7	142	0.5%	131	0.4%	129	0.5%	121	0.5%	125	0.5%	92	0.4%	97	0.4%	95	0.4%
8	72	0.2%	78	0.3%	59	0.2%	59	0.2%	69	0.3%	49	0.2%	51	0.2%	49	0.2%
9	47	0.2%	55	0.2%	39	0.1%	38	0.1%	31	0.1%	26	0.1%	32	0.1%	33	0.1%
10	28	0.1%	30	0.1%	27	0.1%	15	0.1%	25	0.1%	9	*	17	0.1%	20	0.1%
11	16	0.1%	19	0.1%	11	*	14	0.1%	25	0.1%	10	*	12	*	11	*
12	17	0.1%	9	*	12	*	7	*	8	*	5	*	13	0.1%	4	*
13	7	*	7	*	10	*	8	*	2	*	6	*	5	*	6	*
14	3	*	12	*	2	*	2	*	4	*	4	*	4	*	3	*
15	3	*	2	*	4	*	2	*	3	*	6	*	6	*	3	*
16	2	*	1	*	2	*	2	*	2	*	1	*	2	*	2	*
17	0	0%	0	0%	2	*	0	0%	1	*	0	0%	1	*	1	*
18	1	*	0	0%	1	*	1	*	1	*	1	*	0	0%	1	*
19	0	0%	1	*	0	0%	0	0%	0	0%	1	*	1	*	1	*
20	1	*	2	*	0	0%	0	0%	0	0%	0	0%	2	*	0	0%
21	0	0%	0	0%	0	0%	1	*	2	*	0	0%	0	0%	0	0%
22	0	0%	0	0%	1	*	0	0%	1	*	0	0%	0	0%	0	0%
23	0	0%	2	*	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
24	0	0%	0	0%	1	*	0	0%	0	0%	1	*	0	0%	1	*
25	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
26	0	0%	0	0%	0	0%	0	0%	0	0%	1	*	0	0%	0	0%
27	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	*
Totals:	30,084	100%	29,479	100%	28,649	100%	26,014	100%	25,392	100%	25,374	100%	24,059	100%	24,862	100%

Table 1.11 counts incidents that occurred in Minnesota, based on the total number of incidents the person has on his or her driving record. That is, incidents counted in row 1 were incurred by first-time violators who had zero prior impaired driving incidents on their driving record. For example, Mr. Smith incurs his first-ever incident anywhere, and that incident occurs in Minneapolis in January, 2011. Mr. Smith incurs a second incident in

Iowa in July, 2012, and a third incident, again in Minneapolis, in August, 2014. In this case, Mr. Smith's first incident contributes a count of one to row 1 of the 2011 column. The second incident is not counted in the above table because it did not occur in Minnesota. The third incident contributes a count of one to row 3 of the 2014 column because it did occur in Minnesota and because it is the third on Mr. Smith's driving record.

II. IMPAIRED DRIVING CRIMINAL CONVICTION RATES

This section provides statistics on the number of impaired driving incidents by county and judicial district, and the number and percentage of that total for which there is a criminal conviction on some type of impaired driving charge. On an infrequent basis, however, an offense will lead to an impaired driving conviction, but not be counted as such. This could be due either:

- (1) The conviction occurred after the date on which the data used to compile these statistics were extracted from the state driver's license files, or
- (2) To reporting errors.

Timing of conviction

Conviction rates for 2017 were calculated using data available on June 1, 2018 - five full months after the end of the 2017 calendar year. However, the criminal charge sometimes takes longer than that to resolve. This is especially true for more serious charges, such as the higher-level impaired driving offenses. A driver is more likely to challenge such charges in the courts.

Reporting errors

The second reason a conviction might not be counted is human error. A court clerk may fail to accurately record a plea, a verdict or a judge's sentence. The Court Administrator's office may not accurately transmit notice of the conviction to the Department of Public Safety. The Department of Public Safety may not accurately record the conviction on the person's driving record. The procedures that underlie the charging, prosecuting, adjudicating, and recording of impaired driving offenses are complex enough that there are opportunities for mistakes. The objective in reporting the statistics here is to assist in identifying possible failures so they can be corrected.

Examples of why a conviction may not be counted

Hypothetically, if a county had 100 impaired driving incidents committed by first-time violators in 2017 and driver's license records show that only 85 resulted in an impaired driving conviction, then the conviction rate is 85 out of 100, or 85.0%. There was no impaired driving conviction posted on a driver's record for 15 of the incidents. Suppose that John Smith committed one of those 15 incidents. This means that Smith was stopped; he took and failed, or refused to take, tests for alcohol or controlled substances, thus incurring an

implied consent violation and triggering the impaired driving incident to be posted on his record. Here are some reasons why a criminal conviction might *not* be reported for Mr. Smith:

(1) There was a plea bargain: For example, the prosecutor agreed to allow Smith to plead guilty to careless driving.

(2) Smith was convicted on some type of impaired driving charge, but not until after the June 1, 2018 date on which the statistics compiled here are based.

(3) Smith was convicted, but the judge stayed adjudication of the conviction on condition that Smith conforms to various requirements. Since adjudication was stayed, the conviction is held in abeyance and not transmitted to the Department of Public Safety.

(4) In addition to impaired driving, Smith had a felony charge for transporting methamphetamines. He pled guilty to the felony offense and was sentenced to five years in prison and a fine of \$5,000. The county attorney waived the charge on the impaired driving offense.

(5) The judge stayed imposition of the sentence on condition that Smith conforms to various requirements. The court clerk accidentally recorded the stay of imposition as a stay of adjudication, causing the Court Administrator's office to not forward the conviction notice to the Department of Public Safety.

(6) Smith was convicted of some impaired driving offense, but the Court Administrator's office did not report the conviction to the Department of Public Safety, or reported it in an incorrect manner that caused the report to be rejected.[†]

(7) Smith was convicted and the Department of Public Safety was properly notified of the conviction but mistakenly entered the impaired driving conviction as a conviction for some other type of violation (e.g., speeding).

(8) Smith was stopped, tested at over 0.08%, and the officer filed a consent form which isn't forwarded to the Department of Public Safety. If dropped or convicted of a lesser crime, the Department would not have the ability to report it as a DWI. There are a few counties across the state using this type of reporting post-2016.

[†] The Department of Public Safety returns incomplete reports to the Court Administrator's Office with a request for a corrected report.

How the Conviction Rate is Calculated

The conviction rate is expressed merely as a percent: out of 100 incidents, what number resulted in a conviction for *some* type of impaired driving offense. Two issues require comment: (1) how prior violations are counted; and, (2) the circumstance that the conviction rate is not a measure of how much plea bargaining or sentence bargaining may be occurring.

1. Counting prior violations

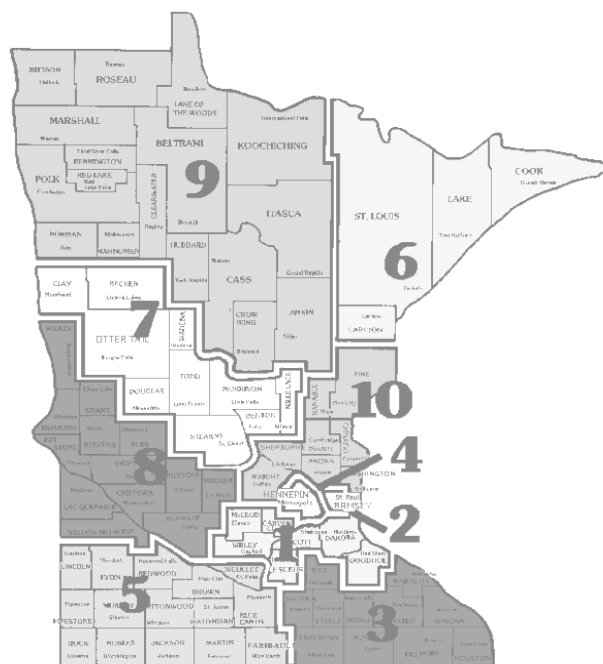
Table 2.01 has separate columns for first- through fourth-or-subsequent-time violators. The violators who committed the incidents were put into these categories based on a *lifetime* look back period,[‡] not a *ten-year* look back period. The current statute MS 169A defines impaired driving offense levels in terms of certain aggravating factors. Prior incidents *in the last ten years* are one type of aggravating factor.[§] (Each prior incident augments the count of aggravating factors by one.) If a ten-year look back period had been used, there would have been slightly more incidents counted into the “first-time violators” column and slightly fewer counted into the second-through fourth-or-subsequent-time columns.

2. Not measuring plea bargaining

People are concerned with how much plea bargaining takes place in impaired driving cases. The conviction rates are not good measures of plea bargaining, however. Plus, bargaining takes two forms. Plea bargaining occurs when a prosecutor initially charges for one offense (e.g., first-degree impaired driving) and then accepts a plea of guilty to a lesser offense (e.g., second-, third-, or fourth-degree impaired driving, or reckless driving, or speeding, etc.). Second, there is sentence bargaining: The prosecutor agrees to

accept a sentence less than the maximum for the offense on which the violator is convicted. For example, Smith pleads guilty to gross misdemeanor impaired driving but gets a misdemeanor impaired driving sentence.

Judicial Districts in Minnesota



[‡] The term “lifetime” look back period may be misleading. Currently, an impaired driving incident remains on the driver’s license forever, and for several decades there has been a rule that a second impaired driving incident causes all incidents to be kept on record forever. However, at different points in the past, there were different rules followed—that a single incident not followed by a second was eligible to be purged from the driver’s record after seven, or ten, or fifteen, years had passed. However, purging of incidents from records was not performed

systematically; so even when those rules were in effect, eligibility to be purged did not mean that an incident was purged. For practical purposes, as an example, if a person is now in their forties and had a single impaired driving incident when they were in their teens or twenties, then that incident may or may not have been purged from their driving record.

[§] The other two aggravating factors are (1) presence of children in the vehicle, and (2) having an alcohol concentration of 0.16% or higher (as of July 1, 2011).

The conviction rates reported here do not measure the extent of plea bargaining or sentence bargaining. They only quantify, for all the incidents that occurred, the percentage that resulted in *some* kind of impaired driving conviction. It cannot be known, from the driver's license data, (1) if the conviction was for a lesser offense than the one initially charged, or, (2) what the sentence was.

Conviction rates vary by County and District

The state is divided into ten judicial districts. Ramsey County is District 2, and Hennepin County is District 4. The other eight districts encompass from four to 17 counties that are geographically close together. Conviction rates usually vary by district and by county. Across the Districts in 2017, the range of conviction rates was from 70.4% (District 4: Hennepin County) to 83.7% (for District 5, comprised of 15 counties in Southwest Minnesota).

Several counties had conviction rates at 90% or higher: Polk (90.1%), Douglas (90.2%), Renville (91.2%), Lyon (91.5%), Chippewa (93.2%), Clearwater (94.6%), and Hubbard (94.8%).

Some counties had conviction rates that were lower than 70%: Wilkin (63.2%), Pine (63.3), and Washington (67.0%).

Out of 24,862 impaired driving incidents in 2017, the overall conviction rate for Minnesota was 76.7%. As mentioned previously, the conviction rate for each year will increase to approximately 85% as judicial outcomes are settled.

TABLE 2.01

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2017
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

District and County	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %
Judicial Dist 1															
CARVER	299	227	75.9	174	130	74.7	75	59	78.7	29	22	75.9	21	16	76.2
DAKOTA	1,537	1,121	72.9	925	626	67.7	345	290	84.1	157	137	87.3	110	68	61.8
GOODHUE	188	153	81.4	95	80	84.2	43	35	81.4	20	15	75.0	30	23	76.7
LE SUEUR	87	77	88.5	53	47	88.7	16	13	81.3	12	11	91.7	6	6	100.0
MCLEOD	185	145	78.4	98	81	82.7	51	40	78.4	19	13	68.4	17	11	64.7
SCOTT	591	465	78.7	359	271	75.5	134	114	85.1	56	46	82.1	42	34	81.0
SIBLEY	68	60	88.2	37	34	91.9	12	10	83.3	9	8	88.9	10	8	80.0
SUBTOTAL:	2,955	2,248	76.1	1,741	1,269	72.9	676	561	83.0	302	252	83.4	236	166	70.3
Judicial Dist 2															
RAMSEY	2,121	1,557	73.4	1,302	900	69.1	495	416	84.0	177	135	76.3	147	106	72.1
Judicial Dist 3															
DODGE	77	62	80.5	46	37	80.4	16	13	81.3	8	7	87.5	7	5	71.4
FILLMORE	51	43	84.3	30	22	73.3	8	8	100.0	7	7	100.0	6	6	100.0
FREEBORN	143	112	78.3	82	62	75.6	28	22	78.6	16	14	87.5	17	14	82.4
HOUSTON	75	59	78.7	47	35	74.5	13	11	84.6	7	6	85.7	8	7	87.5
MOWER	286	225	78.7	155	127	81.9	69	51	73.9	35	30	85.7	27	17	63.0
OLMSTED	743	653	87.9	441	386	87.5	184	166	90.2	73	62	84.9	45	39	86.7
RICE	239	186	77.8	141	110	78.0	50	37	74.0	29	23	79.3	19	16	84.2
STEELE	151	129	85.4	92	77	83.7	31	27	87.1	15	14	93.3	13	11	84.6
WABASHA	99	84	84.8	60	52	86.7	18	14	77.8	13	12	92.3	8	6	75.0
WASECA	63	53	84.1	34	29	85.3	13	12	92.3	5	3	60.0	11	9	81.8
WINONA	317	242	76.3	217	157	72.4	56	49	87.5	22	17	77.3	22	19	86.4
SUBTOTAL:	2,244	1,848	82.4	1,345	1,094	81.3	486	410	84.4	230	195	84.8	183	149	81.4
Judicial Dist 4															
HENNEPIN	5,858	4,125	70.4	3,616	2,401	66.4	1,301	1,010	77.6	575	437	76.0	366	277	75.7
Judicial Dist 5															
BLUE EARTH	383	342	89.3	241	217	90.0	86	77	89.5	34	30	88.2	22	18	81.8
BROWN	80	66	82.5	41	33	80.5	24	20	83.3	9	7	77.8	6	6	100.0
COTTONWOOD	55	43	78.2	32	26	81.3	12	9	75.0	8	6	75.0	3	2	66.7
FARIBAULT	67	58	86.6	40	33	82.5	16	15	93.8	7	7	100.0	4	3	75.0
JACKSON	36	27	75.0	22	17	77.3	11	8	72.7	1	1	100.0	2	1	50.0
LINCOLN	13	10	76.9	7	6	85.7	4	2	50.0	0	0	0.0	2	2	100.0
LYON	118	108	91.5	88	84	95.5	15	11	73.3	7	6	85.7	8	7	87.5
MARTIN	75	64	85.3	39	34	87.2	21	19	90.5	10	8	80.0	5	3	60.0
MURRAY	16	12	75.0	6	3	50.0	7	7	100.0	3	2	66.7	0	0	0.0
NICOLLET	142	105	73.9	88	62	70.5	29	25	86.2	13	10	76.9	12	8	66.7
NOBLES	127	94	74.0	88	64	72.7	25	20	80.0	8	6	75.0	6	4	66.7
PIPESTONE	68	59	86.8	47	39	83.0	15	15	100.0	5	5	100.0	1	0	0.0
REDWOOD	91	77	84.6	50	41	82.0	21	18	85.7	14	12	85.7	6	6	100.0
ROCK	51	41	80.4	35	29	82.9	11	10	90.9	3	1	33.3	2	1	50.0
WATONWAN	37	32	86.5	18	14	77.8	9	9	100.0	5	4	80.0	5	5	100.0
SUBTOTAL:	1,359	1,138	83.7	842	702	83.4	306	265	86.6	127	105	82.7	84	66	78.6

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2017
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
District and County	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %
Judicial Dist 6															
CARLTON	155	133	85.8	79	68	86.1	38	35	92.1	19	15	78.9	19	15	78.9
COOK	27	21	77.8	15	11	73.3	10	8	80.0	2	2	100.0	0	0	0.0
LAKE	49	41	83.7	24	21	87.5	11	9	81.8	4	3	75.0	10	8	80.0
ST. LOUIS	1,037	864	83.3	633	511	80.7	216	189	87.5	104	91	87.5	84	73	86.9
SUBTOTAL:	1,268	1,059	83.5	751	611	81.4	275	241	87.6	129	111	86.0	113	96	85.0
Judicial Dist 7															
BECKER	235	191	81.3	131	108	82.4	56	48	85.7	26	19	73.1	22	16	72.7
BENTON	153	124	81.0	75	58	77.3	38	36	94.7	15	12	80.0	25	18	72.0
CLAY	407	327	80.3	250	200	80.0	90	72	80.0	41	32	78.0	26	23	88.5
DOUGLAS	164	148	90.2	102	90	88.2	25	25	100.0	15	12	80.0	22	21	95.5
MILLE LACS	113	91	80.5	55	46	83.6	23	20	87.0	16	12	75.0	19	13	68.4
MORRISON	99	73	73.7	46	33	71.7	21	16	76.2	17	11	64.7	15	13	86.7
OTTER TAIL	305	255	83.6	182	152	83.5	68	55	80.9	31	28	90.3	24	20	83.3
STEARNS	717	541	75.5	451	343	76.1	145	104	71.7	71	59	83.1	50	35	70.0
TODD	83	68	81.9	52	40	76.9	16	15	93.8	8	7	87.5	7	6	85.7
WADENA	66	48	72.7	31	23	74.2	16	10	62.5	9	7	77.8	10	8	80.0
SUBTOTAL:	2,342	1,866	79.7	1,375	1,093	79.5	498	401	80.5	249	199	79.9	220	173	78.6
Judicial Dist 8															
BIG STONE	21	17	81.0	15	12	80.0	4	4	100.0	0	0	0.0	2	1	50.0
CHIPPEWA	59	55	93.2	32	32	100.0	16	14	87.5	7	6	85.7	4	3	75.0
GRANT	20	16	80.0	12	10	83.3	4	3	75.0	4	3	75.0	0	0	0.0
KANDIYOHI	192	164	85.4	118	99	83.9	46	41	89.1	13	12	92.3	15	12	80.0
LAC QUI PARLE	17	14	82.4	15	13	86.7	2	1	50.0	0	0	0.0	0	0	0.0
MEEKER	76	62	81.6	43	35	81.4	20	17	85.0	6	4	66.7	7	6	85.7
POPE	51	42	82.4	25	20	80.0	18	16	88.9	5	3	60.0	3	3	100.0
RENVILLE	102	93	91.2	47	43	91.5	21	20	95.2	14	13	92.9	20	17	85.0
STEVENS	50	35	70.0	37	26	70.3	6	6	100.0	4	2	50.0	3	1	33.3
SWIFT	38	32	84.2	24	21	87.5	8	7	87.5	1	1	100.0	5	3	60.0
TRAVERSE	12	10	83.3	5	5	100.0	3	3	100.0	3	2	66.7	1	0	0.0
WILKIN	38	24	63.2	25	16	64.0	6	4	66.7	4	1	25.0	3	3	100.0
YELLOW MED	57	43	75.4	26	20	76.9	14	9	64.3	9	9	100.0	8	5	62.5
SUBTOTAL:	733	607	82.8	424	352	83.0	168	145	86.3	70	56	80.0	71	54	76.1

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2017
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
District and County	All Inci-dents N	Con-vic-tions N	Con-vict. Rate %	All Inci-dents N	Con-vic-tions N	Con-vict. Rate %	All Inci-dents N	Con-vic-tions N	Con-vict. Rate %	All Inci-dents N	Con-vic-tions N	Con-vict. Rate %	All Inci-dents N	Con-vic-tions N	Con-vict. Rate %
Judicial Dist 9															
AITKIN	156	125	80.1	82	64	78.0	34	29	85.3	16	14	87.5	24	18	75.0
BELTRAMI	384	329	85.7	207	185	89.4	95	79	83.2	45	36	80.0	37	29	78.4
CASS	202	173	85.6	108	93	86.1	50	41	82.0	21	20	95.2	23	19	82.6
CLEARWATER	56	53	94.6	25	24	96.0	8	7	87.5	11	11	100.0	12	11	91.7
CROW WING	394	305	77.4	207	158	76.3	88	71	80.7	52	38	73.1	47	38	80.9
HUBBARD	96	91	94.8	43	39	90.7	26	26	100.0	14	14	100.0	13	12	92.3
ITASCA	278	236	84.9	105	91	86.7	82	68	82.9	46	40	87.0	45	37	82.2
KITSON	12	10	83.3	6	4	66.7	2	2	100.0	3	3	100.0	1	1	100.0
KOOCHICHING	76	62	81.6	43	34	79.1	18	14	77.8	8	8	100.0	7	6	85.7
LAKE OF WDS	26	19	73.1	15	10	66.7	6	6	100.0	1	0	0.0	4	3	75.0
MAHNOMEN	88	62	70.5	41	27	65.9	25	19	76.0	8	5	62.5	14	11	78.6
MARSHALL	37	31	83.8	17	14	82.4	10	9	90.0	4	3	75.0	6	5	83.3
NORMAN	15	12	80.0	9	8	88.9	3	2	66.7	0	0	0.0	3	2	66.7
PENNINGTON	100	80	80.0	57	42	73.7	22	21	95.5	9	7	77.8	12	10	83.3
POLK	322	290	90.1	182	164	90.1	81	71	87.7	34	32	94.1	25	23	92.0
RED LAKE	35	26	74.3	20	15	75.0	9	8	88.9	2	0	0.0	4	3	75.0
ROSEAU	76	58	76.3	39	28	71.8	16	13	81.3	14	11	78.6	7	6	85.7
SUBTOTAL:	2,353	1,962	83.4	1,206	1,000	82.9	575	486	84.5	288	242	84.0	284	234	82.4
Judicial Dist 10															
ANOKA	1,294	967	74.7	740	522	70.5	308	260	84.4	126	97	77.0	120	88	73.3
CHISAGO	239	205	85.8	133	116	87.2	55	47	85.5	24	20	83.3	27	22	81.5
ISANTI	124	89	71.8	71	56	78.9	27	17	63.0	11	8	72.7	15	8	53.3
KANABEC	46	34	73.9	19	14	73.7	11	8	72.7	10	8	80.0	6	4	66.7
PINE	120	76	63.3	69	49	71.0	19	11	57.9	11	6	54.5	21	10	47.6
SHERBURNE	373	285	76.4	230	184	80.0	84	64	76.2	31	19	61.3	28	18	64.3
WASHINGTON	941	630	67.0	572	381	66.6	218	158	72.5	86	56	65.1	65	35	53.8
WRIGHT	492	367	74.6	281	202	71.9	114	91	79.8	58	46	79.3	39	28	71.8
SUBTOTAL:	3,629	2,653	73.1	2,115	1,524	72.1	836	656	78.5	357	260	72.8	321	213	66.4
Totals for Minnesota:	24,862	19,063	76.7	14,717	10,946	74.4	5,616	4,591	81.7	2,504	1,992	79.6	2,025	1,534	75.8

NOTE:

(1) There is no restriction on the “look back” period in counting prior violations. For example, a second-time violator could have incurred his or her first violation 12 years, or 1 week, prior to the second violation.

(2) Caution regarding interpreting table: The data compiled here reflect convictions received as of June 1, 2018.

However, new information is constantly being added to driver’s license records. In addition, as offense level increases, violators face stiffer penalties and have more incentive to fight conviction through legal proceedings. The conviction rates will therefore increase as time passes; each year the overall conviction rate for all offenses will rise to approximately 85%.

III. PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD

This section reports statistics on Minnesota's total population, the population of licensed drivers and the population of persons who have impaired driving incidents on their driving record.

Currently, an impaired driving incident is kept on record permanently

Current practice is that an impaired driving incident stays on a person's driver's license record permanently. However, there were different rules in the past. At points over the last 30 years, a single incident might have been eligible to be purged from a driving record after seven, ten, or fifteen years. However, purging of incidents from records was not performed systematically so even when the different rules were in effect, eligibility to be purged did not mean that an incident was purged. Apart from rules for a single incident, there has long been (for several decades) in effect a rule that if a person incurred a second impaired driving incident, then all impaired driving incidents were kept on record permanently. The practical effect of having the different rules over time is that the number of persons currently shown to have two or more incidents on record will be close to the true number of people who ever accumulated two or more incidents, while the number shown to have only one incident will understate the true number of people who ever incurred a single incident. For example, there are probably many middle-aged or older persons who incurred a single incident when they were young, but never incurred a second one. At some point (probably in the early 1990s, or before), the single incident was purged from their driving records.

11.8% of Minnesota residents have a DWI

In all, 645,458 Minnesota residents have one or more impaired driving incidents on their driving record. That is 11.8% of all people living in Minnesota (using the U.S. Census Bureau's 2017 population estimate for Minnesota).

1 in 7 licensed drivers has an incident on record

Now consider that many residents in Minnesota are too young to drive. Out of the 2017 total of licensed drivers in Minnesota, nearly 1 in 7 have one or more incidents on record, 1 in 16 have two or more, and 1 in 33 have three or more.

In addition to Minnesota residents, there are 127,194 non-residents on record who have incurred one or more incidents in Minnesota.

Counties vary

As noted, 11.8% of the state's population has an incident on their driving record. There is variation by county. The five counties with the highest percentages are: Mahnomon (24.9%), Mille Lacs (18.1%), Aitkin (17.1%), Cass (16.9%), and Clearwater (16.9%) – these counties are north and west of the Twin Cities.

The counties with the lowest percentages are: Stevens (8.5%), Rock (8.9%), Carver (9.1%), Washington (9.6%) and Olmsted (9.7%) - mostly in the lower half of Minnesota. Reasons for the variation might include: prevalence of chemical dependency problems in the population, strictness of enforcement of DWI laws, and whether the county is in a vacation or recreational area of the state.

Each year, most DWI offenders are first-timers

There is a perception that so much of the drinking and driving problem is concentrated in a rather small subset of the population whose members are chemically dependent and who drink and drive over and over again. There is evidence to support such a perception. Forty-two percent of the 645,458 persons in the state with incidents on record have two or more incidents. Some people have a large number of incidents: 1,359 have ten or more. One person now has 27 incidents on record. Still, it is possible the perception distracts attention from the reality that most violators do not have prior incidents on record. Fifty-eight percent have only one incident. (As noted earlier, this understates the true number since a single incident may have been purged from a person's driving record).

TABLE 3.01

POPULATION OF MINNESOTA BY AGE-GROUP AND GENDER

Age	2000 Census Male	2000 Census Female	2000 Census Total	2010 Census Male	2010 Census Female	2010 Census Total	2017 (Projection) Male	2017 (Projection) Female	2017 (Projection) Total
00-04	168,829	160,765	329,594	181,342	174,162	355,504	180,579	173,056	353,635
05-09	182,912	172,982	355,894	181,614	173,922	355,536	182,863	174,966	357,829
10-14	192,118	182,877	374,995	180,356	171,986	352,342	187,554	180,056	367,610
15-19	191,534	182,828	374,362	188,594	179,235	367,829	184,412	176,074	360,486
20-24	164,038	158,445	322,483	180,725	174,926	355,651	182,103	176,610	358,713
25-29	162,132	157,694	319,826	187,562	185,124	372,686	187,956	180,701	368,657
30-34	178,502	174,810	353,312	174,549	168,351	342,900	193,639	189,664	383,303
35-39	207,962	204,528	412,490	165,815	162,375	328,190	189,160	183,935	373,095
40-44	207,355	204,337	411,692	177,234	175,670	352,904	162,071	158,273	320,344
45-49	183,801	180,446	364,247	203,588	202,615	406,203	173,217	170,778	343,995
50-54	150,750	150,699	301,449	200,663	201,032	401,695	184,424	184,778	369,202
55-59	112,203	114,654	226,857	174,321	175,268	349,589	197,641	201,119	398,760
60-64	86,648	91,364	178,012	137,760	142,015	279,775	174,993	178,644	353,637
65-69	72,707	80,462	153,169	97,533	105,037	202,570	141,113	147,943	289,056
70-74	64,646	78,010	142,656	70,840	81,017	151,857	99,537	109,588	209,125
75-79	51,709	70,968	122,677	54,464	67,650	122,114	66,388	78,657	145,045
80-84	33,477	56,686	90,163	40,865	59,051	99,916	44,033	58,705	102,738
85+	24,308	61,293	85,601	34,307	72,357	106,664	43,594	80,778	124,372
Totals:	2,435,631	2,483,848	4,919,479	2,632,132	2,671,793	5,303,925	2,775,277	2,804,325	5,579,602

Source: Census Data, United States Census Bureau; 2017 estimates, Minnesota State Demographic Center

TABLE 3.02
MINNESOTA LICENSED DRIVERS UNDER 21, BY AGE, 1998 - 2017**

Year	15	16	17	18	19	20	Total Under 21
1998	24,610	50,028	60,389	64,337	66,023	64,484	329,871
1999	24,944	52,576	59,337	60,177	67,779	67,816	332,629
2000	28,479	55,792	60,724	65,830	68,697	69,306	348,828
2001	27,878	56,361	62,068	64,963	69,232	70,351	350,853
2002	28,880	55,286	63,011	66,876	68,609	70,985	353,647
2003	29,800	55,614	61,329	67,491	69,792	69,385	353,411
2004	31,638	55,812	61,286	66,397	71,026	71,513	357,672
2005	31,161	55,398	61,431	65,440	68,842	71,780	354,052
2006	26,360	53,520	60,695	64,617	67,917	68,826	341,935
2007	26,029	51,499	59,766	64,910	67,664	69,091	338,959
2008	26,141	49,801	57,875	64,337	68,050	68,920	335,124
2009	28,126	49,884	56,554	62,707	67,701	69,074	334,046
2010	28,020	49,634	55,885	61,526	66,272	69,495	330,832
2011	25,422	48,260	54,781	59,722	63,997	67,176	319,358
2012	25,946	47,801	54,489	59,220	63,212	65,539	316,207
2013	25,324	48,013	53,744	58,706	62,642	64,972	313,401
2014	26,393	48,263	54,190	58,202	62,349	64,503	313,900
2015	30,120	49,306	54,818	58,766	61,692	63,314	318,016
2016	29,914	50,361	55,252	59,037	61,937	63,380	319,881
2017	26,329	48,956	56,017	58,979	61,860	63,320	315,461

TABLE 3.03
MINNESOTA LICENSED DRIVERS, BY AGE-GROUP, 1998 - 2017

Year	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75 +	Total
1998	265,387	302,019	318,360	347,382	405,914	389,126	340,673	273,059	210,483	165,519	144,903	134,081	229,135	3,526,041
1999	264,812	316,452	316,642	346,159	401,755	398,519	352,585	290,428	218,555	170,263	145,284	134,225	239,938	3,595,617
2000	279,522	327,545	310,399	347,932	391,515	405,043	362,105	306,566	222,828	174,735	145,334	133,774	242,146	3,647,444
2001	280,502	339,486	309,079	344,952	377,905	408,621	368,930	316,321	238,022	180,723	146,107	133,205	241,646	3,685,499
2002	282,662	352,022	320,420	343,933	366,661	411,413	379,702	325,664	252,631	192,074	149,272	132,368	248,671	3,757,493
2003	284,026	352,818	326,355	333,363	354,509	408,428	386,086	335,331	264,204	200,322	154,103	131,255	257,379	3,788,179
2004	286,159	361,589	339,712	330,480	350,988	403,774	395,178	345,855	280,193	208,133	158,035	131,277	260,483	3,851,856
2005	282,272	361,839	348,538	319,537	349,515	390,439	400,876	355,524	296,390	212,324	163,125	131,383	260,331	3,872,093
2006	273,109	353,949	353,241	311,685	342,520	372,638	401,715	361,197	306,185	226,262	168,693	132,725	267,241	3,871,160
2007	269,868	351,877	360,944	316,410	336,604	358,091	401,496	369,195	314,238	239,650	178,918	136,026	274,657	3,907,974
2008	266,204	350,535	365,501	324,694	327,911	347,387	399,215	376,096	324,589	251,756	187,347	140,879	276,287	3,938,401
2009	264,972	347,193	364,228	330,073	319,456	339,999	391,392	382,435	332,705	265,450	193,513	143,738	273,186	3,948,340
2010	261,337	348,937	366,813	342,756	311,858	340,906	380,685	389,685	343,840	282,820	198,777	149,002	277,819	3,995,235
2011	252,182	343,942	358,738	351,489	306,985	336,514	365,193	392,410	350,359	293,833	213,587	155,347	287,174	4,007,753
2012	250,668	341,891	356,653	359,718	312,377	330,720	351,004	392,344	358,458	301,734	226,107	164,699	292,345	4,038,718
2013	248,429	340,074	358,005	365,091	320,919	321,868	340,791	390,177	365,577	311,683	237,444	172,320	296,868	4,069,246
2014	249,397	338,753	362,329	370,093	331,734	315,800	335,127	383,567	373,526	321,611	252,369	178,905	303,317	4,116,528
2015	254,702	329,936	355,329	367,609	339,167	305,492	333,063	370,824	377,221	328,227	264,586	181,902	310,044	4,118,102
2016	256,501	328,000	356,350	368,123	351,947	303,481	330,930	358,021	380,474	335,072	274,887	193,645	317,628	4,155,059
2017	252,141	324,780	354,606	365,745	361,426	308,963	324,646	342,836	380,030	342,574	282,003	205,887	330,497	4,176,134

** Source: Department of Public Safety, Driver and Vehicle Service Division. Counts include learner's permits.

TABLE 3.04

**MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD,
BY AGE AT DATE OF LAST INCIDENT AND BY AGE AT END OF 2017**

Age	Age at Date of Last Incident				Age at End of Year 2017			
	Female	Male	Not Stated	Total	Female	Male	Not Stated	Total
00-14	15	34	18	67	0	0	2	2
15-19	7,841	21,677	1,045	30,563	205	550	75	830
20-24	32,458	98,313	4,755	135,526	3,455	8,356	637	12,448
25-29	26,599	90,234	4,289	121,122	10,784	25,947	1,708	38,439
30-34	20,948	67,844	3,000	91,792	15,843	41,003	3,052	59,898
35-39	18,306	54,910	1,977	75,193	17,182	49,561	3,538	70,281
40-44	15,599	45,432	1,266	62,297	14,027	44,861	2,621	61,509
45-49	11,811	35,991	763	48,565	16,893	50,725	2,071	69,689
50-54	7,478	26,419	432	34,329	20,459	59,059	1,471	80,989
55-59	4,027	17,430	231	21,688	20,253	62,505	1,213	83,971
60-64	2,066	10,395	115	12,576	12,643	47,061	694	60,398
65-69	971	5,649	56	6,676	7,152	31,680	422	39,254
70-74	428	2,741	20	3,189	4,137	19,761	202	24,100
75-79	172	1,149	6	1,327	2,451	12,341	124	14,916
80-84	59	387	4	450	1,357	8,484	55	9,896
85 +	11	80	6	97	1,948	16,792	98	18,838
Unknown	0	1	0	1	0	0	0	0
Totals:	148,789	478,686	17,983	645,458	148,789	478,686	17,983	645,458

Note:

Gender is not stated for many persons. When a person applies for a driver's license, gender is entered on the record. If a person is arrested for impaired driving and does not have a driver's license, then a record is created but gender is not entered on that record.

TABLE 3.05

**POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED
DRIVING INCIDENTS ON RECORD AT END OF 2017, BY COUNTY**

County	2010 Pop Census	2017 Pop Estimate	1 or more Incidents	% of 2017 Pop	1 Incident	% of 2017 Pop	2 Incidents	% of 2017 Pop	3 or more Incidents	% of 2017 Pop
Aitkin	16,202	15,821	2,698	17.1%	1,419	9.0%	611	3.9%	668	4.2%
Anoka	330,844	352,674	40,716	11.5%	22,944	6.5%	9,408	2.7%	8,364	2.4%
Becker	32,504	34,103	5,367	15.7%	2,806	8.2%	1,171	3.4%	1,390	4.1%
Beltrami	44,442	46,585	7,043	15.1%	3,809	8.2%	1,633	3.5%	1,601	3.4%
Benton	38,451	40,128	4,857	12.1%	2,741	6.8%	1,081	2.7%	1,035	2.6%
Big Stone	5,269	5,029	593	11.8%	338	6.7%	152	3.0%	103	2.0%
Blue Earth	64,013	67,220	7,450	11.1%	4,208	6.3%	1,710	2.5%	1,532	2.3%
Brown	25,893	25,245	3,011	11.9%	1,719	6.8%	702	2.8%	590	2.3%
Carlton	35,386	35,655	5,008	14.0%	2,676	7.5%	1,195	3.4%	1,137	3.2%
Carver	91,042	102,858	9,391	9.1%	5,815	5.7%	2,087	2.0%	1,489	1.4%
Cass	28,567	29,327	4,961	16.9%	2,491	8.5%	1,183	4.0%	1,287	4.4%
Chippewa	12,441	12,045	1,590	13.2%	938	7.8%	337	2.8%	315	2.6%
Chisago	53,887	55,321	7,485	13.5%	4,266	7.7%	1,745	3.2%	1,474	2.7%
Clay	58,999	63,789	7,572	11.9%	4,486	7.0%	1,679	2.6%	1,407	2.2%
Clearwater	8,695	8,875	1,496	16.9%	717	8.1%	335	3.8%	444	5.0%
Cook	5,176	5,388	721	13.4%	408	7.6%	155	2.9%	158	2.9%
Cottonwood	11,687	11,320	1,332	11.8%	783	6.9%	317	2.8%	232	2.0%
Crow Wing	62,500	64,517	8,963	13.9%	4,975	7.7%	2,059	3.2%	1,929	3.0%
Dakota	398,552	422,580	44,300	10.5%	26,816	6.3%	9,710	2.3%	7,774	1.8%
Dodge	20,087	20,762	2,511	12.1%	1,409	6.8%	574	2.8%	528	2.5%
Douglas	36,009	37,654	4,571	12.1%	2,591	6.9%	1,008	2.7%	972	2.6%
Faribault	14,553	13,671	1,926	14.1%	1,082	7.9%	446	3.3%	398	2.9%
Fillmore	20,866	20,979	2,600	12.4%	1,451	6.9%	630	3.0%	519	2.5%
Freeborn	31,255	30,550	4,254	13.9%	2,367	7.7%	1,011	3.3%	876	2.9%
Goodhue	46,183	46,562	6,233	13.4%	3,524	7.6%	1,460	3.1%	1,249	2.7%
Grant	6,018	5,904	841	14.2%	466	7.9%	207	3.5%	168	2.8%
Hennepin	1,152,425	1,249,512	135,174	10.8%	81,702	6.5%	29,018	2.3%	24,454	2.0%
Houston	19,027	18,761	2,496	13.3%	1,522	8.1%	523	2.8%	451	2.4%
Hubbard	20,428	21,034	2,701	12.8%	1,458	6.9%	614	2.9%	629	3.0%
Isanti	37,816	39,553	5,079	12.8%	2,719	6.9%	1,221	3.1%	1,139	2.9%
Itasca	45,058	45,346	7,061	15.6%	3,655	8.1%	1,696	3.7%	1,710	3.8%
Jackson	10,266	9,951	1,203	12.1%	738	7.4%	275	2.8%	190	1.9%
Kanabec	16,239	16,010	2,463	15.4%	1,247	7.8%	576	3.6%	640	4.0%
Kandiyohi	42,239	42,768	5,207	12.2%	3,002	7.0%	1,184	2.8%	1,021	2.4%
Kittson	4,552	4,262	518	12.2%	273	6.4%	121	2.8%	124	2.9%
Koochiching	13,311	12,640	1,957	15.5%	1,079	8.5%	458	3.6%	420	3.3%
Lac Qui Parle	7,259	6,687	821	12.3%	456	6.8%	217	3.2%	148	2.2%
Lake	10,866	10,531	1,344	12.8%	771	7.3%	334	3.2%	239	2.3%
Lake of Woods	4,045	3,802	630	16.6%	321	8.4%	162	4.3%	147	3.9%
Le Sueur	27,703	27,881	4,190	15.0%	2,371	8.5%	945	3.4%	874	3.1%
Lincoln	5,896	5,709	570	10.0%	326	5.7%	137	2.4%	107	1.9%
Lyon	25,857	25,823	2,931	11.4%	1,740	6.7%	646	2.5%	545	2.1%
McLeod	36,651	35,884	4,782	13.3%	2,712	7.6%	1,107	3.1%	963	2.7%
Mahnomen	5,413	5,572	1,387	24.9%	605	10.9%	334	6.0%	448	8.0%
Marshall	9,439	9,351	1,221	13.1%	652	7.0%	296	3.2%	273	2.9%

TABLE 3.05 (Continued)

**POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED
DRIVING INCIDENTS ON RECORD AT END OF 2017, BY COUNTY**

County	2010 Pop Census	2017 Pop Estimate	1 or more Incidents	% of 2017 Pop	1 Incident	% of 2017 Pop	2 Incidents	% of 2017 Pop	3 or more Incidents	% of 2017 Pop
Martin	20,840	19,865	2,633	13.3%	1,489	7.5%	633	3.2%	511	2.6%
Meeker	23,300	23,155	2,888	12.5%	1,526	6.6%	718	3.1%	644	2.8%
Mille Lacs	26,097	25,878	4,685	18.1%	2,338	9.0%	1,108	4.3%	1,239	4.8%
Morrison	33,198	33,074	4,472	13.5%	2,416	7.3%	1,035	3.1%	1,021	3.1%
Mower	39,163	39,602	5,564	14.0%	3,161	8.0%	1,288	3.3%	1,115	2.8%
Murray	8,725	8,344	899	10.8%	543	6.5%	190	2.3%	166	2.0%
Nicollet	32,727	33,892	3,604	10.6%	2,141	6.3%	827	2.4%	636	1.9%
Nobles	21,378	21,963	2,870	13.1%	1,975	9.0%	533	2.4%	362	1.6%
Norman	6,852	6,601	913	13.8%	510	7.7%	208	3.2%	195	3.0%
Olmsted	144,248	155,849	15,064	9.7%	8,789	5.6%	3,376	2.2%	2,899	1.9%
Otter Tail	57,303	58,329	7,177	12.3%	3,922	6.7%	1,658	2.8%	1,597	2.7%
Pennington	13,930	14,301	2,153	15.1%	1,110	7.8%	522	3.7%	521	3.6%
Pine	29,750	29,192	4,577	15.7%	2,359	8.1%	1,037	3.6%	1,181	4.0%
Pipestone	9,596	9,127	1,184	13.0%	687	7.5%	281	3.1%	216	2.4%
Polk	31,600	31,720	4,801	15.1%	2,620	8.3%	1,119	3.5%	1,062	3.3%
Pope	10,995	10,950	1,374	12.5%	744	6.8%	324	3.0%	306	2.8%
Ramsey	508,640	546,317	56,429	10.3%	33,620	6.2%	12,303	2.3%	10,506	1.9%
Red Lake	4,089	4,007	588	14.7%	311	7.8%	135	3.4%	142	3.5%
Redwood	16,059	15,278	1,947	12.7%	1,097	7.2%	425	2.8%	425	2.8%
Renville	15,730	14,689	2,283	15.5%	1,266	8.6%	537	3.7%	480	3.3%
Rice	64,142	65,960	7,565	11.5%	4,305	6.5%	1,693	2.6%	1,567	2.4%
Rock	9,687	9,491	847	8.9%	536	5.6%	172	1.8%	139	1.5%
Roseau	15,629	15,484	2,180	14.1%	1,207	7.8%	492	3.2%	481	3.1%
St. Louis	200,226	199,922	27,444	13.7%	15,313	7.7%	6,341	3.2%	5,790	2.9%
Scott	129,928	144,717	14,764	10.2%	9,014	6.2%	3,311	2.3%	2,439	1.7%
Sherburne	88,499	94,748	11,058	11.7%	6,430	6.8%	2,592	2.7%	2,036	2.1%
Sibley	15,226	14,869	1,984	13.3%	1,105	7.4%	450	3.0%	429	2.9%
Stearns	150,642	157,660	17,184	10.9%	10,054	6.4%	3,793	2.4%	3,337	2.1%
Steele	36,576	36,828	4,466	12.1%	2,483	6.7%	1,010	2.7%	973	2.6%
Stevens	9,726	9,748	833	8.5%	521	5.3%	161	1.7%	151	1.5%
Swift	9,783	9,423	1,323	14.0%	706	7.5%	325	3.4%	292	3.1%
Todd	24,895	24,513	3,020	12.3%	1,674	6.8%	724	3.0%	622	2.5%
Traverse	3,558	3,333	452	13.6%	251	7.5%	117	3.5%	84	2.5%
Wabasha	21,676	21,393	2,959	13.8%	1,723	8.1%	687	3.2%	549	2.6%
Wadena	13,843	13,731	1,911	13.9%	1,018	7.4%	418	3.0%	475	3.5%
Waseca	19,136	18,793	2,366	12.6%	1,319	7.0%	583	3.1%	464	2.5%
Washington	238,136	256,905	24,769	9.6%	15,200	5.9%	5,548	2.2%	4,021	1.6%
Watonwan	11,211	10,839	1,551	14.3%	895	8.3%	374	3.5%	282	2.6%
Wilkin	6,576	6,343	925	14.6%	521	8.2%	232	3.7%	172	2.7%
Winona	51,461	50,769	5,632	11.1%	3,423	6.7%	1,219	2.4%	990	2.0%
Wright	124,700	134,365	15,478	11.5%	8,862	6.6%	3,644	2.7%	2,972	2.2%
Yellow Medicine	10,438	9,881	1,417	14.3%	791	8.0%	322	3.3%	304	3.1%
Minnesota	5,303,925	5,577,487	645,458	11.6%	374,569	6.7%	144,935	2.6%	125,954	2.3%

TABLE 3.06

PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2017

No. of Incidents on Record	Minnesota Residents Twin Cities Metro Area				Minnesota Residents Non- Metro Area				Total MN Residents	Non-Minnesota Residents				Total MN and Non MN Residents
	Female	Male	Not Stated	Sub- total	Female	Male	Not Stated	Sub- total		Female	Male	Not Stated	Total Non MN Residents	
1	55,925	131,070	8,116	195,111	47,675	124,577	7,206	179,458	374,569	15,687	44,914	32,268	92,869	467,438
2	15,013	55,312	1,060	71,385	13,979	58,626	945	73,550	144,935	3,183	15,074	2,594	20,851	165,786
3	5,310	27,344	227	32,881	5,208	30,794	234	36,236	69,117	917	6,575	493	7,985	77,102
4	1,875	12,573	53	14,501	1,899	14,747	70	16,716	31,217	283	2,743	130	3,156	34,373
5	605	5,386	20	6,011	630	6,209	19	6,858	12,869	91	1,119	34	1,244	14,113
6	166	2,403	2	2,571	201	3,041	11	3,253	5,824	30	479	16	525	6,349
7	92	1,245	2	1,339	96	1,574	6	1,676	3,015	4	237	7	248	3,263
8	28	675	2	705	35	862	4	901	1,606	5	121	2	128	1,734
9	12	400	1	413	19	514	1	534	947	1	69	1	71	1,018
10	6	224	1	231	7	275	0	282	513	1	43	3	47	560
11	3	150	0	153	0	161	1	162	315	0	24	2	26	341
12	2	80	0	82	2	93	0	95	177	0	21	0	21	198
13	0	60	0	60	1	56	0	57	117	1	9	0	10	127
14	0	25	0	25	0	51	1	52	77	0	3	0	3	80
15	0	29	0	29	0	27	0	27	56	0	7	0	7	63
16	0	19	1	20	0	14	0	14	34	0	1	0	1	35
17	0	11	0	11	0	16	0	16	27	0	0	0	0	27
18	0	7	0	7	0	10	0	10	17	0	0	0	0	17
19	0	2	0	2	0	5	0	5	7	0	1	1	2	9
20	0	2	0	2	0	3	0	3	5	0	0	0	0	5
21	0	3	0	3	0	3	0	3	6	0	0	0	0	6
22	0	0	0	0	0	2	0	2	2	0	0	0	0	2
23	0	1	0	1	0	0	0	0	1	0	0	0	0	1
24	0	0	0	0	0	4	0	4	4	0	0	0	0	4
25	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26	0	0	0	0	0	0	0	0	0	0	0	0	0	0
27	0	0	0	0	0	1	0	1	1	0	0	0	0	1
Totals:	79,037	237,021	9,485	325,543	69,752	241,665	8,498	319,915	645,458	20,203	71,440	35,551	127,194	772,652

Note:

(1) The above table classifies violators based on current residence, as known at the time data are compiled from the driver's license files. Residence may be inaccurate since persons with impaired driving incidents may avoid notifying the Department of Public Safety of address changes.

(2) Incidents counted may have occurred in Minnesota or elsewhere. If a person moves to Minnesota from another state and applies for a driver's license here, he or she will be included, and incidents incurred in Minnesota or elsewhere will be included.

(3) Gender is not stated for many persons. When a person applies for a driver's license, gender is entered on the record. If a person is arrested for impaired driving and does not have a driver's license, then a record is created but gender is not entered on that record.

(4) The Twin Cities metro includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

IV. IMPAIRED DRIVING RECIDIVISM IN MINNESOTA

Is it the case that a fairly small number of chronic, chemically-dependent persons account for almost all the impaired driving violations that occur in a year? Or, are most of the offenders “first-timers?” How many first-time violators are there? How many repeat violators (recidivists) are there? Among the repeat offenders, how many have one, two, three, and so on, prior violations?

It is possible to look at all the incidents, and at all persons who incurred incidents in a year based on the number of incidents *prior* to the one being counted in the year. This will produce measures of recidivism based on violators’ past histories. (Tables 4.02 and 4.03 do this.)

Age and recidivism

Recidivism measures based on past history could be misleading, though. Older violators have had much more time and opportunity to recidivate than young violators: 21% of violators in their twenties have prior incidents, compared with 33% of those in their thirties, 40% of those in their forties, 48% of those in their fifties and 51% of those 60 and older.

In the 1990’s there was a mini-population explosion among persons in their twenties — the “echo” of the baby-boom generation. This dramatic increase in the young-violator population might make it appear that first-time violators are increasing, and that recidivism is decreasing, when in fact those young first-time violators might, as the years go by, recidivate just as much as older violators have. It is possible to select cohorts of violators from past years and follow them forward in time, thus providing prospective measures of recidivism. (Tables 4.04 through 4.07 do this.)

RECIDIVISM BASED ON PAST HISTORY

To measure recidivism in terms of prior incidents, three issues require definition: (1) what is the definition of “impaired driving incident?”; (2) what is the “look-back period” over which prior incidents are counted?; and, (3) what is being counted -incidents, or the persons who commit them?

(1) Defining an incident: An incident may be defined more broadly as *either* an implied consent violation *or* an impaired driving criminal conviction, or, more narrowly, requiring that the incident include the impaired driving criminal conviction. The *ratios* of

first-time to repeat violations are similar, but there were 5,799 fewer incidents in 2017 when the narrower definition is used.

(2) Length of look-back period: Minnesota Statute defines impaired driving offenses as misdemeanors, gross misdemeanors, or felonies based in part on how many prior incidents the person had over specified lengths of time. But a person may have had incidents before the specified time periods.

Table 4.02 tabulates incidents, and Table 4.03 tabulates persons, based on prior incidents under both a lifetime look-back period and a nine-to-ten-year look-back period.^{††} The *total* numbers (of incidents or of persons) are the same, but there are higher numbers and percentages of *first-time* incidents (in Table 4.02) and of *first-time* violators (in Table 4.03) when only a nine-to-ten-year look-back period is used, compared to when a lifetime look-back period is used.

(3) Counting incidents versus counting persons: A person may incur multiple incidents in a year. Table 4.02 counts *incidents* based on the total number on the person’s record. Thus, if John Smith incurred a third incident on January 1, and a fourth on February 1, the third is counted in row 3 and the fourth is counted in row 4 of Table 4.02. Table 4.03 counts *persons* who incurred incidents. In this table, Smith is counted once, based on his last incident, in row 4.

Recidivists commit less than half of the violations

If a person arrested for a second or subsequent offense is defined as a recidivist, then, depending on other definitions, recidivists committed somewhere between 26 and 41 percent of the 2017 incidents. Under the broader definition and using a lifetime look-back period, recidivists committed 41% of the incidents (and first-time violators 59%). Under the narrower definition, and using the nine-to-ten-year look-back period, recidivists committed 26% of the incidents (and first-time violators 74%).

Taking a step back, one could say that first-time violators accounted for well over half of the impaired driving violations in 2017. Since repeat DWI offenders get so much attention, due to sometimes accumulating so many arrests and convictions, it is worthwhile to remember that, currently, the novice is the more typical offender.

violator who incurred an incident on 12-31-2008, or as long as 10 years for a violator who incurred an incident on 1-1-2008.

^{††}As an example of using a “nine-to-ten-year look-back period,” the records of all violators who incurred incidents in 2017 were examined for the period from 1-1-2008 through 12-31-2017. Thus, the look-back period could be as short as 9 years and 1 day for a

RECIDIVISM MEASURED PROSPECTIVELY AMONG VIOLATOR COHORTS

Among the 16,314 first-time violators from 2002, 37% incurred a second violation within 180 months (15 years). The recidivism rate is greatest in the first months after the first incident, and then gradually trails off as years go by: 6% incurred a second incident within the first 12 months of their first, another 6% recidivated in the second 12 months, another 5% in the third 12 months, and another 4% in the fourth 12 months. Cumulatively, 21% recidivated by four years out, 31% by eight years out, 35% by 12 years out, and 37% by 15 years out.**

Among the cohort of 6,232 violators who incurred a second incident in 2002, a higher percentage recidivate, but the pattern of higher recidivism in the early months, then declining recidivism, is similar to that of the first-timer cohort: 6% incurred a third incident within the first 12 months of their second, another 7% recidivated in the second 12 months, another 6% in the third 12 months, and another 5% in the fourth 12 months. Cumulatively, 24% recidivated by four years out, 36% by eight years out, 41% by 12 years out, and 44% by 15 years out.

Recidivism since 2002

First-, second-, and third-time violators from each year 2002-2013 (making up 36 violator cohorts, three for each of twelve years) were followed forward in time for up to 48 months. For first-time violators recidivism decreased slightly. For 2002 first-time violators 21% recidivated within 48 months, compared with 15% of year 2013 first-time violators. However, there is evidence that recidivism is declining at a higher rate when considering multiple offenders. Twenty-four percent of 2002 second-time violators recidivated within 48 months, compared to 16% of year-2013 second-time violators – an eight percentage-point drop. Finally, 21% of 2002 third-time violators recidivated within 48 months, compared to just 13% of year-2013 third-time violators - also an eight percentage-point drop.

** DWI violators may change residences frequently. To increase validity of the prospective measures of

recidivism, violators were only accepted into cohorts if they were shown to currently reside in Minnesota.

TABLE 4.01

**MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY
TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2017**

Total Incidents on Record	Age 0-19	Age 20-24	Age 25-29	Age 30-34	Age 35-39	Age 40-44	Age 45-49	Age 50-54	Age 55-59	Age 60-69	Age 70+	Total
1	790	10,751	29,585	41,474	45,794	38,388	40,827	44,167	41,405	48,735	32,653	374,569
2	42	1,474	6,916	12,841	15,629	13,718	15,588	18,004	19,729	23,466	17,528	144,935
3	0	185	1,586	4,309	6,276	6,083	7,603	9,739	11,220	13,263	8,853	69,117
4	0	35	291	1,012	1,912	2,217	3,363	4,874	5,914	7,197	4,402	31,217
5	0	3	47	214	471	723	1,288	2,130	2,689	3,282	2,022	12,869
6	0	0	14	41	142	232	506	982	1,320	1,610	977	5,824
7	0	0	0	6	36	91	279	465	726	876	536	3,015
8	0	0	0	0	17	29	131	247	393	482	307	1,606
9	0	0	0	1	4	15	49	163	236	287	192	947
10	0	0	0	0	0	10	17	78	130	180	98	513
11	0	0	0	0	0	0	19	63	82	90	61	315
12	0	0	0	0	0	0	8	30	44	66	29	177
13	0	0	0	0	0	1	3	25	19	40	29	117
14	0	0	0	0	0	1	3	10	18	25	20	77
15	0	0	0	0	0	1	4	4	14	22	11	56
16	0	0	0	0	0	0	0	4	12	10	8	34
17	0	0	0	0	0	0	0	0	9	7	11	27
18	0	0	0	0	0	0	0	2	4	5	6	17
19	0	0	0	0	0	0	0	1	3	3	0	7
20	0	0	0	0	0	0	0	1	0	3	1	5
21	0	0	0	0	0	0	0	0	1	0	5	6
22	0	0	0	0	0	0	0	0	1	1	0	2
23	0	0	0	0	0	0	0	0	1	0	0	1
24	0	0	0	0	0	0	1	0	1	2	0	4
25	0	0	0	0	0	0	0	0	0	0	0	0
26	0	0	0	0	0	0	0	0	0	0	0	0
27	0	0	0	0	0	0	0	0	0	0	1	1
Total Persons	832	12,448	38,439	59,898	70,281	61,509	69,689	80,989	83,971	99,652	67,750	645,458

TABLE 4.02

**INCIDENTS THAT OCCURRED IN MINNESOTA IN 2017
BASED ON NUMBER OF INCIDENTS ON VIOLATOR'S RECORD**

	Defining an Incident as a DWI Conviction				Defining an Incident as a DWI Conviction or Implied Consent Violation			
	No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2008-12/31/2017)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2008-12/31/2017)	
Number of Incidents on Record	Number of Incidents in 2017	% of Incidents in 2017	Number of Incidents in 2017	% of Incidents in 2017	Number of Incidents in 2017	% of Incidents in 2017	Number of Incidents in 2017	% of Incidents in 2017
1	11,651	61.12%	14,074	73.83%	14,717	59.19%	17,910	72.04%
2	4,380	22.98%	3,917	20.55%	5,616	22.59%	5,253	21.13%
3	1,786	9.37%	902	4.73%	2,504	10.07%	1,357	5.46%
4	724	3.80%	147	0.77%	1,085	4.36%	286	1.15%
5	291	1.53%	20	0.10%	513	2.06%	48	0.19%
6	105	0.55%	2	0.01%	196	0.79%	7	0.03%
7	55	0.29%	1	0.01%	95	0.38%	1	*
8	28	0.15%			49	0.20%		
9	17	0.09%			33	0.13%		
10	11	0.06%			20	0.08%		
11	5	0.03%			11	0.04%		
12	5	0.03%			4	0.02%		
13	1	0.01%			6	0.02%		
14	1	0.01%			3	0.01%		
15	2	0.01%			3	0.01%		
16					2	0.01%		
17					1	*		
18					1	*		
19					1	*		
20								
21								
22	1	0.01%						
23								
24					1	*		
25								
26								
27					1	*		
Total Incidents	19,063	100.00%	19,063	100.00%	24,862	100.00%	24,862	100.00%

* An asterisk is used for a percentage that is greater than zero but that, if shown, would round to 0.00%.

TABLE 4.03

**PERSONS WHO INCURRED INCIDENTS IN MINNESOTA IN 2017
BASED ON NUMBER OF INCIDENTS ON VIOLATOR'S RECORD**

	Defining an Incident as a DWI Conviction				Defining an Incident as a DWI Conviction or Implied Consent Violation			
	No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2008-12/31/2017)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2008-12/31/2017)	
Number of Incidents on Record	Persons who Incurred Incidents in 2017	% who Incurred Incidents in 2017	Persons who Incurred Incidents in 2017	% who Incurred Incidents in 2017	Persons who Incurred Incidents in 2017	% who Incurred Incidents in 2017	Persons who Incurred Incidents in 2017	% who Incurred Incidents in 2017
1	11,412	61.08%	13,801	73.86%	14,355	59.29%	17,470	72.16%
2	4,310	23.07%	3,843	20.57%	5,484	22.65%	5,116	21.13%
3	1,748	9.36%	873	4.67%	2,421	10.00%	1,296	5.35%
4	706	3.78%	145	0.78%	1,040	4.30%	275	1.14%
5	284	1.52%	20	0.11%	502	2.07%	46	0.19%
6	103	0.55%	2	0.01%	188	0.78%	7	0.03%
7	54	0.29%	1	0.01%	92	0.38%	1	*
8	26	0.14%			44	0.18%		
9	17	0.09%			33	0.14%		
10	10	0.05%			19	0.08%		
11	5	0.03%			11	0.05%		
12	5	0.03%			4	0.02%		
13	1	0.01%			6	0.02%		
14	1	0.01%			2	0.01%		
15	2	0.01%			3	0.01%		
16					2	0.01%		
17					1	*		
18					1	*		
19					1	*		
20								
21								
22	1	0.01%						
23								
24					1	*		
25								
26								
27					1	*		
Total Persons	18,685	100.00%	18,685	100.00%	24,211	100.00%	24,211	100.00%

* An asterisk is used for a percentage that is greater than zero but that, if shown, would round to 0.00%.

TABLE 4.04

RECIDIVISM OVER 15 YEARS AMONG COHORTS OF FIRST- AND SECOND-TIME VIOLATORS FROM 2002: CUMULATIVE PERCENT OF VIOLATORS WHO INCURRED A SUBSEQUENT (SECOND OR THIRD) VIOLATION

Months Elapsed	First- Timers	Second- Timers	Months Elapsed	First- Timers	Second- Timers	Months Elapsed	First- Timers	Second- Timers	Months Elapsed	First- Timers	Second- Timers
1	0.55	0.72	49	21.45	23.88	97	31.09	35.85	145	35.36	41.37
2	1.08	1.22	50	21.82	24.41	98	31.20	35.99	146	35.41	41.50
3	1.60	1.72	51	22.06	24.84	99	31.30	36.17	147	35.45	41.59
4	2.18	2.07	52	22.37	25.24	100	31.40	36.36	148	35.53	41.64
5	2.66	2.47	53	22.69	25.61	101	31.47	36.60	149	35.58	41.77
6	3.19	2.94	54	22.94	26.03	102	31.61	36.78	150	35.65	41.91
7	3.79	3.47	55	23.17	26.30	103	31.72	36.97	151	35.67	42.04
8	4.28	3.79	56	23.43	26.70	104	31.84	37.18	152	35.72	42.09
9	4.84	4.32	57	23.70	26.99	105	31.98	37.40	153	35.81	42.15
10	5.33	4.94	58	23.95	27.39	106	32.06	37.53	154	35.87	42.23
11	5.91	5.42	59	24.24	27.66	107	32.14	37.68	155	35.95	42.33
12	6.39	5.86	60	24.57	28.08	108	32.21	37.80	156	36.01	42.41
13	6.90	6.42	61	24.76	28.45	109	32.30	37.90	157	36.10	42.49
14	7.35	7.03	62	25.10	28.61	110	32.40	38.06	158	36.15	42.57
15	7.78	7.49	63	25.42	28.92	111	32.52	38.16	159	36.20	42.63
16	8.25	7.99	64	25.67	29.12	112	32.61	38.32	160	36.25	42.70
17	8.77	8.55	65	25.82	29.40	113	32.70	38.46	161	36.29	42.76
18	9.25	9.18	66	26.01	29.67	114	32.82	38.64	162	36.34	42.83
19	9.72	9.88	67	26.19	29.86	115	32.92	38.72	163	36.40	42.86
20	10.05	10.51	68	26.39	30.01	116	33.06	38.82	164	36.47	42.97
21	10.56	10.93	69	26.57	30.20	117	33.11	38.88	165	36.51	43.02
22	11.10	11.30	70	26.71	30.46	118	33.23	38.98	166	36.55	43.05
23	11.55	11.84	71	26.87	30.73	119	33.31	39.15	167	36.64	43.13
24	12.05	12.50	72	27.09	30.97	120	33.38	39.27	168	36.69	43.20
25	12.42	12.93	73	27.27	31.18	121	33.44	39.41	169	36.75	43.26
26	12.94	13.35	74	27.50	31.63	122	33.56	39.47	170	36.78	43.39
27	13.33	13.75	75	27.77	31.84	123	33.68	39.60	171	36.80	43.44
28	13.71	14.25	76	27.93	32.04	124	33.79	39.71	172	36.85	43.49
29	14.02	14.76	77	28.10	32.32	125	33.86	39.79	173	36.86	43.55
30	14.40	15.34	78	28.25	32.51	126	33.98	39.86	174	36.90	43.63
31	14.88	15.77	79	28.39	32.70	127	34.10	40.02	175	36.94	43.68
32	15.23	16.29	80	28.55	32.91	128	34.15	40.12	176	36.99	43.71
33	15.57	16.77	81	28.74	33.06	129	34.21	40.16	177	37.07	43.81
34	15.91	17.36	82	28.89	33.15	130	34.27	40.21	178	37.10	43.85
35	16.29	17.80	83	29.08	33.30	131	34.34	40.28	179	37.13	43.92
36	16.60	18.15	84	29.30	33.54	132	34.44	40.36	180	37.16	43.98
37	17.00	18.58	85	29.51	33.71	133	34.57	40.47	<div>Percentage not recidivating within 15 years:</div> <div> <div>First-Timers</div> <div>Second-Timers</div> <div>62.84 56.02</div> </div>		
38	17.34	18.90	86	29.63	33.89	134	34.64	40.53			
39	17.70	19.56	87	29.80	34.07	135	34.69	40.60	<div>Number persons on which percentages are based:</div> <div> <div>First-Timers</div> <div>Second-Timers</div> <div>16,314 6,232</div> </div>		
40	18.12	20.12	88	29.95	34.15	136	34.76	40.65			
41	18.52	20.60	89	30.11	34.34	137	34.87	40.68			
42	18.93	21.15	90	30.23	34.56	138	34.94	40.74			
43	19.23	21.69	91	30.37	34.76	139	34.97	40.84			
44	19.53	22.03	92	30.50	35.16	140	35.06	40.92			
45	19.93	22.29	93	30.59	35.25	141	35.12	41.03			
46	20.34	22.72	94	30.73	35.29	142	35.19	41.09			
47	20.68	23.19	95	30.85	35.45	143	35.26	41.16			
48	21.07	23.51	96	30.99	35.67	144	35.31	41.25			

TABLE 4.05

**RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 2002 - 2016:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION**

Months Elapsed	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1	0.55	0.61	0.52	0.71	0.73	0.62	0.59	0.61	0.60	0.60	0.55	0.51	0.81	0.79	0.50
2	1.08	1.12	1.17	1.30	1.22	1.18	1.19	1.17	1.30	1.13	1.10	0.99	1.33	1.40	0.97
3	1.60	1.82	1.58	1.83	1.87	1.73	1.66	1.82	1.78	1.51	1.60	1.38	1.77	1.92	1.53
4	2.18	2.35	2.10	2.40	2.37	2.16	2.09	2.26	2.23	2.03	1.93	1.76	2.20	2.36	2.04
5	2.66	2.79	2.64	2.98	2.93	2.64	2.58	2.78	2.65	2.36	2.29	2.08	2.48	2.88	2.34
6	3.19	3.32	3.17	3.48	3.40	3.12	3.21	3.20	3.02	2.77	2.64	2.44	2.78	3.28	2.71
7	3.79	4.00	3.72	4.01	3.99	3.65	3.66	3.70	3.44	3.20	2.95	2.80	3.08	3.67	3.04
8	4.28	4.46	4.35	4.70	4.45	4.12	4.15	4.04	3.88	3.62	3.30	3.15	3.36	3.92	3.35
9	4.84	4.95	4.90	5.37	4.95	4.61	4.64	4.52	4.21	4.14	3.69	3.45	3.70	4.19	3.59
10	5.33	5.41	5.39	5.90	5.41	5.18	4.99	4.94	4.77	4.44	4.18	3.76	3.98	4.62	3.90
11	5.91	5.95	5.90	6.48	5.97	5.76	5.38	5.29	5.19	4.83	4.54	4.15	4.27	4.90	4.31
12	6.39	6.37	6.48	7.13	6.52	6.28	5.80	5.73	5.71	5.27	4.98	4.57	4.63	5.24	4.70
13	6.90	6.84	6.97	7.61	7.00	6.72	6.26	6.12	6.12	5.54	5.25	4.90	4.98	5.65	
14	7.35	7.32	7.58	8.20	7.53	7.23	6.74	6.50	6.60	5.91	5.57	5.20	5.38	5.94	
15	7.78	7.89	8.13	8.71	8.08	7.71	7.11	6.87	6.99	6.33	5.94	5.55	5.75	6.32	
16	8.25	8.37	8.71	9.27	8.55	8.08	7.47	7.30	7.42	6.70	6.26	5.91	6.02	6.72	
17	8.77	8.85	9.19	9.76	9.05	8.48	7.85	7.67	7.90	7.06	6.59	6.13	6.35	7.15	
18	9.25	9.30	9.69	10.22	9.49	8.87	8.24	8.03	8.27	7.39	7.06	6.55	6.71	7.57	
19	9.72	9.70	10.25	10.69	9.91	9.28	8.58	8.38	8.64	7.73	7.46	6.90	7.03	7.98	
20	10.05	10.21	10.78	11.09	10.33	9.73	8.89	8.80	8.98	8.19	7.72	7.18	7.40	8.34	
21	10.56	10.74	11.27	11.57	10.82	10.17	9.34	9.15	9.32	8.58	8.13	7.62	7.89	8.78	
22	11.10	11.23	11.75	12.00	11.30	10.51	9.68	9.47	9.65	8.93	8.54	7.93	8.21	9.17	
23	11.55	11.68	12.28	12.49	11.84	10.83	10.06	9.85	10.00	9.34	8.84	8.30	8.52	9.43	
24	12.05	12.13	12.77	12.88	12.24	11.23	10.43	10.21	10.46	9.66	9.17	8.54	8.87	9.86	
25	12.42	12.58	13.16	13.36	12.64	11.65	10.79	10.52	10.76	9.94	9.47	8.90	9.22		
26	12.94	13.05	13.61	13.85	13.02	11.99	11.20	10.91	11.12	10.30	9.74	9.32	9.57		
27	13.33	13.51	14.04	14.33	13.37	12.32	11.52	11.33	11.45	10.62	10.04	9.67	9.92		
28	13.71	13.93	14.49	14.81	13.69	12.68	11.83	11.57	11.77	10.98	10.41	9.99	10.20		
29	14.02	14.40	14.97	15.18	14.01	13.02	12.10	11.85	12.05	11.32	10.72	10.35	10.50		
30	14.40	14.79	15.40	15.56	14.41	13.30	12.44	12.17	12.46	11.64	10.98	10.68	10.81		
31	14.88	15.26	15.84	15.96	14.81	13.63	12.72	12.45	12.89	11.96	11.30	11.02	11.12		
32	15.23	15.76	16.25	16.35	15.18	13.96	13.01	12.77	13.16	12.27	11.63	11.27	11.46		
33	15.57	16.19	16.66	16.72	15.52	14.31	13.34	13.07	13.51	12.56	12.03	11.55	11.72		
34	15.91	16.59	17.05	17.04	15.87	14.60	13.65	13.41	13.83	12.86	12.29	11.87	12.02		
35	16.29	16.95	17.52	17.46	16.23	14.97	13.95	13.71	14.13	13.11	12.66	12.10	12.26		
36	16.60	17.35	17.91	17.79	16.46	15.28	14.25	13.96	14.34	13.37	12.92	12.39	12.54		
37	17.00	17.67	18.39	18.17	16.77	15.54	14.55	14.28	14.62	13.66	13.29	12.64			
38	17.34	18.03	18.77	18.42	17.09	15.75	14.87	14.50	14.86	14.03	13.49	12.88			
39	17.70	18.43	19.10	18.82	17.36	16.05	15.12	14.81	15.12	14.31	13.73	13.13			
40	18.12	18.80	19.40	19.10	17.67	16.32	15.43	15.15	15.44	14.54	14.00	13.40			
41	18.52	19.17	19.72	19.44	17.92	16.63	15.72	15.49	15.70	14.79	14.27	13.66			
42	18.93	19.60	20.05	19.79	18.23	16.90	15.91	15.79	15.91	15.01	14.54	13.93			
43	19.23	19.98	20.45	20.10	18.48	17.19	16.16	16.05	16.14	15.24	14.75	14.16			
44	19.53	20.34	20.82	20.41	18.72	17.43	16.37	16.32	16.38	15.49	15.08	14.46			
45	19.93	20.63	21.06	20.71	18.97	17.64	16.60	16.54	16.64	15.73	15.34	14.66			
46	20.34	20.89	21.33	21.08	19.22	17.89	16.89	16.83	16.87	15.96	15.58	14.90			
47	20.68	21.17	21.64	21.35	19.39	18.10	17.11	17.02	17.06	16.17	15.77	15.09			
48	21.07	21.53	21.91	21.62	19.64	18.27	17.32	17.21	17.30	16.40	15.95	15.36			

Percentage not recidivating within 48 months

78.93 78.47 78.09 78.38 80.36 81.73 82.68 82.79 82.70 83.60 84.05 84.64

Persons in cohort (number on which percentages are based)

16,314 16,190 17,250 18,987 22,045 20,192 18,365 16,774 15,043 14,987 14,791 13,377 13,123 13,250 12,680

Average age of persons in cohort

31.3 30.9 31.1 30.8 30.5 30.9 31.5 31.7 31.9 32.1 32.2 32.2 32.7 32.6 32.6

TABLE 4.06

**RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 2002 - 2016:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION**

Months Elapsed	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1	0.72	0.80	0.55	0.73	0.62	0.60	0.65	0.69	0.65	0.64	0.60	0.59	0.75	0.97	0.69
2	1.22	1.33	1.06	1.20	1.21	1.12	1.06	1.34	1.47	1.20	1.28	1.24	1.26	1.63	0.98
3	1.72	1.80	1.73	1.78	1.71	1.60	1.59	1.96	2.11	1.71	1.80	1.87	1.81	2.41	1.55
4	2.07	2.31	2.13	2.24	2.26	2.16	1.91	2.46	2.61	2.12	2.24	2.29	2.26	2.71	1.98
5	2.47	2.73	2.64	2.73	2.86	2.62	2.32	2.83	2.95	2.52	2.47	2.70	2.82	3.18	2.19
6	2.94	3.19	3.17	3.16	3.18	3.09	2.67	3.14	3.57	2.84	2.80	3.04	3.33	3.53	2.51
7	3.47	3.56	3.64	3.64	3.65	3.52	2.95	3.48	3.96	3.24	3.03	3.32	3.57	4.02	2.76
8	3.79	3.92	4.30	4.13	4.08	4.07	3.35	3.94	4.48	3.66	3.38	3.62	4.08	4.43	3.09
9	4.32	4.50	4.72	4.74	4.56	4.62	3.69	4.42	4.98	4.06	3.71	3.82	4.34	4.78	3.51
10	4.94	5.11	5.15	5.23	5.21	5.19	4.19	4.82	5.26	4.49	4.12	4.05	4.59	5.10	3.87
11	5.42	5.63	5.66	5.81	5.72	5.51	4.68	5.29	5.58	4.77	4.34	4.30	4.89	5.38	4.18
12	5.86	6.24	6.21	6.41	6.28	6.10	5.23	5.71	6.12	5.09	4.59	4.62	5.13	5.72	4.43
13	6.42	6.71	6.76	6.97	6.77	6.64	5.75	6.24	6.46	5.48	4.84	4.85	5.47	6.05	
14	7.03	7.19	7.44	7.68	7.25	7.19	6.21	6.70	6.75	5.80	5.20	5.10	5.79	6.34	
15	7.49	7.80	7.99	8.27	7.80	7.74	6.67	6.96	6.94	6.13	5.45	5.29	6.15	6.67	
16	7.99	8.30	8.45	8.84	8.36	8.15	7.07	7.32	7.18	6.42	5.66	5.58	6.53	6.90	
17	8.55	8.81	9.08	9.34	8.91	8.69	7.52	7.61	7.48	6.74	5.88	5.84	6.92	7.12	
18	9.18	9.38	9.76	10.03	9.40	9.18	8.03	8.06	7.88	6.99	6.13	6.07	7.28	7.31	
19	9.88	9.95	10.29	10.37	9.84	9.76	8.37	8.57	8.30	7.44	6.51	6.41	7.54	7.57	
20	10.51	10.53	10.85	10.83	10.45	10.19	8.95	9.01	8.75	7.76	6.91	6.68	7.88	7.89	
21	10.93	11.01	11.36	11.36	10.87	10.77	9.34	9.45	9.11	8.10	7.20	7.00	8.22	8.30	
22	11.30	11.59	11.88	11.99	11.33	11.21	9.78	9.84	9.59	8.50	7.53	7.28	8.50	8.58	
23	11.84	12.30	12.51	12.42	11.78	11.73	10.36	10.24	10.11	8.89	7.65	7.67	8.75	8.84	
24	12.50	12.73	13.18	12.90	12.32	12.16	10.67	10.70	10.52	9.21	8.10	7.92	8.97	9.08	
25	12.93	13.24	13.80	13.47	12.76	12.48	11.05	11.14	10.90	9.61	8.49	8.22	9.40		
26	13.35	13.76	14.24	14.03	13.37	12.90	11.64	11.61	11.41	9.89	8.86	8.56	9.69		
27	13.75	14.40	14.83	14.49	13.87	13.45	12.05	11.98	11.73	10.25	9.34	8.90	10.08		
28	14.25	15.06	15.38	14.95	14.33	13.72	12.50	12.46	12.39	10.70	9.75	9.22	10.29		
29	14.76	15.46	15.90	15.50	14.78	14.11	12.81	12.88	12.91	10.99	10.05	9.52	10.72		
30	15.34	16.07	16.38	16.10	15.18	14.43	13.10	13.24	13.22	11.35	10.35	9.88	10.96		
31	15.77	16.65	16.84	16.52	15.51	14.75	13.35	13.51	13.63	11.71	10.75	10.25	11.28		
32	16.29	17.18	17.38	17.07	15.79	15.16	13.72	13.87	13.99	12.09	11.28	10.55	11.49		
33	16.77	17.69	17.80	17.48	16.20	15.64	13.99	14.13	14.32	12.49	11.77	11.03	11.85		
34	17.36	18.09	18.36	17.96	16.64	15.98	14.34	14.44	14.69	12.89	12.12	11.21	12.13		
35	17.80	18.73	18.77	18.27	17.09	16.31	14.67	14.90	15.07	13.33	12.55	11.60	12.49		
36	18.15	19.18	19.01	18.76	17.51	16.60	15.02	15.29	15.39	13.61	12.93	11.94	12.79		
37	18.58	19.51	19.47	19.22	17.88	17.06	15.51	15.51	15.73	13.99	13.20	12.26			
38	18.90	19.91	19.93	19.53	18.26	17.42	16.05	15.93	16.04	14.32	13.71	12.59			
39	19.56	20.45	20.32	19.83	18.56	17.79	16.48	16.33	16.46	14.66	14.08	13.02			
40	20.12	20.98	20.62	20.20	18.93	18.27	16.84	16.75	16.89	15.06	14.42	13.39			
41	20.60	21.35	21.04	20.60	19.33	18.51	17.25	17.06	17.27	15.35	14.59	13.71			
42	21.15	21.66	21.41	20.98	19.72	18.98	17.61	17.36	17.62	15.75	14.85	13.96			
43	21.69	22.09	21.75	21.47	20.12	19.27	17.93	17.64	17.94	16.02	15.09	14.17			
44	22.03	22.49	22.08	21.79	20.52	19.62	18.18	18.05	18.22	16.40	15.42	14.46			
45	22.29	22.81	22.39	22.05	20.81	19.90	18.42	18.40	18.41	16.56	15.66	14.83			
46	22.72	23.25	22.87	22.45	21.16	20.04	18.73	18.64	18.59	16.85	15.96	15.26			
47	23.19	23.57	23.13	22.72	21.41	20.43	18.96	18.83	18.87	17.18	16.24	15.51			
48	23.51	24.00	23.51	22.88	21.74	20.73	19.24	19.19	19.03	17.61	16.63	15.93			
Percent not recidivating within 48 months															
	76.49	76.00	76.49	77.12	78.26	79.27	80.76	80.81	80.97	82.39	83.37	84.07			
Persons in cohort (number on which percentages are based)															
	6,232	6,229	6,698	7,149	8,184	7,789	7,422	6,951	6,311	6,262	6,039	5,630	5,317	5,351	5,215
Average age of persons in cohort															
	34.3	34.1	34.4	34.3	33.8	34.3	34.3	34.7	35.3	35.4	35.7	35.9	36.3	36.2	36.2

TABLE 4.07

**RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 2002 – 2016:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION**

Months Elapsed	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1	0.58	0.62	0.39	0.87	0.53	0.77	0.70	0.78	0.83	0.71	0.55	0.65	0.70	1.05	0.98
2	1.23	1.18	0.82	1.28	1.40	1.61	1.19	1.28	1.37	1.28	0.95	1.09	1.44	1.63	1.49
3	1.81	1.80	1.35	1.62	1.96	1.93	1.93	1.97	2.20	1.65	1.49	1.74	2.15	2.14	1.66
4	2.12	2.26	1.81	2.21	2.51	2.47	2.33	2.82	2.47	1.95	1.93	1.90	2.38	2.61	2.17
5	2.63	2.67	2.33	2.71	2.96	2.79	2.69	3.20	2.90	2.22	2.55	2.26	2.81	2.92	2.55
6	3.28	3.05	2.66	3.09	3.35	3.54	3.21	3.70	3.34	2.59	2.73	2.58	3.28	3.38	2.93
7	3.55	3.33	2.92	3.46	4.05	4.13	3.40	3.98	3.54	2.96	3.13	2.99	3.71	3.54	3.28
8	3.93	3.71	3.29	3.71	4.30	4.64	3.70	4.45	3.80	3.36	3.42	3.39	3.83	3.77	3.49
9	4.40	4.27	3.61	4.09	4.95	4.90	4.04	4.83	4.14	3.69	3.71	3.63	4.14	4.16	3.87
10	4.75	4.72	4.14	4.80	5.36	5.50	4.65	5.23	4.47	3.90	3.93	3.95	4.37	4.55	4.00
11	5.05	5.00	4.53	5.18	5.78	5.83	5.08	5.61	4.87	4.13	4.33	4.24	4.57	4.82	4.13
12	5.29	5.35	5.16	5.61	6.06	6.24	5.32	5.92	5.14	4.40	4.44	4.44	4.96	5.06	4.30
13	5.74	5.87	5.55	6.24	6.29	6.51	5.69	6.24	5.57	4.63	4.62	4.68	5.19	5.37	
14	6.11	6.21	5.78	6.58	6.68	6.93	6.06	6.42	6.01	5.07	4.73	4.92	5.54	5.60	
15	6.83	6.59	6.24	6.99	7.12	7.34	6.27	6.80	6.31	5.27	5.10	5.21	5.82	5.80	
16	7.14	7.12	6.67	7.39	7.46	7.70	6.67	7.27	6.51	5.51	5.35	5.49	6.13	6.18	
17	7.78	7.57	7.10	7.74	7.96	8.03	7.07	7.55	6.71	5.84	5.64	5.77	6.36	6.42	
18	8.33	7.91	7.49	7.99	8.55	8.35	7.34	7.99	7.04	6.25	5.97	6.01	6.79	6.53	
19	8.84	8.40	8.15	8.27	8.97	8.80	7.68	8.24	7.37	6.45	6.15	6.50	6.99	6.73	
20	9.56	8.96	8.58	8.70	9.44	9.51	8.26	8.62	7.51	6.85	6.37	6.78	7.30	7.12	
21	9.97	9.55	9.17	9.30	9.81	9.90	8.69	8.96	8.17	7.05	6.74	7.02	7.54	7.39	
22	10.41	9.82	9.50	9.54	10.14	10.32	8.90	9.28	8.54	7.35	7.17	7.26	7.65	7.70	
23	11.06	10.38	10.02	10.01	10.56	10.85	9.24	9.97	8.91	7.62	7.28	7.51	7.81	8.01	
24	11.51	10.83	10.61	10.42	10.90	11.24	9.61	10.34	9.18	7.92	7.68	7.75	8.12	8.13	
25	11.78	11.42	10.94	10.89	11.34	11.59	9.85	10.72	9.54	8.03	7.87	7.95	8.43		
26	12.50	12.04	11.24	11.29	11.71	11.95	10.43	11.00	9.94	8.39	8.05	8.11	8.71		
27	13.04	12.50	11.80	11.85	12.04	12.46	10.83	11.28	10.38	8.56	8.34	8.39	9.02		
28	13.45	12.95	12.32	12.26	12.32	12.93	11.17	11.66	10.74	9.00	8.67	8.60	9.33		
29	13.86	13.43	12.72	12.69	12.46	13.38	11.44	11.85	10.98	9.20	8.99	8.88	9.53		
30	14.34	13.88	13.05	13.19	12.74	13.82	11.69	12.16	11.31	9.57	9.25	9.16	9.76		
31	14.71	14.30	13.54	13.66	13.05	14.21	12.00	12.47	11.48	9.81	9.32	9.48	9.96		
32	15.12	14.65	13.93	14.04	13.47	14.57	12.36	12.79	11.88	10.17	9.61	9.85	10.35		
33	15.60	15.10	14.56	14.32	14.05	14.92	12.67	13.01	12.21	10.48	9.98	10.09	10.43		
34	15.94	15.55	14.79	14.47	14.28	15.31	13.00	13.29	12.41	10.91	10.23	10.29	10.54		
35	16.29	15.83	15.05	14.78	14.59	15.58	13.37	13.79	12.71	11.05	10.60	10.49	10.70		
36	16.46	16.07	15.31	15.00	15.00	15.84	13.53	14.07	12.91	11.35	10.74	10.65	10.97		
37	16.87	16.45	15.64	15.28	15.31	16.29	13.83	14.38	13.31	11.45	11.18	10.94			
38	17.21	16.80	16.27	15.60	15.67	16.56	14.11	14.85	13.51	11.95	11.40	11.14			
39	17.69	17.39	16.63	16.06	16.07	16.85	14.53	15.20	13.71	12.16	11.54	11.38			
40	17.79	17.63	16.89	16.50	16.46	17.00	14.81	15.29	14.01	12.29	11.69	11.50			
41	18.27	18.05	17.19	16.75	16.74	17.30	15.09	15.64	14.15	12.39	11.84	11.86			
42	18.74	18.57	17.42	17.19	17.18	17.48	15.39	15.83	14.51	12.66	11.98	11.99			
43	19.02	18.99	17.78	17.59	17.46	17.90	15.51	16.17	14.85	12.89	12.38	12.35			
44	19.29	19.37	18.14	18.00	17.71	18.13	15.91	16.42	15.02	13.16	12.64	12.75			
45	19.60	19.75	18.60	18.43	17.80	18.46	16.06	16.92	15.32	13.50	12.67	12.95			
46	20.11	20.20	18.80	18.87	18.16	18.79	16.34	17.14	15.78	13.70	12.96	13.16			
47	20.59	20.51	19.16	19.18	18.44	19.05	16.55	17.33	16.12	14.04	13.22	13.32			
48	20.86	20.83	19.32	19.34	18.66	19.35	16.77	17.55	16.42	14.17	13.40	13.48			
Percent not recidivating within 48 months															
	79.14	79.17	80.68	80.66	81.34	80.65	83.23	82.45	83.58	85.83	86.60	86.52			
Persons in cohort (number on which percentages are based)															
	2,929	2,881	3,043	3,206	3,579	3,364	3,268	3,191	2,997	2,978	2,746	2,478	2,561	2,571	2,351
Average age of persons in cohort															
	37.5	37.6	37.8	37.4	37.8	37.6	37.7	38.2	38.8	38.8	38.7	39.2	39.5	39.6	39.8

V. ALCOHOL-RELATED CRASH STATISTICS

A century of impaired driving and traffic deaths

The automobile was invented around 1900, and the dangers of drinking and driving were recognized immediately. The earliest available statistics report 23 traffic deaths in Minnesota in 1910. The state enacted its first DWI law in 1911. As the baby-boom generation entered driving age in the 1960's, more than half (60%) of all traffic deaths were due to drinking and driving. It began decreasing around 1980, in response to increased societal consciousness and to legislation and programs modeled in some part on the Scandinavian countries' tough approach to drinking and driving.

Defining a traffic crash

Minnesota started systematic record-keeping on traffic crashes in the 1930s. A 1939 law defined the reporting threshold: Any crash involving a fatality, an injury, or property damage of \$50 or more, had to be reported. The dollar minimum threshold was raised to \$100 in 1965, then to \$300 on August 1, 1977, \$500 on August 1, 1981, and \$1,000 on August 1, 1994.

Though it is not the normal case, the property damage involved doesn't have to be to vehicles. It might be to a road sign, or shrubbery, for example. It is unknown how many crashes occur that should be reported, but are not. Less severe crashes are easier to conceal and it is not difficult to speculate that there may be as many crashes that are not reported, but should be.

Defining "alcohol-related"

This section uses a broader definition of "alcohol-related" than might at first be assumed. In particular, an "alcohol-related" crash might *not* have involved a drunk driver. The definition used here is that if a pedestrian, bicyclist, or motor vehicle driver had *any* alcohol,^{§§} then the crash is classified as "alcohol-

related," and anyone who died or got injured in the crash is counted as an alcohol-related death or injury. So, if a pedestrian with only a 0.01% alcohol concentration stumbles in front of a sober driver and is struck and killed, the crash is defined to be alcohol-related, and the death is an alcohol-related traffic fatality. Such cases are not the rule, however. Most crashes classified as alcohol-related do involve motor vehicle drivers who consumed enough alcohol to be legally intoxicated.

Defining "impaired-related"

This section also uses a strict definition of "alcohol-related" when a fatal crash occurs. In particular, a fatal crash and any resulting fatalities will be classified as "impaired-related" when at least one driver or pedestrian in that particular crash tested positive for alcohol at the 0.08% legal limit or above. Note that Tables 5.02 and 5.03 in this Section use both of these definitions.

Defining "drunk driving-related"

The term "drunk driving-related" is a more restrictive term than "alcohol-related." A crash is classified as "drunk driving-related" if a motor vehicle driver in a fatal crash tested positive for alcohol at the 0.08% level or above. Pedestrians, bicyclists and officer perception are not included. Once a crash is so classified, every fatality in the crash is classified as drunk-driving related.

'Known' alcohol-involved crashes

State law requires a medical examiner to measure the alcohol content of any driver or pedestrian aged 16 or older who dies within four hours of a crash. Among the states, Minnesota has one of the highest (sometimes the highest) percentage of killed drivers tested. We make great effort to obtain these test results, as well as the results on all surviving drivers, bicyclists and pedestrians in fatal crashes that may have been tested.

Clearly, if a state tests a smaller percentage of drivers, then fewer crashes will be classified as "alcohol-related" or "impaired-related. Thus, states that have good impaired-driving programs, and good testing programs, may appear to have higher alcohol-related death rates than states with lesser programs.

^{§§} To be precise, the following procedure is used: If an alcohol test result is positive for any driver, bicyclist, or pedestrian, the crash is classified as alcohol-related. If a test was not performed, but the reporting officer noted a suspicion of alcohol use or perception of the "apparent physical condition" of the driver, pedestrian, or bicyclist to be "had

been drinking" or "under the influence," then the crash is classified as alcohol-related. In the (rare) event that there is a conflict between the officer's reported perception and the chemical test result; the test result is used in place of the officer's perception.

Non-fatal crashes likely understated for alcohol

The numbers cited in this section for alcohol-related non-fatal crashes are known to understate the true parameters for such crashes. For non-fatal crashes, the officer's judgment, noted on the crash report, is the only basis available to classify the crash as alcohol-related or not.

To test the effect of using only officer perception compared to also having test result data available, fatal crashes in 2017 were classified as alcohol-related or not using both techniques. Using officer perception alone, 92 (26%) of the 358 fatalities were classified as alcohol-related. Using officer perception and test results together, 113 (32%) of the 358 fatalities were classified as alcohol-related. This represents a 7% decrease from 2016 when 121 of the 392 fatalities were classified as alcohol-related.***

General crash trends

The number of crashes that are reported has been declining in recent years, from over 100,000 in year 2000, to about 78,000 in 2017. About one-half of one percent of all reported crashes are fatal, causing death to one or more persons and perhaps injury to other persons as well. About a quarter of all crashes involve injuries to people, but no deaths. The great majority of crashes – about three-quarters - only involve property damage; no one is killed or injured.

Impairment likely as crash severity increases

Even allowing that alcohol involvement is underestimated in the less severe crashes, there is still a strong relationship between crash severity and impairment. In 2017, 5% of property damage crashes, 8% of injury crashes, and 26% of fatal crashes were classified as alcohol-related.

Cost of alcohol-related traffic crashes

Cost figures reported are based on the estimated costs of traffic crashes, deaths, and injuries, as provided annually by the National Safety Council.

There are two approaches to estimating traffic crash costs. The one used here attempts to quantify the direct economic costs. As explained by the National Safety Council, it has five components: “(1) wage and productivity losses, including wages, fringe benefits, household production; (2) medical expenses; (3) administrative expenses, including insurance, police, and legal costs; (4) motor vehicle damage; and, (5) employer costs for crashes involving workers.”†††

*** It would not necessarily be correct, however, to conclude that if alcohol test data were also available for non-fatal crashes, then there would be a comparable increase in the proportion of those crashes that are classified as alcohol-related. That could be so; however, reporting and record-keeping are handled differently for fatal and non-fatal

Using this approach, for example, the National Safety Council estimates costs for the 2017 calendar year as follows (Note: beginning in 2015, PDO crashes were calculated by the NSC on cost per vehicle. Before 2015, PDO crashes were calculated on cost per crash and included non-disabling injuries.):

Death	\$1,542,000
Incapacitating (A) Injury	\$90,000
Non-incapacitating (B) Injury.....	\$26,000
Possible (C) Injury.....	\$21,400
Property Damage Vehicle.....	\$4,200

The other approach estimates the “comprehensive costs” and attempts to include “a measure of the value of lost quality of life associated with the deaths and injuries, that is, what society is willing to pay to prevent them.”††† Using that approach yields the following cost estimates for the 2017 year per injured person:

Death	\$10,082,000
Incapacitating (A) Injury	\$1,103,000
Non-incapacitating (B) Injury.....	\$304,000
Possible (C) Injury.....	\$141,000
No Injury	\$46,600

Table 5.05 uses the more narrowly defined estimates based just on economic costs. The cost estimates are quite conservative in other respects as well: First, they make no effort to include the costs of crashes that were reported, but not classified as alcohol-related, even though they were. As noted, the number of crashes classified as alcohol-related is certain to understate the true number. Second, the cost estimates make no attempt to include costs from alcohol-related crashes that were never reported at all.

In a particular crash, when there is evidence that at least one driver or pedestrian tested positive for alcohol at the 0.08% level or above, then fatalities that occur in that crash will be classified as “impaired-related”. Using “impaired-related” fatalities, the estimated cost of alcohol involved crashes in 2017 was: \$232,968,000.

Now, if there is evidence that at least one driver or pedestrian in a crash had “any” alcohol in their systems, then fatalities that occur will be classified as “alcohol-related”. Using “alcohol-related” fatalities, the estimated cost of alcohol involved crashes in 2017 was: \$277,686,000.

crashes. Thus, the statistical patterns may not be similar for fatal and non-fatal crashes.

††† National Safety Council: *www.nsc.org*, 2017: *Estimating the Cost of Unintentional Injuries*.

††† Ibid

TABLE 5.01

MINNESOTA TRAFFIC FATALITIES, 1910 - 2017

Year	Number	Year	Number	Year	Number	Year	Number	Year	Number
1910	23	1935	596	1960	724	1985	610	2010	411
1911	26	1936	649	1961	724	1986	572	2011	368
1912	39	1937	630	1962	692	1987	530	2012	395
1913	46	1938	609	1963	798	1988	615	2013	387
1914	88	1939	576	1964	841	1989	605	2014	361
1915	85	1940	577	1965	875	1990	568	2015	411
1916	143	1941	626	1966	977	1991	531	2016	392
1917	161	1942	439	1967	965	1992	581	2017	358
1918	183	1943	274	1968	1,060	1993	538		
1919	171	1944	356	1969	988	1994	644		
1920	178	1945	449	1970	987	1995	597		
1921	216	1946	536	1971	1,024	1996	576		
1922	260	1947	572	1972	1,031	1997	600		
1923	328	1948	552	1973	1,024	1998	650		
1924	366	1949	540	1974	852	1999	626		
1925	361	1950	532	1975	777	2000	625		
1926	326	1951	610	1976	809	2001	568		
1927	369	1952	534	1977	856	2002	657		
1928	435	1953	637	1978	980	2003	655		
1929	505	1954	639	1979	881	2004	567		
1930	561	1955	577	1980	863	2005	559		
1931	622	1956	637	1981	763	2006	494		
1932	486	1957	684	1982	581	2007	510		
1933	525	1958	708	1983	558	2008	455		
1934	641	1959	662	1984	584	2009	421		

Figure 5.01

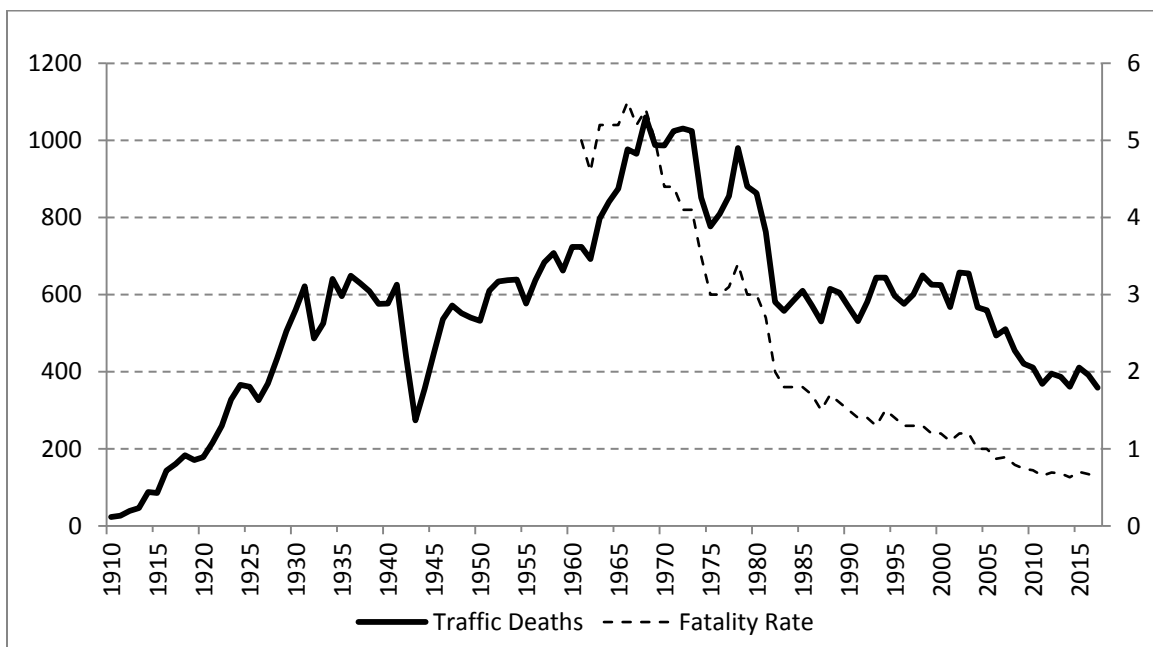
**Minnesota Traffic Fatalities, 1910 - 2017, and
Fatality Rates Per 100 Million Vehicle Miles Traveled, 1961 - 2017**

TABLE 5.02

OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1998 - 2017

<u>Year</u>	<u>Total</u>	<u>Total</u>	<u>Licensed</u>	<u>Reg.</u>	<u>State</u>	<u>Miles</u>	<u>Fatality</u>	<u>DWI</u>	<u>Deaths</u>	<u>Deaths</u>	<u>Deaths</u>	<u>Deaths</u>	<u>Deaths</u>	<u>Deaths</u>
(1)	<u>Crashes</u>	<u>Deaths</u>	<u>Drivers</u>	<u>Vehicles</u>	<u>Popu-</u>	<u>Traveled</u>	<u>Rate</u>	<u>Arrests</u>	<u>'Any'</u>	<u>% of</u>	<u>.08% +</u>	<u>% of</u>	<u>(.08%+</u>	<u>% of</u>
	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	Col (3)	Alcohol	Col (3)	Alcohol	Col (3)
1998	92,926	650	3.53	3.90	4,735,830	48.5	1.34	32,429	273	42%	222	34%	206	32%
1999	96,813	626	3.54	3.92	4,775,508	50.7	1.24	34,569	195	31%	156	25%	147	24%
2000	103,591	625	3.65	4.20	4,919,479	52.4	1.19	35,018	245	39%	212	34%	203	33%
2001	98,984	568	3.69	4.38	4,977,976	53.2	1.07	33,546	211	37%	167	29%	157	28%
2002	94,969	657	3.76	4.49	5,033,661	54.4	1.21	33,160	239	36%	185	28%	174	27%
2003	n/a	655	3.79	4.56	5,088,006	55.4	1.18	32,355	255	39%	205	31%	196	30%
2004	91,274	567	3.85	4.63	5,145,106	56.5	1.00	34,359	177	31%	155	27%	143	25%
2005	87,813	559	3.87	4.69	5,205,091	56.5	0.99	37,078	197	35%	164	29%	150	27%
2006	78,745	494	3.87	4.76	5,231,106	56.6	0.87	42,007	166	34%	141	29%	134	27%
2007	81,505	510	3.91	4.82	5,263,493	57.4	0.89	38,765	190	37%	170	33%	164	32%
2008	79,095	455	3.94	4.86	5,287,976	57.3	0.79	35,869	163	36%	137	30%	129	28%
2009	73,498	421	3.95	4.87	5,300,942	56.9	0.74	32,995	141	34%	112	27%	101	24%
2010	74,073	411	4.00	4.92	5,303,925	56.8	0.72	30,099	131	32%	121	29%	112	27%
2011	72,117	368	4.01	4.98	5,332,246	56.7	0.65	29,504	136	37%	111	30%	103	28%
2012	69,236	395	4.04	5.02	5,379,139	57.0	0.69	28,658	131	33%	104	26%	95	24%
2013	77,707	387	4.07	5.09	5,401,186	57.0	0.68	26,032	117	30%	95	25%	81	21%
2014	78,396	361	4.12	5.14	5,457,173	57.0	0.63	25,386	111	31%	91	25%	88	24%
2015	74,772	411	4.12	5.45	5,453,218	59.1*	0.70	25,027	137	33%	107	26%	95	23%
2016	79,069	392	4.16	5.23	5,528,630	58.9	0.67	24,059	121	31%	90	23%	73	19%
2017	78,465	358	4.18	5.23	5,577,487	57.2	0.63	24,862	113	32%	84	23%	72	20%

*2015 vehicle miles traveled are provided by Minnesota Department of Transportation and estimated using a 3% growth rate calculated from continuous count location data.

Note: Column (10) lists the number of alcohol-related deaths resulting from fatal crashes where at least one driver, pedestrian or bicyclist was suspected to be drinking or tested positive for alcohol at the 0.01% level or above. Column (12) lists the number of impaired-related deaths resulting from fatal crashes where at least one driver, pedestrian or bicyclist tested positive for alcohol at the 0.08% level or above. Column (14) lists the number of drunk driving-related deaths resulting from fatal crashes where at least one driver tested positive for alcohol at the 0.08% level or above.

TABLE 5.03

TRAFFIC CRASHES, FATALITIES, AND INJURIES - TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2017

COUNTY (1)	FATAL TRAFFIC CRASHES			INJURY TRAFFIC CRASHES			TRAFFIC CRASHES WITH PROPERTY DAMAGE ONLY			TOTAL CRASHES			PERSONS KILLED			PERSONS INJURED		
	All (2)	.08% + Alc (3)	% Alc (4)	All (5)	Alco- hol (6)	% Alc (7)	All (8)	Alco- hol (9)	% Alc (10)	All (11)	Alco- hol (12)	% Alc (13)	All (14)	.08+ Alc (15)	% Alc (16)	All (17)	Alco- hol (18)	% Alc (19)
Aitkin	3	0	0.0	51	10	19.6	114	9	7.9	168	19	11.3	3	0	0.0	74	11	14.9
Anoka	16	2	12.5	1,196	95	7.9	2,615	135	5.2	3,827	232	6.1	17	2	11.8	1,644	130	7.9
Becker	5	1	20.0	99	12	12.1	219	23	10.5	323	36	11.1	5	1	20.0	143	17	11.9
Beltrami	4	1	25.0	119	17	14.3	267	13	4.9	390	31	7.9	4	1	25.0	202	26	12.9
Benton	8	1	12.5	148	8	5.4	412	15	3.6	568	24	4.2	9	1	11.1	219	15	6.8
Big Stone	1	0	0.0	10	3	30.0	16	1	6.3	27	4	14.8	1	0	0.0	11	4	36.4
Blue Earth	7	2	28.6	260	19	7.3	681	37	5.4	948	58	6.1	7	2	28.6	361	22	6.1
Brown	2	0	0.0	84	9	10.7	199	6	3.0	285	15	5.3	2	0	0.0	121	15	12.4
Carlton	6	1	16.7	118	8	6.8	263	15	5.7	387	24	6.2	6	1	16.7	168	9	5.4
Carver	1	0	0.0	274	17	6.2	826	47	5.7	1,101	64	5.8	1	0	0.0	408	21	5.1
Cass	6	1	16.7	102	12	11.8	183	15	8.2	291	28	9.6	6	1	16.7	158	15	9.5
Chippewa	0	0	0.0	26	4	15.4	69	1	1.4	95	5	5.3	0	0	0.0	36	5	13.9
Chisago	8	2	25.0	159	18	11.3	447	30	6.7	614	50	8.1	8	2	25.0	228	25	11.0
Clay	3	0	0.0	160	18	11.3	402	21	5.2	565	39	6.9	4	0	0.0	195	21	10.8
Clearwater	2	1	50.0	16	3	18.8	34	1	2.9	52	5	9.6	2	1	50.0	17	4	23.5
Cook	0	0	0.0	25	7	28.0	54	4	7.4	79	11	13.9	0	0	0.0	49	16	32.7
Cottonwood	2	1	50.0	35	1	2.9	62	4	6.5	99	6	6.1	2	1	50.0	48	1	2.1
Crow Wing	3	0	0.0	268	22	8.2	571	32	5.6	842	54	6.4	3	0	0.0	361	31	8.6
Dakota	11	2	18.2	1,496	99	6.6	4,506	188	4.2	6,013	289	4.8	11	2	18.2	2,065	134	6.5
Dodge	1	0	0.0	40	8	20.0	106	8	7.5	147	16	10.9	1	0	0.0	58	12	20.7
Douglas	7	2	28.6	149	13	8.7	303	15	5.0	459	30	6.5	7	2	28.6	203	17	8.4
Faribault	1	0	0.0	38	6	15.8	85	7	8.2	124	13	10.5	1	0	0.0	54	7	13.0
Fillmore	1	0	0.0	39	6	15.4	104	3	2.9	144	9	6.3	1	0	0.0	51	7	13.7
Freeborn	3	1	33.3	114	6	5.3	301	12	4.0	418	19	4.5	3	1	33.3	151	8	5.3
Goodhue	4	0	0.0	181	6	3.3	567	20	3.5	752	26	3.5	5	0	0.0	248	6	2.4
Grant	3	1	33.3	14	1	7.1	46	2	4.3	63	4	6.3	3	1	33.3	18	1	5.6
Hennepin	43	15	34.9	6,473	413	6.4	17,953	702	3.9	24,469	1,130	4.6	45	16	35.6	8,724	565	6.5
Houston	3	0	0.0	40	4	10.0	71	6	8.5	114	10	8.8	3	0	0.0	51	4	7.8
Hubbard	1	0	0.0	65	16	24.6	130	12	9.2	196	28	14.3	1	0	0.0	83	17	20.5
Isanti	3	1	33.3	137	13	9.5	258	17	6.6	398	31	7.8	3	1	33.3	194	23	11.9
Itasca	5	2	40.0	134	14	10.4	383	24	6.3	522	40	7.7	5	2	40.0	206	27	13.1
Jackson	0	0	0.0	38	4	10.5	58	1	1.7	96	5	5.2	0	0	0.0	53	4	7.5
Kanabec	2	0	0.0	34	2	5.9	75	5	6.7	111	7	6.3	2	0	0.0	41	4	9.8
Kandiyohi	1	0	0.0	169	17	10.1	456	22	4.8	626	39	6.2	1	0	0.0	241	25	10.4
Kittson	0	0	0.0	9	2	22.2	5	1	20.0	14	3	21.4	0	0	0.0	11	2	18.2
Koochiching	1	1	100.0	26	7	26.9	44	5	11.4	71	13	18.3	1	1	100.0	39	7	17.9
Lac Qui Parle	0	0	0.0	9	0	0.0	15	1	6.7	24	1	4.2	0	0	0.0	12	0	0.0
Lake	4	0	0.0	37	3	8.1	78	4	5.1	119	7	5.9	4	0	0.0	54	3	5.6
Lake of the Woods	1	1	100.0	7	2	28.6	4	0	0.0	12	3	25.0	1	1	100.0	11	2	18.2
Le Sueur	3	1	33.3	83	10	12.0	166	16	9.6	252	27	10.7	3	1	33.3	114	15	13.2
Lincoln	0	0	0.0	12	2	16.7	15	1	6.7	27	3	11.1	0	0	0.0	15	3	20.0
Lyon	2	0	0.0	66	8	12.1	171	6	3.5	239	14	5.9	3	0	0.0	106	16	15.1
McLeod	3	1	33.3	128	14	10.9	318	19	6.0	449	34	7.6	3	1	33.3	174	17	9.8
Mahnomen	0	0	0.0	21	5	23.8	21	1	4.8	42	6	14.3	0	0	0.0	28	8	28.6
Marshall	0	0	0.0	12	1	8.3	28	2	7.1	40	3	7.5	0	0	0.0	15	1	6.7
Martin	3	1	33.3	63	7	11.1	154	4	2.6	220	12	5.5	3	1	33.3	110	13	11.8
Meeker	2	1	50.0	69	7	10.1	127	6	4.7	198	14	7.1	2	1	50.0	104	9	8.7
Mille Lacs	3	1	33.3	95	14	14.7	155	9	5.8	253	24	9.5	3	1	33.3	138	17	12.3
Morrison	4	2	50.0	104	12	11.5	178	9	5.1	286	23	8.0	4	2	50.0	149	16	10.7
Mower	2	0	0.0	109	7	6.4	349	14	4.0	460	21	4.6	2	0	0.0	149	9	6.0
Murray	0	0	0.0	27	5	18.5	25	0	0.0	52	5	9.6	0	0	0.0	40	5	12.5
Nicollet	0	0	0.0	107	7	6.5	313	15	4.8	420	22	5.2	0	0	0.0	163	8	4.9
Nobles	0	0	0.0	79	9	11.4	215	5	2.3	294	14	4.8	0	0	0.0	104	10	9.6
Norman	0	0	0.0	13	0	0.0	26	0	0.0	39	0	0.0	0	0	0.0	21	0	0.0

TABLE 5.03 (Continued)

TRAFFIC CRASHES, FATALITIES, AND INJURIES - TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2017

COUNTY (1)	FATAL TRAFFIC CRASHES			INJURY TRAFFIC CRASHES			TRAFFIC CRASHES WITH PROPERTY DAMAGE ONLY			TOTAL CRASHES			PERSONS KILLED			PERSONS INJURED		
	All (2)	.08% + Alc (3)	% Alc (4)	All (5)	Alco- hol (6)	% Alc (7)	All (8)	Alco- hol (9)	% Alc (10)	All (11)	Alco- hol (12)	% Alc (13)	All (14)	.08% + Alc (15)	% Alc (16)	All (17)	Alco- hol (18)	% Alc (19)
Olmsted	6	3	50.0	657	43	6.5	1,584	66	4.2	2,247	112	5.0	6	3	50.0	917	56	6.1
Otter Tail	6	1	16.7	204	20	9.8	470	35	7.4	680	56	8.2	7	1	14.3	281	29	10.3
Pennington	2	0	0.0	21	2	9.5	43	1	2.3	66	3	4.5	2	0	0.0	34	2	5.9
Pine	9	6	66.7	116	18	15.5	233	19	8.2	358	43	12.0	9	6	66.7	173	23	13.3
Pipestone	1	0	0.0	17	0	0.0	23	1	4.3	41	1	2.4	1	0	0.0	36	0	0.0
Polk	4	2	50.0	70	9	12.9	206	11	5.3	280	22	7.9	4	2	50.0	95	10	10.5
Pope	0	0	0.0	36	6	16.7	46	2	4.3	82	8	9.8	0	0	0.0	64	8	12.5
Ramsey	19	5	26.3	2,334	171	7.3	7,566	380	5.0	9,919	556	5.6	19	5	26.3	3,129	262	8.4
Red Lake	0	0	0.0	4	2	50.0	7	3	42.9	11	5	45.5	0	0	0.0	8	3	37.5
Redwood	5	1	20.0	46	2	4.3	65	5	7.7	116	8	6.9	8	1	12.5	76	2	2.6
Renville	2	1	50.0	49	4	8.2	68	5	7.4	119	10	8.4	2	1	50.0	77	12	15.6
Rice	4	1	25.0	186	25	13.4	482	26	5.4	672	52	7.7	4	1	25.0	265	38	14.3
Rock	1	0	0.0	23	3	13.0	67	0	0.0	91	3	3.3	1	0	0.0	27	4	14.8
Roseau	2	0	0.0	15	1	6.7	32	3	9.4	49	4	8.2	2	0	0.0	43	1	2.3
St. Louis	14	3	21.4	756	73	9.7	2,382	103	4.3	3,152	179	5.7	16	4	25.0	1,051	111	10.6
Scott	7	0	0.0	402	32	8.0	892	45	5.0	1,301	77	5.9	8	0	0.0	605	50	8.3
Sherburne	11	2	18.2	299	28	9.4	798	38	4.8	1,108	68	6.1	11	2	18.2	421	49	11.6
Sibley	4	0	0.0	49	10	20.4	82	6	7.3	135	16	11.9	4	0	0.0	71	13	18.3
Stearns	13	2	15.4	704	48	6.8	2,013	55	2.7	2,730	105	3.8	13	2	15.4	956	63	6.6
Steele	1	0	0.0	120	12	10.0	496	23	4.6	617	35	5.7	1	0	0.0	152	16	10.5
Stevens	1	0	0.0	34	3	8.8	41	1	2.4	76	4	5.3	1	0	0.0	49	5	10.2
Swift	3	1	33.3	20	4	20.0	46	2	4.3	69	7	10.1	5	1	20.0	29	5	17.2
Todd	2	0	0.0	75	7	9.3	131	8	6.1	208	15	7.2	2	0	0.0	112	13	11.6
Traverse	0	0	0.0	9	0	0.0	19	1	5.3	28	1	3.6	0	0	0.0	12	0	0.0
Wabasha	2	1	50.0	62	7	11.3	129	8	6.2	193	16	8.3	2	1	50.0	88	9	10.2
Wadena	2	0	0.0	36	5	13.9	58	4	6.9	96	9	9.4	2	0	0.0	47	5	10.6
Waseca	2	1	50.0	67	7	10.4	143	4	2.8	212	12	5.7	2	1	50.0	87	11	12.6
Washington	7	1	14.3	845	68	8.0	1,964	101	5.1	2,816	170	6.0	7	1	14.3	1,196	100	8.4
Watonwan	1	1	100.0	38	3	7.9	73	4	5.5	112	8	7.1	1	1	100.0	50	4	8.0
Wilkin	0	0	0.0	27	4	14.8	96	4	4.2	123	8	6.5	0	0	0.0	31	4	12.9
Winona	5	0	0.0	125	15	12.0	229	14	6.1	359	29	8.1	6	0	0.0	160	20	12.5
Wright	8	3	37.5	414	38	9.2	1,076	53	4.9	1,498	94	6.3	8	3	37.5	600	49	8.2
Yellow Medicine	3	1	33.3	25	2	8.0	49	3	6.1	77	6	7.8	3	1	33.3	29	2	6.9
Minnesota	341	82	24.0	21,272	1,705	8.0	56,852	2,605	4.6	78,465	4,392	5.6	358	84	23.5	29,412	2,389	8.1

FIGURE 5.02

KILLED DRIVERS TESTED FOR ALCOHOL: 1998 - 2017

Percent Over 0.01 Alcohol Level and Percent Over Legal Limit
(The legal limit in Minnesota was lowered to 0.08 in 2005)

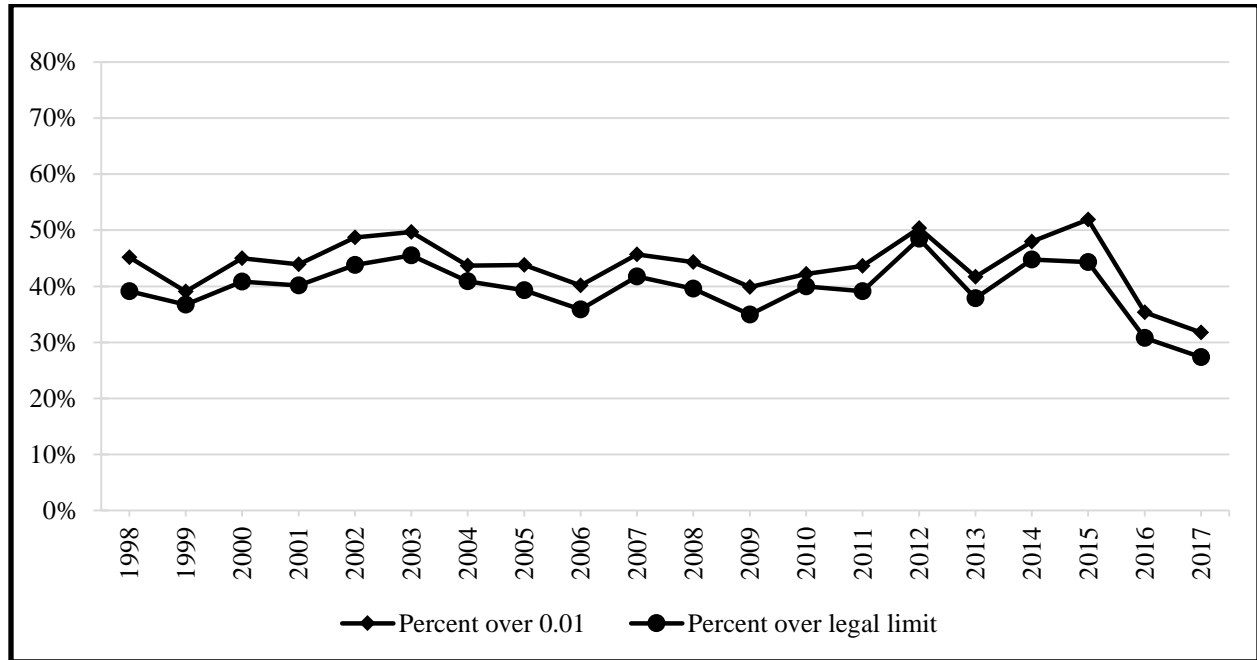


FIGURE 5.03

PERCENT OF DRIVERS KILLED WHO HAD BEEN DRINKING, BY AGE, 2017

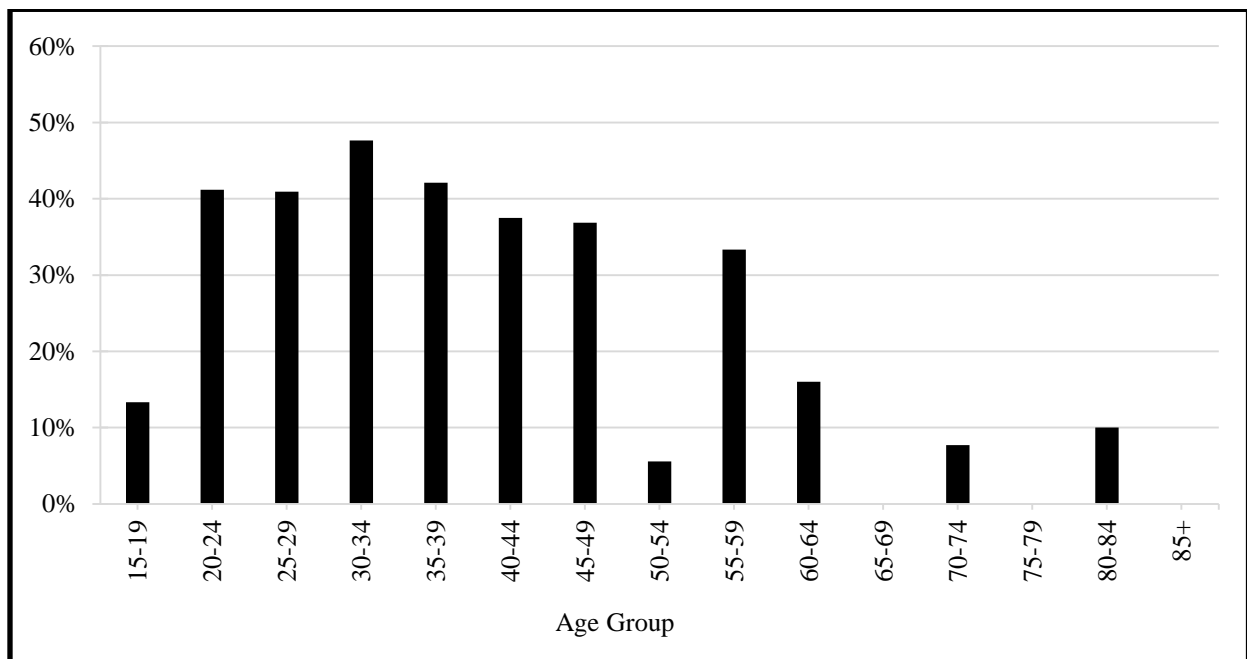


TABLE 5.04

2017 DRIVER FATALITIES' LEVEL OF ALCOHOL CONCENTRATION BY AGE

Age	Killed	Tested	Alcohol Concentration								Alcohol Concentration						
			0.00		0.01 - 0.07		0.08 - 0.09		0.10+								
			num- ber	per- cent	num- ber	per- cent	num- ber	per- cent	num- ber	per- cent	0.00	0.01- 0.04	0.05- 0.09	0.10- 0.14	0.15- 0.19	0.20- 0.24	0.25+
0 - 14	0	0	0		0		0		0		0	0	0	0	0	0	0
15	1	1	1		0		0		0		1	0	0	0	0	0	0
16	4	3	3		0		0		0		3	0	0	0	0	0	0
17	3	3	2		0		0		1		2	0	0	0	1	0	0
18	5	5	4		1		0		0		4	0	1	0	0	0	0
19	2	2	2		0		0		0		2	0	0	0	0	0	0
20	1	0	0		0		0		0		0	0	0	0	0	0	0
< 21	16	14	12		1		0		1		12	0	1	0	1	0	0
00 - 14	0	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0	0	0	0	0	0
15 - 19	15	14	12	85.7%	1	7.1%	0	0.0%	1	7.1%	12	0	1	0	1	0	0
20 - 24	17	14	7	50.0%	2	14.3%	1	7.1%	4	28.6%	7	2	1	0	2	1	1
25 - 29	22	22	13	59.1%	2	9.1%	0	0.0%	7	31.8%	13	2	0	1	2	2	2
30 - 34	21	20	10	50.0%	0	0.0%	0	0.0%	10	50.0%	10	0	0	1	5	2	2
35 - 39	19	18	10	55.6%	1	5.6%	0	0.0%	7	38.9%	10	1	0	2	2	1	2
40 - 44	16	12	6	50.0%	1	8.3%	0	0.0%	5	41.7%	6	1	0	0	3	2	0
45 - 49	19	16	9	56.3%	0	0.0%	1	6.3%	6	37.5%	9	0	1	1	0	2	3
50 - 54	18	13	12	92.3%	0	0.0%	0	0.0%	1	7.7%	12	0	0	1	0	0	0
55 - 59	21	16	9	56.3%	3	18.8%	0	0.0%	4	25.0%	9	1	2	0	0	3	1
60 - 64	25	23	19	82.6%	1	4.3%	0	0.0%	3	13.0%	19	0	1	1	2	0	0
65 - 69	13	10	10	100.0%	0	0.0%	0	0.0%	0	0.0%	10	0	0	0	0	0	0
70 - 74	13	10	9	90.0%	0	0.0%	0	0.0%	1	10.0%	9	0	0	1	0	0	0
75 - 79	14	10	10	100.0%	0	0.0%	0	0.0%	0	0.0%	10	0	0	0	0	0	0
80 - 84	10	4	3	75.0%	0	0.0%	0	0.0%	1	25.0%	3	0	0	0	1	0	0
85+	9	5	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	0	0	0	0	0	0
Total	252	207	144	69.6%	11	5.3%	2	1.0%	50	24.2%	144	7	6	8	18	13	11

Note: Percentages, based on drivers tested, may not add to 100.0% due to rounding.

FIGURE 5.04

2017 DRUNK DRIVING-RELATED FATAL CRASHES BY TIME OF DAY

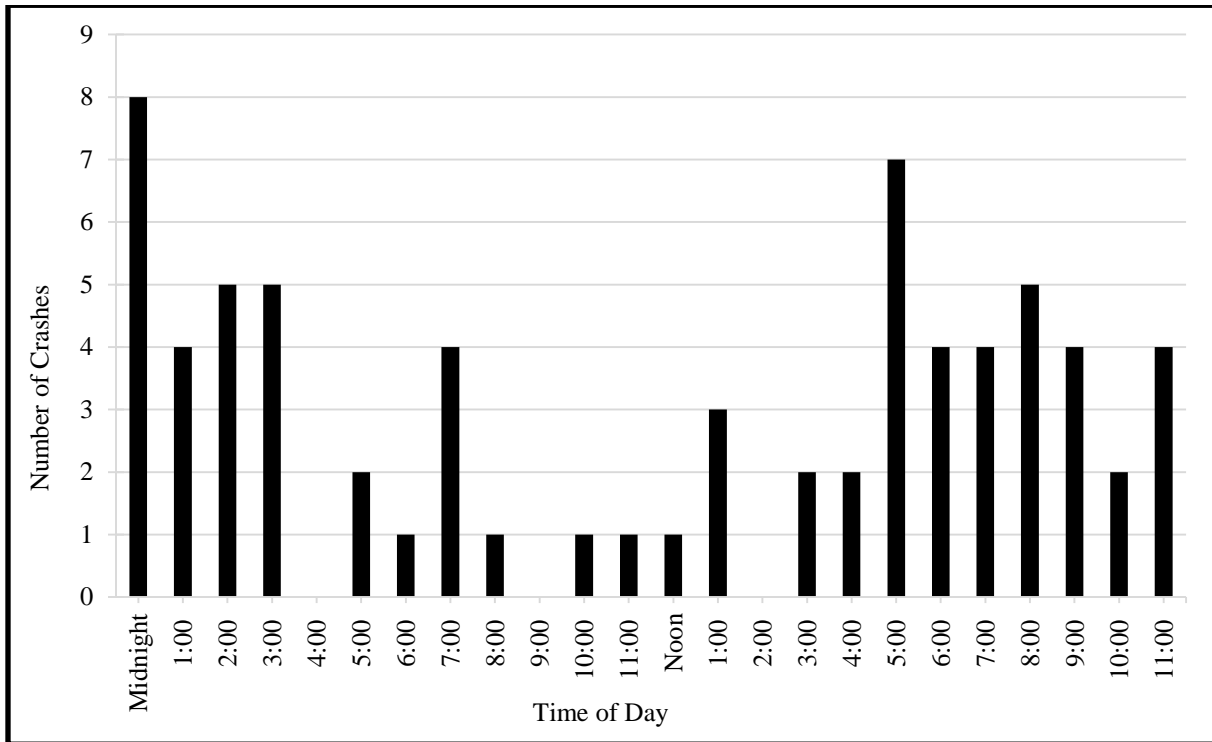


FIGURE 5.05

2017 DRUNK DRIVING-RELATED FATAL CRASHES BY DAY OF WEEK

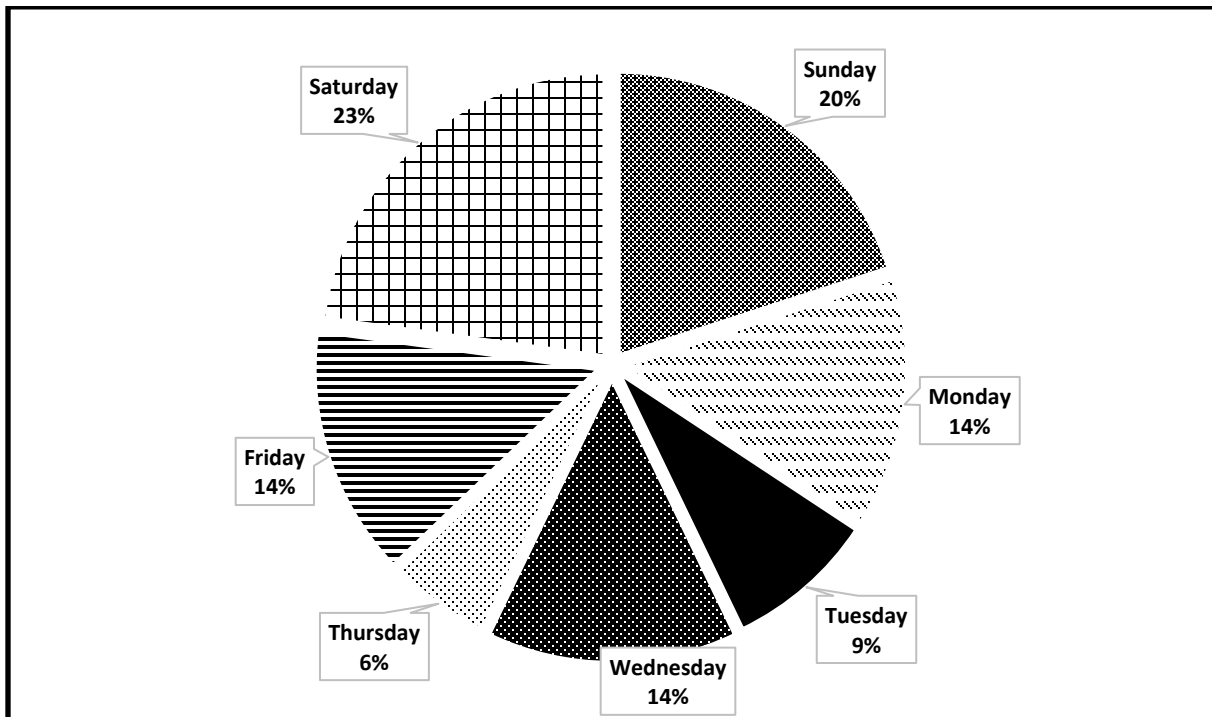


TABLE 5.05

**COST OF ALCOHOL-RELATED TRAFFIC CRASHES,
IMPAIRED-RELATED FATALITIES,
AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2017**

COUNTY	COST	COUNTY	COST	COUNTY	COST
Aitkin	\$445,200	Itasca	\$4,405,200	Pope	\$330,600
Anoka	9,083,000	Jackson	167,600	Ramsey	18,391,600
Becker	2,290,800	Kanabec	265,600	Red Lake	227,000
Beltrami	2,788,000	Kandiyohi	806,200	Redwood	1,751,400
Benton	2,385,800	Kittson	120,200	Renville	2,071,200
Big Stone	108,200	Koochiching	1,927,400	Rice	3,328,400
Blue Earth	4,217,600	Lac Qui Parle	4,200	Rock	232,000
Brown	618,200	Lake	98,200	Roseau	38,600
Carlton	1,962,000	Lake of the Woods	1,589,400	St. Louis	11,344,800
Carver	1,063,000	Le Sueur	2,061,200	Scott	1,897,400
Cass	2,266,600	Lincoln	146,200	Sherburne	5,599,600
Chippewa	262,200	Lyon	609,000	Sibley	682,000
Chisago	4,197,800	McLeod	2,356,000	Stearns	5,730,200
Clay	849,000	Mahnomen	326,400	Steele	591,400
Clearwater	1,709,600	Marshall	34,000	Stevens	266,400
Cook	807,600	Martin	2,331,000	Swift	1,863,200
Cottonwood	1,588,600	Meeker	1,924,600	Todd	750,600
Crow Wing	1,268,200	Mille Lacs	2,151,600	Traverse	8,400
Dakota	8,463,600	Morrison	4,104,200	Wabasha	1,931,400
Dodge	407,600	Mower	435,600	Wadena	205,800
Douglas	3,787,400	Murray	116,200	Waseca	2,081,600
Faribault	352,000	Nicollet	349,800	Washington	5,387,800
Fillmore	372,800	Nobles	407,400	Watonwan	1,726,800
Freeborn	2,021,800	Norman	0	Wilkin	193,200
Goodhue	251,000	Olmsted	7,130,200	Winona	892,600
Grant	1,576,400	Otter Tail	2,848,600	Wright	6,721,600
Hennepin	48,148,800	Pennington	47,000	Yellow Med	1,622,600
Houston	132,600	Pine	10,320,200		
Hubbard	665,200	Pipestone	4,200		
Isanti	2,345,400	Polk	3,576,400		
Minnesota Total					\$232,968,000

Note: Costs are calculated using estimates, provided annually by the National Safety Council, that do not attempt to include “comprehensive costs” of traffic crashes, deaths and injuries, but just direct costs due to medical expense, property damage, and lost productivity. Other procedures (e.g., those used by the US Department of Transportation) that do attempt to include comprehensive costs result in total cost estimates about three times as great as those calculated here.

VI. THE IGNITION INTERLOCK PROGRAM

Ignition Interlock

Drinking and driving is a serious problem in Minnesota. In 2017, 113 people died, 2,389 were injured, and costs amounted to more than \$277 million due to crashes identified as alcohol-related.

Ignition interlock programs (Interlock) are an increasingly important tool being used nationally to reduce impaired driving. An interlock is a breath-testing system installed on a motor vehicle that prevents the vehicle from operating when a pre-determined level of blood alcohol is detected.

The interlock system monitors and records a person's alcohol violations, which are ultimately reported to the Department of Public Safety's Driver and Vehicle Services division (DPS-DVS). Individuals are eligible for the program if their licenses were revoked or cancelled and they meet other program requirements which vary depending on the level of violation, i.e., first, second, or third offense, or license cancellation.

The Interlock program promotes safety and reduces costs related to illegal driving by providing individuals an additional option for driving legally after a DWI. It is estimated that at least 70 percent of people continue driving after their license has been revoked or cancelled*. When people have a viable option to drive legally and chose to do so, the state reaps the public safety benefit since people are driving sober and insured. State agencies and the criminal justice system save the costs associated with violations and sanctions for illegal and impaired driving. For example, when an impaired driving violation is prevented, the public sector saves the money associated with a court case and jail or prison time.

History of Interlocks in Minnesota

Minnesota implemented pilot programs to test and develop a statewide Interlock program beginning in 2002. These efforts provided the state an opportunity to gain significant knowledge on how to effectively implement an Interlock program.

First Interlock Pilot (2002)

The state's first Interlock pilot was established when DPS and Anoka County Community Corrections enrolled nine participants in a voluntary program to test how the Interlock program could best be administered under DWI laws and licensing operational procedures. Participants were eligible for a limited-use license after certain conditions were met. Only people that were "cancelled as inimical to public safety" were eligible to enroll in the program, and the device was installed for an average of four months. Results[†] indicated that: "in no instance has any participant had the vehicle 'lock-out' for registered alcohol usage. No major malfunctions occurred in which a participant was unable to operate the vehicle when necessary. Overall, participants were satisfied with the program and indicated it was useful for their individual situation."

Two-county Pilot (July 1, 2007 - June 30, 2009)

In 2007, the legislature authorized DPS to conduct a two-year Interlock pilot in one rural and one metropolitan county (MN Statutes, Section 171.306). DPS selected Hennepin and Beltrami counties, and the Department of Public Safety-Office of Traffic Safety (DPS-OTS) administered the project in collaboration with DVS and county probation service offices. Probation officers oversaw daily administration. The pilot targeted DWI offenders with two or more offenses. DPS and court representatives developed program guidelines and interlock device performance standards. Guidelines supported a participant's ability to obtain a limited license to drive to work and treatment using an interlock while ensuring public safety.

Statewide Pilot (July 1, 2009 - June 30, 2011)

In 2009, the legislature expanded the two-county pilot to be a statewide pilot program. DPS changed some of the program's basic elements to increase the program's effectiveness and efficiency. For example, DPS simplified enrollment processes, changed day-to-day administration of the program from county probation officers to DVS, and created a website to support information needed for enrollment.

* Griffin III, L.I. & DeLaZerda, S. (2000). Unlicensed to Kill. Washington, D.C: AAA Foundation for Traffic Safety.

[†] Minnesota Department of Public Safety (2002). Ignition Interlock Pilot Program: A Summary Report to the Legislature. (MINN. DOC. NO. 02-0208). St. Paul, MN.

Statewide program (effective July 1, 2011)

On May 18, 2010, Minnesota Governor Tim Pawlenty signed legislation to strengthen DWI sanctions and significantly encourage the use of interlock devices by DWI offenders who want to drive legally. In specific situations, an interlock is a requirement for license reinstatement.

Highlights of the legislation include:

- (1) First time DWI offenders with a blood alcohol-concentration level of 0.16% and above and all repeat offenders are required to have interlock devices installed on vehicles they drive.
- (2) First time DWI offenders with a blood alcohol-concentration level of 0.16% and above and all second-time offenders who choose not to use

interlocks do not have driving privileges for periods ranging from one year to two years, depending on offense level. Offenders with three or more DWIs in a 10-year period are required to use interlocks to demonstrate sobriety for three to six years.

- (3) Interlock users regain full or limited driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway.
- (4) Interlocks are used to monitor alcohol use by chronic DWI offenders (three or more DWIs in a ten-year period).

TABLE 6.01

PARTICIPATION IN IGNITION INTERLOCK PROGRAMS AT YEAR END, 2013 - 2015

	2013	2014	2015
Pilot II Participants	787	195	113
Revoked Participants	3,101	4,797	5,154
Cancelled Participants	1,388	3,632	4,513
Program Graduates	1,014	7,984	12,074
Total Ignition Interlock Devices Installed	5,276	8,624	9,780

Note: Table 6.01 provides the year-end numbers for program participation. However, the number of participants in each category fluctuates throughout the year. Data are not available for years prior to 2013, and are not currently available for 2016-2017.

APPENDIX A

TERMS DESCRIBING IMPAIRED DRIVING INCIDENTS IN MINNESOTA

This report is produced by the Office of Traffic Safety in the Minnesota Department of Public Safety and provides information about impaired driving in the state. The report is meant to aid in describing the parameters of a significant public health threat, but there are problems in reporting the statistics in a clear way. The problems are mainly due to (1) the lack of a clear terminology and (2) the complexity of Minnesota's impaired driving laws.

There is no clearly defined set of terms to describe impaired driving situations. For traffic crashes, Minnesota follows the American National Standards Institute's "Manual on Classification of Motor Vehicle Traffic Accidents," which has been in use (with new editions periodically) nationwide since the 1940s. There is no similar manual for describing impaired driving incidents.

In this report, the term "impaired driving" is used, but even it has problems. For example, if an officer arrests a person for DWI, and the person refuses to take the alcohol test and then plea-bargains the DWI charge to speeding, the incident is still classified as an impaired driving incident since the test refusal violates the Implied Consent Law, which is part of the Impaired Driving Code. But the fact of impairment was not actually established. Definitions of terms are shown below, but these definitions are subject to change in the future.

The second obstacle to clear statistical reporting is the complexity of the law. Minnesota enacted its first DWI law in 1911. There are now about 25,000 DWI arrests annually - more than for any other criminal offense in the state.

Apart from the DWI laws themselves, there is an important distinction between criminal offenses and civil law violations. Minnesota Statute (MS) 609.02 defines "crime" as "conduct ... for which the actor may be sentenced to imprisonment..." Therefore, a crime is committed if a person performs a behavior the law defines as criminal, regardless of whether the person is

detected, arrested, prosecuted, found guilty, and sentenced to jail or prison. In contrast, a civil law violation cannot lead to incarceration.* In impaired driving cases under civil law, when a person refuses or fails an alcohol or drug test, the police officer acts as agent of the Commissioner of Public Safety and issues the driver's license revocation form. In some cases the Commissioner may impose additional requirements (e.g., treatment), but the Commissioner cannot impose a jail sentence.

This report uses the following conventions: The terms "crime," "offense," and "criminal offense" are used to describe violations of the criminal impaired driving law. The term "violation" is used to describe a breaking of the civil Implied Consent Law. "Violation" and "violation" are general terms though. Thus, a crime is a type of violation, and "violation" refers to a person who breaks a criminal law, a civil law, or both.

Minnesota's first DWI law consisted of a single sentence: "Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor." The current law takes an entire chapter (MS 169A) and defines it to be a crime for a person to "drive, operate, or be in physical control of any motor vehicle within this state..." when the person is under the influence of alcohol, or under the influence of any of a large number of intoxicating substances, or when the person has an alcohol concentration of 0.08% or more, or when a person refuses to take a test under the Implied Consent Law, and so on.

In 1961, Minnesota passed the civil "Implied Consent" Law, defining the principle that by driving on a public roadway, a person by implication gives consent to a test for alcohol upon being stopped by an officer having probable cause to suspect impairment. If the driver refused the test, the State would revoke the person's driving license for six months.

In 1971, the criminal law was amended to stipulate that having an alcohol concentration of 0.10% or higher was no longer just *prima facie* evidence of intoxication, but

* Also, a person is not considered to have violated a civil law unless it is so determined through a legal process. Thus, a person can sue another for breach of contract, but the other person's behavior is not a

violation unless a court determines that it is. The defendant might then be ordered to make restitution, or pay a fine, but cannot be incarcerated.

was in itself (“*per se*”) a crime.[†] Thus, Minnesota’s “criminal *per se*” law dates from 1971.

In 1976, Minnesota became the first state to pass an “administrative *per se*” law, authorizing the Commissioner of Public Safety to revoke a person’s driver’s license upon refusal to take the alcohol test or upon taking and “failing” the test.[‡] The Commissioner imposes this revocation independently of whatever happens in the criminal DWI case, and without the need to prove guilt to the higher level required in the criminal case. Almost all states now have an “administrative *per se*” law.[§]

Thus Minnesota pioneered the “two-track system.” The Commissioner of Public Safety revokes the driver’s license if a person fails or refuses the test, even if the person is found not guilty of the criminal DWI charge. Likewise a court can find a person guilty of impaired driving even in the absence of a test failure or refusal.

The complexity of the law often causes more than one violation to be recorded on a person’s driving record for a single incident. To make up an extreme example: Suppose a 20-year-old commercial vehicle driver is driving while impaired by a combination of alcohol and marijuana and has a crash killing another driver and injuring two passengers. Upon arrest, the driver refuses a urine test for drugs, but takes and fails the breath test, with an alcohol concentration of 0.15%.

The driver potentially could incur the following violations. The alcohol test failure is a criminal offense under MS 169A.20(1). It is also a civil law violation under MS 169A.52(4). The drug test refusal is a criminal offense under MS 169A.20(2) and is also a civil law violation under MS 169A.52(3). Since the driver was under age 21, he violated MS 169A.33(2). As a commercial vehicle driver with an AC over .04%, he violated MS 169A.20(6) and also MS 169A.52(2). Since the incident caused a death and two injuries, a felony conviction for criminal vehicular operation resulting in a fatality is possible under MS 609.21(1), and two separate felony convictions for criminal vehicular operation resulting in an injury are possible

under MS 609.21(2). Each of the above violations could cause an entry to the person’s driver record (although there can be only one offense under MS169A.20).

Since a single incident may lead to multiple violations, a circumstance such as the following could occur: In a year, there are 25,000 impaired driving arrests. Five-hundred of those never get recorded as an impaired driving incident. Among the remaining 24,500 arrests that do lead to an impaired driving incident on record, there are 24,000 civil Implied Consent law violations, and 19,000 impaired-driving criminal convictions, for a total of 43,000 violations. In addition, Minnesotans may incur violations in other states and those will be placed on their Minnesota driving record. Also, non-Minnesotans incur violations in Minnesota, and the Department of Public Safety creates a record in the state’s driver’s license file to keep track of those violations.

For all these reasons, it is useful to distinguish between incidents, violations, and violators. The number of incidents on record in a year should show a close correspondence to the number of arrests in a year. Violations will be more numerous, and the types of violations incurred will help to characterize an incident. For example, did the incident involve test failure or test refusal? Was an injury or fatality involved? It is also useful to think about incidents separately from the persons who committed them. A person may go through an irresponsible phase in his or her life and incur several incidents in a year or two, and then reform. Thus, in a year, there may be 25,000 incidents on record, but if 1,500 persons were arrested twice, and 500 were arrested three times in the year, then 23,000 persons accounted for the 25,000 incidents. In this report, Section I deals with impaired driving incidents - when and where they occurred, what types of violations were involved, and so on. Section II shows the criminal conviction rates for the incidents. Section III deals with persons - How many have DWI incidents on record? How many prior incidents do they have? and so on. Section IV focuses more specifically on recidivism. Section V reports statistics on crashes and their costs. For each county, it shows total crashes, fatalities, and injuries, and the number and percentage that were classified as alcohol-related.

[†] In 2004 the Legislature reduced the *per se* level to 0.08%, effective August 1, 2005.

[‡] The District of Columbia had a similar ordinance, but Minnesota was the first state to pass “administrative *per se*.”

[§] Though Minnesota was the first state to have such a law, the District of Columbia had a similar ordinance prior to the passing of the Minnesota law.

APPENDIX B

DEFINITIONS

Disqualification

A “disqualification” is the action taken by the Commissioner of Public Safety on a person’s commercial vehicle driver’s license upon being notified that the person was operating a commercial vehicle while having an alcohol concentration of 0.04% or higher. The Commissioner “disqualifies” the driver from operating commercial vehicles. This action is mandated under the Implied Consent Law, MS 169A.52. (MS 169A.20 makes it a crime for a person to operate a commercial vehicle while having an alcohol concentration over 0.04% and provides for separate actions upon conviction.)

A disqualification is not counted as an impaired driving incident unless the driver also had a regular implied consent law violation or impaired driving conviction.

DWI

“DWI” appears to be the historic and classic term to designate impaired driving. It may not have a precise definition. It could stand for driving while intoxicated, driving while under the influence, driving while impaired.

In Minnesota, a usage evolved to some extent that the term “DWI” refers to an actual conviction under the criminal statute while the term “implied consent” or “administrative license revocation” refers to the revocation by the Commissioner of Public Safety under the Implied Consent law.

Thus, if John Doe got convicted in court under MS169A.20, it would be said that he “got a DWI.” If he did not get convicted but did get revoked under the Implied Consent law (169A.50 to 169A.53), then it would *not* be said that he got a DWI, but that he “got an implied consent.”

Throughout this report, the term “impaired driving incident [on record]” (or merely “incident”) is used as a collective term to designate a “DWI,” or an implied consent revocation, or a single incident that resulted in both an administrative license revocation and a criminal conviction for an offense specified in the impaired driving code.

DWI Law

In 2000, the Legislature completely recodified Minnesota’s DWI law. The changes mostly took effect January 1, 2001. The law up through year 2000 had become gradually more complex. The main criminal law was contained in MS 169.121. Other DWI

criminal laws were 169.1211 and 169.129. These laws contained many references to other laws which had to be consulted to fully understand the main law. The Implied Consent law was MS 169.123, and there were many references between it and the criminal DWI laws.

The 2000 recodification combined all of these into a new chapter MS 169A, and specified that “this chapter may be cited as the Minnesota Impaired Driving Code.”

Thus, the term “DWI law” increasingly appears obsolete and the preferred term increasingly appears to be “impaired driving law.”

Implied Consent Law

Minnesota Statutes, sections 169A.50 to 169A.53, make up the “Implied Consent” law - the civil law stating that by implication a person who drives in Minnesota gives his or her consent to a chemical test for purposes of gathering evidence as to whether or not an offense under Minnesota’s impaired driving law has occurred. The chemical test can be of a person’s blood, breath, or urine, and the test can be for alcohol or for any other substance specified in MS 169A.20. Under the Implied Consent Law, the Commissioner of Public Safety imposes a one-year license revocation for test refusal, or a ninety-day to one-year revocation (depending on the prior record) for a test failure.

Incident

An episode of impaired driving, regardless of whether it is detected and prosecuted.

Incident on Record

An incident on record is an episode of impaired driving or an episode in which the Implied Consent law was violated and the following also occurred: The incident was detected and a stop was made and the driver was found in court to have violated the criminal impaired driving law 169A.20, or it was established that the driver violated the Implied Consent law either (1) by taking a chemical test and “failing” it, or (2) by refusing to take the required test. Furthermore, the fact of this criminal offense and/or civil law violation has been recorded on the person’s Minnesota driving record.

Minnesota Resident

As used in this report, a person for whom records maintained by the Department of Public Safety show to be a current resident of Minnesota. Note that the

Department of Public Safety may not be promptly notified that a person died, or (as may especially be true of multiple DWI offenders) that a person moved from the state.

Non-Minnesota Resident

As used in this report, a person for whom records maintained by the Department of Public Safety show as not being a current resident of Minnesota. The person may have been a resident and moved away, or may never have been a resident.

Not-a-drop

Minnesota Statute 169A.33 is sometimes referred to as the “not-a-drop” law. It provides that a person under the age of 21 who drives with any amount of alcohol shall have his or her license revoked by the Commissioner of Public Safety. In this report, a not-a-drop violation is not counted as an impaired driving incident unless the driver also had a regular implied consent law violation or impaired driving conviction.

Offender

A person who has committed a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, regardless of whether it is detected and prosecuted.

Offense

A petty misdemeanor, misdemeanor, gross misdemeanor, or felony. (All DWI offenses are misdemeanor or higher.) An offense may or may not be detected and prosecuted.

Violation

A breaking of one of Minnesota’s criminal or civil laws.

Violator

A person who breaks a criminal or civil law in Minnesota.

APPENDIX C

CHRONOLOGY OF MINNESOTA IMPAIRED DRIVING LEGISLATION SINCE 1911

Laws that appear especially significant-to be “landmarks”-are highlighted in bold font. Starting in 1987, the date on which a law went into effect is shown in parentheses after the description of the law.

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference Number	Description of Amendment
1911	1	Driving while in an intoxicated condition is defined to be a misdemeanor.
1917	1	Three-month forfeiture of driver's license upon conviction for DWI.
	2	Violation of license forfeiture is defined to be a misdemeanor.
1925	1	A second or subsequent DWI is raised to gross misdemeanor status.
	2	Criminal penalty for repeat offenders shall include license revocation for three months to one year.
1927	1	First DWI offense raised to gross misdemeanor status.
	2	Prison for all offenders. Penalty for all offenders: prison 10 days to 1 year, plus fine of not more than \$1,000, plus license revocation for not longer than two years.
1937	1	All DWI offenses reduced to misdemeanor status.
	2	Criminal penalties reduced. Penalty for first offense: Prison 10 to 90 days <i>or</i> fine of \$10 to \$100, or both. License revocation. Penalty for repeat offenders: Prison 30 to 90 days <i>or</i> fine of \$25 to \$100, or both. License revocation.
1939	1	Commissioner shall revoke offenders' driver's licenses in accordance with recommendation of the court.
1941	1	90 day license revocation. All offenders shall have driver's license revoked for not less than 90 days.
1955	1	Blood alcohol concentration (“BAC”) levels defined for use as evidence. Results of chemical test for level of alcohol in the blood as measured from blood, breath, urine, or saliva specimen taken from defendant within two hours of arrest, is admissible as evidence. <ul style="list-style-type: none"> ▪ BAC of .000% to .049% is <i>prima facie</i> evidence of innocence. ▪ BAC of .050% to .149% is relevant, but not <i>prima facie</i>, evidence of intoxication. ▪ BAC of .150% or greater is <i>prima facie</i> evidence of intoxication.
1957	1	Two-hour time limit (see 1955:1) changed from two hours from time of arrest to two hours from time of offense.
	2	License revocation reduced. License revocation for first offenders reduced from 90 days to not less than 30 days. Penalty for a repeat offense within three years increased to prison for 10 to 90 days, <i>plus</i> license revocation for not less than 90 days.

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1957	3	Offense causing injury or death. Penalty for offenders causing grievous injury or death: prison 60 to 90 days, <i>plus</i> license revocation for not less than 90 days.
1959	1	Open Bottle Law. It is a misdemeanor to have an open container of alcohol in the passenger compartment of a vehicle.
1961	1	Implied Consent Law. Under civil law, a person who drives a motor vehicle on a public roadway is deemed to have given consent to a test for blood alcohol concentration by means of testing a blood, breath, urine, or saliva specimen.
	2	Commissioner to revoke driver's license for 6 months for test refusal. Under the rationale provided by the new civil Implied Consent law, Commissioner shall impose a 6-month license revocation on persons who refuse to submit to evidentiary BAC test. The Commissioner shall issue a twenty-day temporary license to give the person time to appeal, and the license revocation shall take effect at the end of twenty days, barring appeal.
	3	Refusal to submit to evidentiary test shall <i>not</i> be admissible as evidence in criminal court.
	4	When BAC is measured by test of breath, urine, or saliva, the BAC levels defined as "relevant" and " <i>prima facie</i> " evidence of intoxication (see 1955:1) shall be increased by 20%.
1967	1	Elimination of use of saliva test to determine BAC.
	2	Two-hour time limit on collection of evidence removed.
	3	BAC level of 0.10% is <i>prima facie</i> evidence of intoxication. <ul style="list-style-type: none"> A BAC of 0.000%-0.049% shall be considered <i>prima facie</i> evidence of innocence. A BAC of 0.055%-0.099% shall be considered as relevant, but not <i>prima facie</i>, evidence of intoxication. A BAC of 0.100% or greater shall be considered <i>prima facie</i> evidence of intoxication.
	4	When BAC is measured by test of breath or urine, the BAC levels defined as "relevant" and " <i>prima facie</i> " evidence of intoxication (see 1967:3) shall be increased by 10%.
Late 1960s	1	The "B-Card" restriction Commissioner initiates administrative policy (under authority of MS 171.04, in effect since 1957, or before) that the driver's license of a person convicted of DWI a third time within 5 years, or a fourth or subsequent time within ten years, shall be "cancelled and denied" on the grounds that the Commissioner has determined that it would be "inimical to public safety" for the person to hold a driver's license. The driver's license may be reinstated if the person complies with rehabilitation requirements established by Commissioner. Included in the administrative procedures is the important restriction now referred to as the "B-Card restriction." The person's driver's license shows the "B-Card" restriction, which, specifically, is that the person may not consume any alcohol anywhere under any circumstances. If the commissioner learns that the person has failed to comply with this restriction, then the Commissioner re-imposes the "cancel[ed] and deny" action on the person's driver's license.
1969	1	Upon medical recommendation, court may stay imposition of criminal penalties on condition that offender submit to medical treatment.

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1971	1	Criminal <i>per se</i> law enacted. A BAC of .10% is defined to be illegal <i>per se</i> (in itself): If an evidentiary chemical test to determine BAC shows that one-tenth of one percent (1 part per thousand) of the driver's blood is alcohol, then the driver has committed a misdemeanor. It is not necessary to prove that the driver was "intoxicated" or impaired. The BAC of 0.10% or greater is itself a misdemeanor. This landmark law facilitated prosecution; however, it had the unintended effect of causing the BAC level, instead of actual impairment, to become the standard for proving guilt. Drivers might be very impaired at lower BAC levels, but a BAC below 0.10% would make prosecution difficult.
	2	Preliminary breath test. Officer may utilize preliminary breath test to help determine if there are probable grounds for arrest and for request for the evidentiary test.
	3	Test at scene of accident, upon probable cause. When a person is involved in a traffic crash causing property damage, injury, or death, officer may, upon probable cause to suspect a violation, request preliminary and evidentiary BAC tests of person (under penalty of license revocation for refusal).
	4	The <i>per se</i> illegal BAC level of 0.10% no longer has to be increased by 10% (see 1967:4) when BAC is measured through test of breath or urine specimen.
1973	1	Maximum fine for a first offense increased to \$300.00.
	2	Penalty for offenders causing grievous injury or death <i>reduced</i> to prison for 60 to 90 days, <i>or</i> fine of not more than \$300, or both, plus license revocation for not less than 90 days. (Prison is no longer mandated; see 1957:3.)
1976	1	"Administrative <i>per se</i>" law enacted. Important landmark: Though the District of Columbia had a similar ordinance, Minnesota is the first state to enact the now almost universal "administrative <i>per se</i> " law. The Commissioner of Public Safety automatically imposes a 90-day license revocation on drivers found to have a BAC of 0.10% or higher. The Commissioner first issues a 20-day temporary license, during which time the driver may request a judicial hearing on the administrative revocation. (Test refusal continues to trigger a six-month license revocation; see 1961:1.) A request for a hearing stays imposition of the revocation.
	2	Commissioner may issue limited licenses to persons whose licenses were revoked under the "administrative <i>per se</i> " law.
	3	Alcohol safety programs in counties Counties of more than 10,000 population shall establish "Alcohol Safety Programs" to conduct alcohol problem assessments on DWI (and other) offenders. Results of assessments to be reported to the court. The court may stay criminal penalties and require the offender to get treatment. The court may do this on the basis of the "alcohol problem assessment" report; a medical examination of the offender is no longer required.
	4	If a first-time offender complies with treatment program, the commissioner may terminate the administrative <i>per se</i> revocation after 60 days.
1978	1	Administrative revocation expedited. Arresting officer shall serve as "agent of the commissioner" and shall confiscate the person's driver's license, forward it to the Commissioner, and shall issue a temporary license, valid for 30 days, to the person.

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1978	2	Person has 30 days to request a judicial hearing on the administrative revocation for test failure or test refusal. A request for a hearing stays imposition of the revocation.
	3	Concept of BAC changed to AC (alcohol concentration). <i>Per se</i> illegal levels are separately defined for alcohol concentrations in blood, breath, and urine.
	4	Criminal penalties explicitly defined. <ul style="list-style-type: none"> For first offense: prison for not more than 90 days, or fine of not more than \$500, or both, plus license revocation for not less than 30 days. Offense within 3 years of a prior offense: prison for not more than 90 days, or fine of not more than \$500 (raised from \$300), or both, plus revocation of not less than 90 days. For offenders causing bodily harm or death: prison for not more than 90 days, or fine of not more than \$500, or both, plus license revocation for not less than 90 days.
	5	"Aggravated violations" raised to gross misdemeanor status. (An aggravated violation is the act of driving while under the influence while already under revocation for driving while under the influence.)
	6	Jurisdiction for prosecuting aggravated violations transferred from county court to district court.
	7	Upon conviction, court shall act for commissioner by taking person's driver's license and sending it to the commissioner, if the license has not already been taken by officer at time of arrest
	8	Court shall give due consideration to alcohol problem assessment report.
	9	"B-Card restriction" upon implied consent violation. Commissioner shall "cancel and deny" driver's license of persons who incur a third incident in five years, or a fourth or subsequent incident in 10 years, where incident is defined as <i>either</i> an implied consent violation <i>or</i> an impaired driving conviction. The cancellation shall remain in effect until rehabilitation requirements imposed by the commissioner are proven to have been met. Licenses reinstated will include the "B-card restriction" (requiring total abstinence, 24 hour a day). Formerly, license cancellation and denial, and the B-card restriction if reinstated, was only applied upon a third <i>criminal</i> conviction. (See entry under "late 1960s.")
1980	1	A request for testimony of person who performed laboratory analysis must be received at least ten days in advance of judicial hearing on administrative revocation, and, also, at least ten days in advance of trial.
1981	1	Court may not stay imposition of the license revocation under criminal law (but may still order a limited license to be issued).
1982	1	At a crash scene, upon probable cause, officer may arrest a person for driving while under the influence, without warrant, regardless of whether officer witnessed violation.
	2	Officer no longer required to offer blood test.
	3	Temporary license issued by officer at time of arrest is valid for 7 days (reduced from 30).
	4	Request for judicial hearing no longer stays revocation from taking effect. Defense attorneys had used the mechanism of requesting a judicial hearing on the administrative revocation as a tactic to delay and weaken the state's case. This landmark change, whereby the hearing request no longer stays imposition of the revocation, caused hearing requests filed with Attorney General's Office to decrease from about 1,000 per month to about 100 per month.
	5	Judicial hearing procedure expedited. "The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review."

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1982	6	Administrative review of the Implied Consent revocation. Establishes procedure, independent of judicial hearing, for administrative review (by commissioner) of administrative revocation. A request for administrative review shall not stay imposition of revocation.
	7	A request for testimony of person who drew blood must be received at least ten days in advance of judicial hearing on administrative revocation, and, also, at least ten days in advance of trial.
	8	Alcohol concentration test result on specimen taken within two hours of offense is deemed to be alcohol concentration at time of offense. (Ruled unconstitutional; see 1984:4)
	9	Absence of alcohol concentration test shall be admissible as evidence. (Compare with 1961:3 and 1983:2.)
	10	Repeat offender definition expanded. Definition of second offender expanded to include those who had a prior conviction within 5 (increased from 3) years of current incident.
	11	Repeat offenses raised to gross misdemeanor status. Second offense within 5 years, and third-or-subsequent offense within ten years, raised to gross misdemeanor status.
	12	Longer revocation lengths, under criminal law, upon conviction for third and subsequent offenses.
	13	Courts may no longer require commissioner to issue limited license.
	14	License revocation imposed on second-time offenders to remain in effect until completion of court-ordered treatment program, if any.
	15	0.07%-0.09% AC provision. Upon a report to the Commissioner that a driver had an AC of 0.070% to 0.099%, and if this report is the second such report within two years, the Commissioner shall order the person to submit to an alcohol problem assessment, and to treatment, if indicated by the assessment. The Commissioner shall impose a 90-day license revocation if the driver fails to comply.
1983	1	Officer in fresh pursuit may cross geographic limit of his or her jurisdiction to stop and arrest suspect.
	2	Refusal to take evidentiary test is admissible as evidence in trial. (See 1961:3 and 1982:9.)
	3	Offenders from other states. Repeat offenses and aggravated offenses by drivers from other states shall be subject to the gross misdemeanor charge if driver's state of residence has statute in conformity with Minnesota's criminal DWI statute.
	4	Jurisdiction for prosecuting aggravated violations transferred from district court back to county court. (See 1978:6.)
1984	1	Evidentiary test made mandatory. New language is added to the Implied Consent Notice, read to the offender at arrest, stating that Minnesota law requires the test to be performed. (As before, if the offender refuses the test, the refusal shall trigger license revocation. Language is more explicit now.)
	2	Administrative revocation for test refusal increased from 6 months to 1 year.
	3	Longer revocation for juveniles. Juveniles who refuse to take, or who take and fail, the evidentiary test shall experience the normal administrative revocation, or revocation until 18 years of age, whichever is longer. Also, adults who had adjudications for impaired driving as juveniles may be subject to the gross misdemeanor penalties provided for repeat offenders.

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1984	4	Alcohol concentration of 0.10% or greater, as measured within 2 hours of offense, is made a criminal offense <i>per se</i> . (See 1982:8.)
1987	1	County alcohol safety program expanded. All counties (not just those over 10,000 population) must establish an Alcohol Safety Program (see 1976:3) for the purpose of conducting alcohol problem screenings, and for conducting comprehensive chemical use assessments on persons whom screenings show as having a possible problem. (Effective 8/1/87)
	2	Violators to pay chemical use assessment fee. All violators shall pay a \$75 chemical use assessment fee. Money collected to be credited to newly created "Drinking and Driving Repeat Offense Prevention Account." (8/1/87)
	3	Snowmobile operation while impaired and ATV operation while impaired made comparable to normal motor vehicle operation while impaired. (8/1/87)
1988	1	Mandatory License Plate Impoundment Law. Courts mandated to order certain repeat violators to surrender license plates for all vehicles which they own or lease. The following shall be subject to mandatory license plate impoundment: <ol style="list-style-type: none"> 1. A person who incurs a violation within 5 years of three prior incidents. 2. A person who incurs a violation within 10 years or four or more prior incidents. (8/1/88)
	2	Special series license plates. "Special Series" license plates for vehicles may be issued if the violator obtains a limited license or if others in violator's household have a need to operate the vehicle whose plates have been impounded. (8/1/88) (The "special series" plates are recognizable by officers, but not by the general public, as signifying a vehicle whose normal license plates have been impounded.)
	3	Mandatory minimum criminal sentences. Mandatory minimum sentences established for certain repeat violators (a person who incurs an offense within 5 years of a prior incident, or who incurs an offense within 10 years of two or more prior incidents): 30 days imprisonment, or 8 hours of community service for each day less than 30 days served. (8/1/88)
1989	1	Test refusal by repeat violators criminalized. It is a gross misdemeanor to refuse an alcohol test if the person has one prior incident within 5 years or two or more prior incidents within 10 years of the current incident. (8/1/89)
	2	Commercial Driver's License "disqualification" introduced. The Commissioner of Public Safety shall disqualify a person from operating a commercial motor vehicle (CMV) if the person refuses an alcohol concentration test, or takes the test and has an AC of 0.04% or greater. Length of disqualification to be as follows: First violation: 1 year. If violation involved hazardous materials: 3 years. If violation is a second or subsequent violation on record: 10 years. (1/1/90)
1990	1	Administrative license plate impoundment law. Mandatory license plate impoundment (see 1988:1) changed from judicial implementation to administrative implementation (by Commissioner of Public Safety), and arresting officer shall act as agent of commissioner and impound license plates at time of arrest. (1/1/91)
	2	Procedure established for administrative review of plate impoundment action. (1/1/91)

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1990	3	Impaired driving at a railroad crossing raised to gross misdemeanor status. (8/1/90)
	4	Comprehensive chemical use assessment on all violators. The requirement that all violators submit to a preliminary alcohol problem screening (and then a comprehensive assessment if the screening indicates that there may be a chemical dependency problem) is eliminated and replaced by the requirement that all violators submit to a comprehensive chemical use assessment. (8/1/90)
	5	A new level (third in the list below) of criminal vehicular operation (CVO) offense is added. The categories now are: Criminal Vehicular Operation resulting in <ol style="list-style-type: none"> 1. death. 2. great bodily harm. 3. substantial bodily harm (new). 4. death to an unborn child. 5. injury to an unborn child. (8/1/90)
1991	1	Establishes 1-year pilot program to test efficacy of ignition interlock devices. (8/1/91)
	2	Counties authorized to channel offenders "considered to be of high risk to the community" into a pilot program of intensively supervised probation. (8/1/91)
1992	1	Any test refusal is defined to be a crime (1/1/93). (Previously, test refusal by a repeat violator was a crime. See 1989:1).
	2	Violations triggering mandatory license plate impoundment (see 1988:1) expanded to also include: <ol style="list-style-type: none"> 1. any "aggravated violation" (see 1978:5). 2. any violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety. (See entry under "late 1960s.") (1/1/93)
	3	Chemical dependency assessment fee (see 1987:2), required of all violators except those determined indigent, raised from \$76 to \$125. (7/1/92)
	4	Vehicle Forfeiture law. If a person is convicted of <ol style="list-style-type: none"> 1. impaired driving within 5 years of 3 prior incidents, or 2. impaired driving within 10 years of four or more prior incidents, or 3. aggravated impaired driving, or 4. any violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety, then the vehicle used in the offense is subject to impoundment and forfeiture. (1/1/93)
	5	"Hard revocation" periods established. A person shall not be eligible to obtain a "limited license" for a certain length of time (- the "hard" period of the revocation). The hard periods are as follows: <ul style="list-style-type: none"> ▪ for a first incident: 15 days. ▪ for a subsequent incident: 90 days. ▪ for a test refusal: 180 days. (1/1/93)
	6	Recidivism problem study commission established. "Commission on Confinement and Treatment of DWI Recidivists." (1/1/93)

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment												
1992	7	Test may be compelled by force in event of CVO. Test for alcohol and/or controlled substances may be compelled (by force if necessary) if there is probable cause to suspect criminal vehicular operation. Since 1961, an officer may “require” a test, but a person might refuse (triggering license revocation). Now, in the event of suspected CVO, officer may require, and compel by force if necessary, the test. (1/1/93)												
1993	1	“Not-a-Drop” law enacted. Upon notification by a court that a person under the age of 21 has been found to have any quantity whatsoever of alcohol or of a controlled substance, the Commissioner of Public Safety shall revoke the driver’s license of the under-age person. (6/1/93)												
	2	Child Endangerment law enacted. It is a gross misdemeanor for a person to drive while impaired and there is a child in the vehicle who is under the age of 16 and who is more than 36 months younger than the offender. (8/1/93)												
	3	Length of “hard revocation” (see 1992:4) increased to 1 year if the violation includes a conviction for criminal vehicular operation. (1/1/94)												
1994	1	“Habitual Offender” penalties established. A person who incurs 6 or more incidents in 10 years, or 8 or more in 15 years, must be sentenced to a minimum of 1 year incarceration or to a program of intensively supervised probation. (8/1/94)												
1996	1	Not-a-drop violation raised to misdemeanor status. In addition to license revocation by the commissioner of Public Safety, the “not-a-drop” violation (see 1993:1) is defined to be a misdemeanor offense. (8/1/96)												
	2	Additional test for controlled substances permitted. Arresting officer is explicitly authorized to require a blood or urine specimen, even after a breath test has been performed, if the officer has reason to believe the person was impaired by a substance not susceptible to analysis by means of a breath test. (8/1/97)												
	3	Criminal Vehicular Operation expanded. A new level (fourth in the list below) of criminal vehicular operation (CVO) offenses is added. The categories now are: Criminal Vehicular Operation resulting in: 1. a fatality. 4. bodily harm (new). 2. great bodily harm. 5. death to an unborn child. 3. substantial bodily harm. 6. injury to an unborn child. (8/1/96)												
1997	1	Special provisions for high-AC (0.20% or higher) offenders established. Driving while having an Alcohol Concentration of 0.20% or higher is defined to be a gross misdemeanor. Length of Commissioner’s administrative revocation is doubled from that imposed on violators who test below 0.20%. Revocation lengths therefore are: <table><tr><td></td><td><u>AC less than 0.20%</u></td><td><u>AC 0.20%+</u></td></tr><tr><td>First incident</td><td>90 days</td><td>180 days</td></tr><tr><td>Second incident within 5 years</td><td>180 days</td><td>360 days</td></tr><tr><td>Incident by violator under 21</td><td>6 months</td><td>one year</td></tr></table> (1/1/98)		<u>AC less than 0.20%</u>	<u>AC 0.20%+</u>	First incident	90 days	180 days	Second incident within 5 years	180 days	360 days	Incident by violator under 21	6 months	one year
	<u>AC less than 0.20%</u>	<u>AC 0.20%+</u>												
First incident	90 days	180 days												
Second incident within 5 years	180 days	360 days												
Incident by violator under 21	6 months	one year												

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1997	2	New offense category, "Enhanced Gross Misdemeanor," with stricter criminal penalties, established. The following violations are defined to be "enhanced gross misdemeanors:" <ol style="list-style-type: none"> 1. Driving while impaired within 10 years of two prior incidents. 2. Driving with an AC of 0.20% or higher within ten years of a prior incident. 3. Child Endangerment (see 1993:2) within 10 years of a prior incident. 4. Driving while impaired and not stopping at a railroad crossing within 10 years of a prior incident. (1/1/98)
	3	Officer authorized to stop vehicle bearing special plates. Officer is explicitly authorized to stop a vehicle bearing "special series" plates (see 1988:2) to determine if the driver "is operating the vehicle lawfully." (1/1/98)
	4	Procedure established for "administrative forfeiture" of violator's vehicle. Prior to this, vehicle forfeiture was conducted through a judicial forfeiture procedure. Now, law enforcement agencies may impound a vehicle and institute forfeiture procedures. The following violations will cause the vehicle used in the violation to be subject to administrative forfeiture: <ol style="list-style-type: none"> 1. a violation within 5 years of 2 prior incidents. 2. a violation within 15 years of 3 prior incidents. 3. a violation that includes child endangerment within 5 years of 1 prior incident. 4. a violation that includes child endangerment within 15 years of 2 prior incidents. 5. a violation that includes a high AC within 5 years of 1 prior incident. 6. a violation that includes a high AC within 15 years of 2 prior incidents. (1/1/98)
	5	Violations that trigger license plate impoundment (see 1988:1 and 1992:2) are greatly expanded to include: <ol style="list-style-type: none"> 1. a violation within 5 years of a prior incident. 2. a violation within 15 years of two or more prior incidents. 3. an "aggravated violation" (see 1978:6). 4. a violation that includes a high A.C. (.20% or higher). 5. a violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety. (1/1/98)
1998	1	Program to use "remote [home] electronic alcohol monitoring" established. Judges who sentence offenders to a program of intensively supervised probation (see 1991:2) are authorized to require violators to submit to a program of remote electronic alcohol monitoring. Unless determined indigent, offenders to pay the per-diem cost of the program. (8/1/98)
	2	Increased fee for special series plates. Fee for issuing "special series" license plates to violators whose normal license plates have been impounded is increased from \$25 (for an unspecified number of vehicles) to \$50 for each vehicle for which special series plates are issued. (8/1/98)
1999	1	Enhanced gross misdemeanor repealed. Use of the term "enhanced gross misdemeanor" as a new category of offense (see 1997:2) is repealed, but the expanded penalty provisions for the offenses that had been identified as "enhanced gross misdemeanors" are retained. Also, courts are explicitly authorized to substitute a program of intensively supervised probation, with electronic home alcohol monitoring, in place of the mandatory incarceration periods. (5/25/99)

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1999	2	Prior violations involving snowmobile, ATV, or motorboat to be counted. Makes explicit that violations triggering the revocation of snowmobile, all-terrain vehicle, or motorboat operating privileges are to be included among the types of prior violations counted in determining the charge (misdemeanor or gross misdemeanor) made for a current incident. (8/1/99)
2000	1	All existing impaired-driving statutes are repealed. All provisions of impaired-driving law, with some amendments, are recodified as Minnesota Statute 169A, which provides that “this chapter may be cited as the Minnesota Impaired Driving Code.” Chief among the statutes repealed are: <ol style="list-style-type: none"> 1. MS 168.042, the license plate impoundment law. (incorporated into 169A.60). 2. MS 169.121, the main criminal impaired driving law. (incorporated into 169A.20 to 169A.48). 3. MS 169.1211, “alcohol-related” driving by commercial vehicle operators. (incorporated into 169A.20, 169A.31, and 169A.50 to 169A.53). 4. MS 169.122, the “open-bottle law.” (incorporated into 169A.35). 5. MS 169.123, the main civil (“Implied Consent”) impaired driving law. (incorporated into 169A.50 to 169A.53). 6. MS 169.124 through MS 169.126, mandating counties to provide Alcohol Safety Programs to conduct chemical use assessments on persons convicted of an offense (when the arrest that led to the conviction was for an impaired driving offense). (incorporated into 169A.70). 7. MS 169.1265, authorizing use of intensively supervised probation programs in lieu of incarceration. (incorporated into 169A.73 and 169A.74). 8. MS 169.1217, providing for vehicle forfeiture, administrative and judicial procedures. (incorporated into 169A.63). 9. MS 169.126 defining an “aggravated violation.” Concept of “aggravated” violations is re-defined in terms of “aggravating factors.” (incorporated into 169A.20 through 169A.275). <p>The Not-A-Drop law for underage divers is incorporated into 169A.33. (1/1/01)</p>
	2	First-, Second-, and Third-Degree Impaired Driving offenses introduced, determined by number of “aggravating factors.” Concept of aggravating factors introduced. Aggravating factors are defined to be: <ol style="list-style-type: none"> 1. Child endangerment (see 1993:2). 2. Having a high (0.20% or higher) alcohol concentration (see 1997:1). 3. Each prior incident within ten years counts as 1 aggravating factor. <ul style="list-style-type: none"> ▪ A <i>first-degree</i> impaired driving offense is an impaired driving offense with two or more aggravating factors, and is a gross misdemeanor. ▪ A <i>second-degree</i> impaired driving offense is an impaired driving offense with one aggravating factor, and is a gross misdemeanor. ▪ A <i>third-degree</i> impaired driving offense is an impaired driving offense with no aggravating factors, and is a misdemeanor. (1/1/98)

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
2000	4	Mandatory license plate impoundment violations (see 1988:1 and 1997:5) further expanded to also include: <ol style="list-style-type: none"> 1. any violation involving child endangerment (see 1993:2). 2. an incident within 10 years of a prior incident. 3. a commercial vehicle driver's license disqualification (see 1989:2) within ten years of prior such disqualification. (1/1/01)
	3	Custodial arrest for first-degree impaired driving. Officer is mandated to make a custodial arrest (the person must be taken into custody) if the officer has reason to believe the person committed a first-degree impaired driving offense. (1/1/01)
	5	Court is authorized to increase maximum fine by \$1,000 if offender has high AC (0.20% or higher). (1/1/01)
	6	A "working group on DWI Felony" law is established and the Commissioner of Corrections is to develop a plan for how felony level offenders may be processed.
	1	Felony DWI law enacted. A felony impaired driving offense is an impaired driving offense within ten years of 3 or more prior incidents. The felony penalty is stipulated: "The court shall sentence [the offender]... to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than \$14,000." (Maximum prison penalty is stipulated as "not more than 7 years".) The new categorization of offense levels is as follows: <ol style="list-style-type: none"> 4. First-degree impaired driving offense: felony. 5. Second-degree impaired driving offense (two or more aggravating factors): gross misdemeanor. 6. Third-degree impaired driving offense (1 aggravating factor): gross misdemeanor. 7. Fourth-degree impaired driving offense (no aggravating factors): misdemeanor. (8/1/02)
	2	Driver's license reinstatement fees increased. The total fee had been \$250.00 with a \$40 surcharge (total \$290). That total is increased to: <ol style="list-style-type: none"> 1. \$395 (\$250 fee and \$145 surcharge) effective July 1, 2002. 2. \$630 (\$250 fee and \$380 surcharge) effective July 1, 2003.
2001	3	Custodial arrest for first- and second-degree impaired driving. Officer is mandated to make a custodial arrest (the person must be taken into custody) if the officer has reason to believe the person committed a first-degree or a second-degree impaired driving offense. (See 2000:3.) (8-1-02)
	4	Two new misdemeanor crimes are defined. <ol style="list-style-type: none"> 1. It is a misdemeanor for a person whose vehicles has had its license plates impounded to drive any vehicle. 2. It is a misdemeanor for a person who purchases a vehicle, the plates for which have been impounded, to allow the violator to drive the vehicle. (8/1/02)

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Year passed	Reference number	Description of Amendment
2002	1	<p>License cancellation (and “B-Card restriction” upon reinstatement) triggered earlier.</p> <p>Under the commissioner’s authority to withhold a driver’s license from persons whose driving behavior is determined to be “inimical to public safety,” a third impaired driving incident within 5 years, or a fourth or subsequent one within ten years, triggered the Department of Public Safety to “cancel and deny” the person’s driver’s license, until rehabilitation is established. If the license is reinstated, it carries the “B-Card restriction,” requiring total abstinence 24 hours a day.</p> <p>By administrative rule, the triggering of the license cancellation (and B-Card restriction if reinstated) is advanced to a third or subsequent impaired driving incident within ten years.</p> <p>(See entry under late 1960s, and 1978, 9).</p> <p>(November, 2002).</p>
2003	1	<p>Two inadequate breath samples constitute refusal.</p> <p>In submitting to the breath alcohol test, if a person fails to provide two samples of breath that are adequate for the chemical test to be performed, that failure shall “constitute a refusal” to provide a breath test. (8/1/03)</p>
	2	<p>Test refusal increased to gross misdemeanor offense.</p> <p>A impaired driving incident with no aggravating factors that involves a refusal to take the alcohol concentration test is made a third-degree impaired driving offense: a gross misdemeanor. (8/1/03)</p>
	3	<p>Prior not-a-drop violations not counted in determining degree.</p> <p>If an offender had a prior “not-a-drop” law violation (see 1993:1), and that prior violation did not involve a criminal impaired driving offense or an implied consent violation, then that prior violation shall not be included as a prior incident for purposes of determining the degree of the current incident. (8/1/03)</p>
2004	1	<p>The <i>per se</i> illegal alcohol concentration level is reduced from 0.10% to 0.08%.</p> <p>The new 0.08% illegal <i>per se</i> level applies to criminal offenses and civil law violations. That is, effective August 1, 2005, driving while having an alcohol concentration of 0.08% or higher is <i>per se</i> a criminal offense that will trigger criminal penalties. It is also a civil (Implied Consent) law violation that triggers the Commissioner of Public Safety to impose license revocation or cancellation actions on the violator. (8/1/05)</p>
	2	<p>Commercial Driver’s License Disqualification made more stringent.</p> <p>The Minnesota Legislature adopts law that Minnesota shall enforce US Department of Transportation Federal Motor Carrier Safety Administration requirements regarding disqualifying persons from operating commercial motor vehicles. Those requirements (as of 2006) provide that:</p> <ol style="list-style-type: none"> 1. if a person is convicted of test refusal or of impaired driving (in any vehicle, not just a commercial vehicle), for a first time, he or she shall be disqualified from operating a commercial vehicle for one year. 2. If the conviction was for an incident involving transport of hazardous materials, the disqualification shall be for three years. 3. Any second test-refusal or impaired-driving conviction shall trigger <i>lifetime</i> disqualification.

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Year passed	Reference number	Description of Amendment
2010	1	<p>DWI Sanctions Strengthened; Ignition Interlocks Required. Legislation adopted to strengthen sanctions against DWI offenders and require certain offenders to use ignition interlock devices. The legislation becomes effective July 1, 2011, and aims to enhance road safety to prevent alcohol-related crashes which account for one-third of all Minnesota traffic deaths annually. The legislation gives DWI offenders a chance to regain driving privileges by ensuring safe and legal driving through the use of interlocks. Interlock devices are installed in a vehicle and require a driver to provide a breath sample in order for the vehicle to start. The vehicle will not start if the device detects an alcohol concentration level of 0.02% or above after the driver blows into its tube. Interlocks require rolling re-tests after the initial test, and have features to deter others from starting the vehicle for the intended user. The legislation includes:</p> <ol style="list-style-type: none"> 1. DWI offenders with a 0.16% and above alcohol-concentration level will be required to have ignition interlock devices installed on any vehicle they drive. 2. DWI offenders with a 0.16% and above alcohol-concentration level that choose not to use ignition interlocks will not have driving privileges ranging from one year to six years - depending on offense level. Offenders with three or more DWIs in a 10-year period will be required to use interlocks. 3. Interlock users will regain full driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway. 4. Interlocks will be used to monitor chronic DWI offenders (three or more DWIs in 10 year period) to verify chemical use.
	2	<p>Other qualified person added to who can draw blood under 169A.57. Legislation passed which added language which allowed for a "other qualified person" to draw blood under the implied consent statute.</p>
	3	<p>Changes to forfeiture Requires reporting to State Auditor, issuance of property receipt, created "petition for remission or mitigation", required model policies by enforcement and prosecutors, changed the language on the administrative notices.</p>
2012	1	<p>Criminal Vehicular Offense Clarification This clarification allows for enhancement based upon prior felonies which will include pre-2007 CVO's in DWI enhancement statute.</p>
	2	<p>DWI Forfeiture Change This change removes foreign language requirements; requires forms served within 60 days, requires property receipt, changed deadline to file for judicial determination from 30 days to 60days; requires hearings in 180 days; changed conciliation court limit to \$15,000. This also includes new requirements regarding sale of the vehicle (ie: prohibited LE officer and prosecutor from buying the car); required return of the vehicle when the owner posts a bond.</p>
2014	1	<p>Criminal Vehicular Offense and Ignition Interlock change The law now requires Ignition interlock for anyone cited for a CVO bodily harm to great bodily harm to install an ignition interlock on their vehicle.</p>
	2	<p>CVO recodification The CVO statute is recodified at the courts request to create new statutes; MN Statute 609.21 was repealed and renumbered.</p>

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Year passed	Reference number	Description of Amendment
2015	1	Aggravating factor for high BAC The level for an aggravating factor was changed from 0.20 to 0.16 criminally.
	2	Necessity defense for Implied Consent The implied consent statute was amended to allow the affirmative defense of necessity at civil implied consent hearings.
2016	1	Increased CVO sentencing The maximum sentence for CVO increased to 15 years with a prior DWI or CVO.
2017	1	Innocent Owners The forfeiture law was changed regarding innocent owners to allow a joint owner to bring an innocent owner claim-no longer requiring all owners be innocent owners.
	2	Driver License Revocation under Statute 171.177 The new statute now allows the revocation of the Driver license based upon a search warrant test. It also made it a crime to refuse the search warrant test. It also extended the judicial review timeframe from 30 to 60 days.
	3	Ignition Interlock GPS Requirement Requires that the manufacturer of a certified device must include with an ignition interlock device contract a separate notice to the program participant regarding any location tracking capabilities of the device. The commissioner shall not permit location tracking capabilities on any ignition interlock device to be enabled unless it is ordered by a court.

Minnesota law dealing with impaired driving is complex. The chronology above is selective. Not all amendments can be described in detail. (See the "Overview of Minnesota's DWI Laws" by Ben Johnson, reprinted as Appendix D, for a complete and accurate description of current law and practice). Persons with expertise in this area are encouraged to notify us if any errors are discovered.

APPENDIX D

INFORMATION BRIEF

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Updated: June 2018

An Overview of Minnesota's DWI Laws

Impaired driving remains a significant issue in Minnesota. In 2015, there were 25,027 impaired driving incidents recorded in the state and over 300 resulted in injuries and deaths¹. The state employs a variety of criminal and administrative consequences to address the ongoing issue of driving while impaired. This information brief provides an overview of the major components of DWI laws, which are mainly codified in Minnesota Statutes, chapter 169A.

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¹ *Minnesota Impaired Driving Facts 2015*, Office of Traffic Safety, Minnesota Department of Public Safety (2016).

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Common Terms

AC	Alcohol concentration, a measurement of the percentage of alcohol in a person's blood.
BCA	Bureau of Criminal Apprehension, the centralized law enforcement agency that provides forensic laboratory analysis blood and urine samples, and oversees breath-alcohol testing procedures and instruments.
CVH	Criminal vehicular homicide, causing the death of another person while operating a motor vehicle under conditions, including a violation of Minnesota's DWI law (Minn. Stat. § 609.2112).
CVO	Criminal vehicular operation, causing harm to another person while operating a motor vehicle under conditions including a violation of Minnesota's DWI law (Minn. Stat. §§ 609.2113 and 609.2114).
DPS	Department of Public Safety, a state agency that includes the Division of Driver and Vehicle Services, which oversees driver licensing and vehicle registration.
DWI	Driving while impaired, the act of driving, operating, or being in physical control of a motor vehicle while under the influence of alcohol, a controlled substance, or an intoxicating substance; having an alcohol concentration that exceeds the legal limits; or having any amount or the metabolites of a schedule I or II controlled substance.
PBT	Preliminary breath test, a test administered by a law enforcement officer at the scene of a suspected DWI, which can form the basis for an arrest, but cannot be admitted into evidence at trial.
REAM	Remote electronic alcohol monitoring, a program involving a system that electronically monitors the alcohol concentration of individuals in their homes or other locations to ensure compliance with conditions of pretrial release, supervised release, or probation (Minn. Stat. § 169A.73).
SFST	Standard field sobriety test, a test of a person's physical condition (walking a line, etc.) administered by a law enforcement officer at the scene of a suspected DWI, which can form the basis for an arrest and can be described at trial.

Prohibited Behaviors

Minnesota's DWI law stipulates that it is a crime:

(1) to drive, operate, or be in physical control² of any motor vehicle anywhere in the state while:

- under the influence of alcohol, a controlled substance, or an intoxicating substance (when the person knows, or has reason to know, that the substance has the capacity to cause impairment), or any combination of these;
- having an alcohol concentration (AC) of .08 or more at the time or within two hours of doing so;
- having any amount or the metabolites of a schedule I or II controlled substance, other than marijuana, in the body; or
- if the vehicle is a commercial motor vehicle, having an AC of .04 or more at the time or within two hours of doing so;

(2) to refuse to submit to a chemical test of the person's blood, breath, or urine under [Minnesota Statutes, section 169A.52](#); or

(3) to refuse to submit to a chemical test of the person's blood or urine pursuant to a warrant under [Minnesota Statutes, section 169A.51](#).

The crime of driving while impaired also applies to motorboats in operation, snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-road vehicles.

Consequences

A DWI arrest can result in administrative and criminal sanctions. The severity of these sanctions depends upon the facts of the current offense and the person's past record of impaired driving offenses.

Administrative sanctions are intended to be an immediate consequence. Upon arrest, if a person refuses or fails a chemical test for intoxication, the peace officer reports the refusal or result to the commissioner of public safety and the commissioner revokes the person's license. Other administrative sanctions that may be imposed include plate impoundment and vehicle forfeiture. Administrative sanctions are civil in nature and any related court proceedings are generally held separate from the criminal trial.

² The court has held that "to be in physical control" of a vehicle, the person must be in a position to exercise domain or control over the vehicle. *State v. Starfield*, 481 N.W. 834 (Minn. 1992). The courts have found persons "to be in physical control" of their vehicles while sleeping in the vehicle or being outside their vehicle. *See State v. Fleck*, 777 N.W.2d 233 (Minn. 2010) (evidence that person was asleep behind the wheel with keys in the console could lead a jury to find the person was "in physical control" of the vehicle); *Frisch v. State*, 2014 WL 3016152 (Minn. Ct. App. July 7, 2014) (unpublished) (person was "in physical control" of a vehicle even though he was 15 to 20 feet from the vehicle, when the keys were in the ignition and the vehicle was running). A passenger who grabs and turns a steering wheel exerts physical control of a motor vehicle. *State v. Henderson*, 890 N.W.2d 739 (Minn. Ct. App. 2017).

Criminal charges trigger a separate action in criminal court. A criminal conviction can result in incarceration, probation, fines, chemical dependency treatment, and monitoring. If a person cannot afford a defense attorney, the court may appoint a public defender. A conviction produces a criminal record.

The remainder of this brief will examine the implied consent law, administrative sanctions, criminal penalties, and other DWI-related laws.

Implied Consent Law

A person who drives, operates, or is in control of any type of motor vehicle anywhere in the state consents to a chemical test of breath, blood, or urine for the purpose of determining the presence of alcohol or controlled or intoxicating substances in the person's body.

The procedure for requiring a breath test differs from the procedure for requiring a blood or urine test. Both the United States and Minnesota Supreme Courts determined that an officer does not need a warrant to require that a person provide a breath sample, but does need a warrant to require that a person provide a blood or urine sample³.

Before an officer can require a breath test or obtain a warrant for a blood or urine test, the officer must have probable cause to believe that a person has been driving while intoxicated. That process typically begins with an accident investigation or an investigatory stop. An officer must have a valid basis for the first stop, but the officer does not need to have evidence of a DWI. A weaving car would be a valid basis for a stop, but an officer could also stop a vehicle for other reasons including the failure to signal a turn, lack of a taillight, or any other moving or equipment violation. An officer can expand the investigation based on new evidence including the smell of alcohol, slurred speech, or any other reasonable indication that a driver is under the influence of alcohol or a controlled substance. An officer may then administer field sobriety tests or a preliminary breath test.

In short, to build probable cause, the officer may:

- observe the impaired driving behavior and form a reasonable suspicion of an impaired driving violation;
- stop and question the driver;
- administer a standardized field sobriety test (SFST); and
- administer a preliminary breath test (PBT).

³ The Minnesota court upheld the constitutionality of a warrantless *breath* test in *State v. Bernard*, 859 N.W.2d 762 (Minn. 2015), but found that law enforcement could only obtain samples of a person's blood or urine pursuant to a valid warrant in *State v. Thompson*, 886 N.W.2d 224 (Minn. 2016). The U.S. Supreme Court reached the same conclusions in *Birchfield v. North Dakota*, --- U.S. ---; 136 S.Ct. 2160 (2016) and *Missouri v. McNeely*, 569 U.S. 141 (2013).

If a person refuses to cooperate, cannot cooperate because of injury or the level of intoxication, or these screening tests establish probable cause to believe that a person was driving while intoxicated, the officer may arrest the person and either demand a more rigorous evidentiary test of the person's breath, or seek a warrant to obtain a sample of the person's blood or urine. Before administering the breath test, the officer must read the implied consent advisory statement to the person explaining that testing is mandatory, test refusal is a crime, and the person has the right to consult an attorney before taking the test. Before administering a blood or urine test, an officer must obtain a warrant approved by a judge and explain that test refusal is a crime.

The officer can require a person to provide a blood or urine sample if there is probable cause of a criminal vehicular operation (CVO) (see page 16) violation. If the person is unconscious, the chemical test may be administered pursuant to a valid warrant.

The officer chooses whether the test will be of the person's breath, blood, or urine. A person who refuses a blood test must be offered a urine test, and a person who refuses a urine test must be offered a blood test. If blood and urine tests are analyzed by the Bureau of Criminal Apprehension (BCA), the laboratory may certify chemical test results directly to the Department of Public Safety (DPS).

Administrative Sanctions

The law provides for three administrative sanctions, which can commence immediately upon *arrest*—driver's license revocation, vehicle plate impoundment, and vehicle forfeiture.

License Revocation

A person's driver's license can be withdrawn immediately following any test failure or refusal. The person is given a seven-day temporary license to drive before the withdrawal becomes effective. The period of license withdrawal is based on the current offense and number of prior impaired incidents.⁴

DWI	Impaired Incidents				
	1st	2nd in 10 Years or 3rd on Record	3rd in 10 years or 4th on record	4th in 10 years	5th + on record
	Revocation		Cancelled and Denied		
AC Under .16	90 days*/180 days if under age 21	1 year	3 years	4 years	6 years
AC .16 or Over	1 year	2 years	3 years	4 years	6 years
Test Refusal	1 year*	2 years	3 years	4 years	6 years

⁴ These charts provide a brief overview of administrative license revocation. Please consult current law for additional factors that may affect the revocation or cancellation period.

* The revocation period may be reduced upon a conviction. See [Minn. Stat. § 169A.54](#).

Criminal Vehicular Operation Involving Alcohol	Impaired Incidents		
	1st	2nd in 10 Years	3rd in 10 Years or 4th + on Record
Bodily Harm or Substantial Bodily Harm	2 years	4 years	6 years
Great Bodily Harm or Death	6 years	8 years	10 years

The person may appeal the administrative license revocation, either administratively to DPS and/or judicially through the court. A revocation following a failed or refused breath test follows the guidelines in [Minnesota Statutes, section 169A.53](#). A revocation following a failed or refused blood or urine test follows the guidelines in [Minnesota Statutes, section 171.177](#).

Certain offenders have the option of regaining driving privileges sooner if they apply for a limited license or enroll in the ignition interlock device program. (See pages 8 and 9.)

License Plate Impoundment

Plate impoundment refers to the physical seizure or surrender of vehicle license plates that occurs upon certain impaired driving incidents.

An impaired driving violation involving an aggravating factor can result in plate impoundment. Aggravating factors are:

- a qualified prior impaired driving violation by that person within the previous ten years;
- an AC of .16 or more;
- having a child under age 16 present in the vehicle (when driver is at least three years older); or
- violating while operating with a driver's license that has been cancelled for the person being inimical to public safety.

Plate impoundment applies to:

- the vehicle used in the plate impoundment violation, and
- any vehicle owned, registered, or leased in the name of the violator, whether alone or jointly.

The arresting officer issues a plate impoundment order at the time of arrest and the order is effective immediately. The officer orders seizure of the plates and issues a temporary vehicle permit valid for seven days (or 45 days if the violator is not the owner). The violator or registered owner may apply for new registration plates, which are specially coded and signify to law enforcement that the regular plates have been impounded for an impaired driving violation.

Specially coded license plates⁵ may be issued for the vehicle(s), provided that:

- the violator has a properly licensed substitute driver;
- a member of the violator's household is validly licensed;
- the violator has been validly relicensed; or
- the owner is not the violator and is validly licensed.

The minimum term of plate impoundment is one year, during which time the violator may not drive any motor vehicle unless the vehicle displays specially coded plates and the person has been validly relicensed to drive. The violator is also subject to certain restrictions when selling or acquiring a vehicle during the impoundment period.

It is a crime for a driver whose plates have been impounded to attempt to evade the plate impoundment law in certain specified ways, or for another person to enable such evasion.

As with the driver's license withdrawal sanction, a person incurring license plate impoundment may appeal this sanction both administratively and/or judicially through the court. (See [Minn. Stat. § 169A.60](#) for the procedural details.)

Vehicle Forfeiture

Minnesota's DWI law provides for vehicle forfeiture for a "designated license revocation" or "designated offense," which is typically the third DWI violation within a ten-year period, though with one or more aggravating factors, a person's second-time or even first-time violation might qualify as well.

DWI law defines "designated license revocation" as a license revocation or commercial license disqualification for an implied consent violation within ten years of two or more qualified prior impaired driving incidents. The term "designated offense" includes a DWI violation in the first or second degree (see table on page 11) or involving a person whose driver's license is cancelled as inimical to public safety or subject to B-Card (no alcohol/controlled substance) restrictions.

The law provides that the arresting officer may seize the vehicle and requires that the prosecuting authority serve notice to the owner(s) of the intent to forfeit.⁶ The forfeiture is conducted administratively, unless within 60 days any owner appeals the forfeiture action by filing for a judicial determination of the forfeiture. This is a civil action filed in district court. If the property is worth \$15,000 or less, the action may be filed in conciliation court.⁷

⁵ These plates are more commonly known as "whiskey plates."

⁶ Notice of the intent to forfeit states: "WARNING: You will automatically lose the [vehicle] and the right to be heard in court if you do not file a lawsuit and serve the prosecuting attorney within 60 days." [Minn. Stat. § 169A.63](#), subd. 8.

⁷ Also referred to as "small claims" court.

A vehicle is subject to forfeiture under this law only if:

- it was used in the commission of a designated offense and the driver was convicted of that offense or failed to appear at a scheduled court appearance, or
- it was used in conduct resulting in a designated license revocation and the driver either fails to seek judicial review of the revocation in a timely manner or the revocation is sustained upon review.

Other vehicles owned by the offender are not subject to forfeiture. In the event an owner of the vehicle is not the offender, the law states that a motor vehicle is not subject to forfeiture if an owner can demonstrate that he or she did not know, or should not have known, of the unlawful or intended use of the vehicle, or that he or she took reasonable steps to stop the offender. This is the innocent owner defense.

Following completion of forfeiture, the arresting agency may sell or keep the vehicle for its official use. However, the security interest or lease of the financial institution, if any, is protected, and the lienholder may choose to sell the vehicle at its own foreclosure sale or agree to a sale by the arresting agency. The proceeds, after deduction of certain expenses, go to the financial institution.

Limited and Restricted Licenses

An individual who has had his or her driver's license revoked or cancelled may be eligible for a limited or restricted license during the revocation or cancellation period.

(1) A limited license allows a person to drive six days a week for certain employment, abstinence-based treatment, educational, and homemaker purposes.

(2) A restricted license allows a person to drive only vehicles equipped with ignition interlock. Depending on the number of prior offenses, a person with a restricted license will have either limited (see clause (1)) or full driving privileges while on ignition interlock.

Individuals who have had their driver's license *revoked* for an impaired driving incident may choose (1) to wait out the revocation period and not drive, or (2) apply for issuance of a limited or restricted license. Upon expiration of the revocation period, the individual may apply for reinstatement of full driving privileges.

An individual whose license has been *cancelled* is not eligible for reinstatement of driving privileges until the commissioner of public safety receives proof of abstinence through the use of an ignition interlock device. Canceled drivers, unlike revoked drivers, cannot "wait out" the cancellation period if they want to regain driving privileges.

The individual's current and past record determines the available license options and, in certain cases, the waiting period.

Following a first-time test refusal or test failure with AC under .16, a person may:

- apply for an ignition interlock restricted license with full driving privileges;
- after a 15-day waiting period (90 days if under age 18), apply for a limited license; or
- not drive during the revocation period (i.e., may “wait out” the revocation period before regaining driving privileges).

A person with a first-time test failure with AC of .16 or greater, second DWI offense in ten years, or third DWI offense on record may:

- apply for an ignition interlock restricted license with full driving privileges; or
- not drive during the revocation period (i.e., may “wait out” the revocation period before regaining driving privileges).

After a third implied consent or DWI offense in ten years, or fourth or subsequent DWI offense on record, a person may:

- apply for an ignition interlock restricted license with limited driving privileges for at least one year; or
- not drive during the cancellation period (cannot seek reinstatement of driving privileges under this option).

A person involved in a criminal vehicular injury involving alcohol may:

- apply for an ignition interlock restricted license with limited driving privileges for at least one year; or
- not drive during the cancellation period (cannot seek reinstatement of driving privileges under this option).

Following a criminal vehicular injury not involving alcohol, or vehicular homicide or manslaughter, a person may:

- after a one-year waiting period (two years if under age 18), apply for a limited license; or
- not drive during the revocation period (no ignition interlock option available).

Ignition Interlock

The ignition interlock program allows certain offenders to regain driving privileges sooner through issuance of a restricted and/or limited license that requires the person to drive only vehicles equipped with an ignition interlock.⁸ (See licensing options pages 8 and 9.)

A private ignition interlock provider installs an ignition interlock device in a vehicle to measure an individual's AC level. At startup, the device takes a photograph as the driver blows into the

⁸ In certain cases, a participant may drive an employer-owned vehicle without an ignition interlock while in normal course of employment and with the employer's written consent.

device. The vehicle will not start if the device detects alcohol. Once the vehicle is in motion, the ignition interlock device takes and records rolling retests. If ordered by a court, the device provides location tracking information.

Successful completion of the program (as proof of abstinence) is *required* to regain driving privileges for a person whose license has been cancelled and denied:

- as a result of three or more impaired driving incidents in ten years or four or more incidents on record; and
- for criminal vehicular injury involving alcohol.

The overall ignition interlock program length is dependent on the person's revocation or cancellation period, but may be extended for violations. Violations include: (1) tampering with or circumventing an ignition interlock device; and (2) driving a vehicle not equipped with an ignition interlock device. These violations are also misdemeanor offenses. Also, anytime the use of alcohol is detected or there is sufficient cause to believe a canceled person consumed alcohol or used drugs, the entire period restarts. For persons on revoked status, there must be no failed breath tests during the last 90 days of the program.

The cost of the ignition interlock device is the responsibility of the offender. Discount rates, through ignition interlock providers, may be available to indigent offenders.⁹

Reinstatement After Cancellation

If a person has three or more impaired incidents in ten years or four incidents on record, the Department of Public Safety cancels and denies the person's driver's license. Once a license is canceled and denied, the person is not eligible for reinstatement of driving privileges until completing rehabilitation and submitting verification of abstinence through use of the ignition interlock device.

Department rules define rehabilitation requirements including: following recommendations in a chemical use assessment, successfully completing chemical dependency treatment, and meeting other requirements (e.g., insurance, fees, etc.). In addition, reinstatement following rehabilitation *must* be conditioned upon continued and absolute abstinence from the use of alcohol and drugs.

When an individual's license carries a "no alcohol/drugs" restriction, the individual is informed that the license is subject to cancellation upon satisfactory evidence of a violation *at any time*, regardless of whether the violation involves driving. Violation of this restriction *while operating a motor vehicle*, even if the driver is not impaired or has an AC below .08, is a gross misdemeanor. (If the individual is impaired, there may also be DWI charges.)

⁹ For more on the ignition interlock program, see [Ignition Interlock for DWI Offenders](#), House Research Department Short Subject, September 2016.

To regain driving privileges after violation of the “no alcohol/drugs” restriction, the person must again successfully complete rehabilitation and submit verification of 12 months of abstinence, which is proven through use of an ignition interlock device.

After maintaining abstinence for at least ten years, a person may apply for removal of the “no alcohol/drugs” restriction from the person’s physical license and driving record.

Driver’s License Reinstatement Fees

Before becoming relicensed to drive after a DWI or CVO offense, a person must pass the license examination, reapply for a driver’s license, and pay the following fees:

- \$250 – driver’s license reinstatement fee
- \$430 – reinstatement surcharge
- \$26.25 – driver’s license application fee

Certain persons who are eligible for a public defender may pay the reinstatement fee and surcharge in two installments. A handling fee may be imposed for utilizing the installment plan. The driver’s license expires in two years unless the second installment is paid. A person must make full payment of the fee and surcharge before renewing a license on the standard schedule or reinstating a cancelled, revoked, or suspended license.

Criminal Penalties

Apart from administrative licensing sanctions, a prosecutor’s office may file criminal charges against an offender. Criminal penalties upon conviction for DWI are tiered, as follows:

Offense	Punishment	Factors Determining Level of Offense
Fourth Degree DWI	Misdemeanor, punishable by up to 90 days of jail and a \$1,000 fine	<ul style="list-style-type: none">• DWI violation without test refusal or any aggravating factors*
Third Degree DWI	Gross misdemeanor, punishable by up to one year of jail and a \$3,000 fine	<ul style="list-style-type: none">• DWI violation with test refusal or one aggravating factor
Second Degree DWI	Gross misdemeanor, punishable by up to one year of jail and a \$3,000 fine	<ul style="list-style-type: none">• DWI violation with test refusal and one aggravating factor; or• DWI violation with two aggravating factors
First Degree DWI	Felony, punishable by up to seven years’ imprisonment and a \$14,000 fine	<ul style="list-style-type: none">• fourth impaired driving incident within ten years; or• following a previous felony DWI or criminal vehicular operation conviction

*Aggravating Factor	Qualified Prior Impaired Driving Incident
<p>This includes:</p> <ul style="list-style-type: none"> ▪ a qualified prior impaired driving incident (<i>see next column</i>) within the preceding ten years; ▪ an AC of .16 or more upon arrest; and ▪ the presence of a child under age 16 in the vehicle, if more than 36 months younger than the offender. 	<p>This includes both:</p> <ul style="list-style-type: none"> ▪ prior impaired driving convictions; and ▪ prior impaired driving-related losses of license (implied consent revocations) or operating privileges <p>for separate driving incidents within the preceding ten years involving any kind of motor vehicle, including passenger motor vehicle, school bus or Head Start bus, commercial motor vehicle, airplane, snowmobile, all-terrain vehicle, off-road recreational vehicle, or motorboat in operation. Also includes substance-related criminal vehicular operation offenses.</p>

Mandatory Hold and Conditional Release Pretrial

A person arrested for a first-degree (felony) or second-degree DWI crime must be taken into custody and detained until the person's first court appearance, at which time the court generally sets bail and specifies conditions of release.

A person charged with any of the following nonfelony offenses can obtain pretrial release from detention by posting maximum bail¹⁰ or by agreeing to abstain from alcohol and to submit to remote electronic alcohol monitoring (REAM) involving at least daily breath-alcohol measurements. The offenses are:

- a third implied consent or DWI violation within ten years;
- a second violation, if under 19 years of age;
- a violation while already cancelled as inimical to public safety for a prior violation; or
- a violation involving an AC of .16 or more, or a child under 16 is in the vehicle.

Further conditions apply to a person charged with a felony (fourth or more violation within ten years), including:

- impoundment of the vehicle registration plates, or impoundment of the off-road recreational vehicle or motorboat itself, if one was being driven;
- a requirement for reporting at least weekly to a probation officer, involving random breath alcohol testing and/or urinalysis; and
- a requirement to reimburse the court for these services upon conviction for the crime.

The court must set a bail amount without other conditions upon which a defendant may obtain release.

¹⁰ \$12,000 for gross misdemeanor DWI.

Chemical Dependency Assessment and Treatment

Every person convicted of DWI or a reduced charge must submit to a chemical use assessment administered by the county prior to sentencing. If the conviction is for a repeat offense within ten years or the conviction was for DWI with an AC of .16 or more, the court must order the person to submit to the level of treatment care recommended by the assessment. DPS rules list the treatment requirements.

The offender must pay the cost of the assessment directly to the service provider and pay a \$25 assessment charge imposed by the court. There is an additional \$5 surcharge for repeat violations within five years.

Sentencing

Mandatory Minimums

Upon conviction for DWI, repeat offenders are subject to the following mandatory minimum criminal penalties:

- **second DWI offense within ten years:**
30 days of incarceration, at least 48 hours of which must be served in jail/workhouse, with eight hours of community work service for each day less than 30 served
- **third DWI offense within ten years:**
90 days of incarceration, at least 30 days of which must be served consecutively in a local jail/workhouse
- **fourth DWI offense within ten years:**
180 days of incarceration, at least 30 days of which must be served consecutively in a local jail/workhouse
- **fifth DWI offense within ten years:**
One year of incarceration, at least 60 days of which must be served consecutively in a local jail/workhouse

The court may order that the person spend the remainder (nonjail portion) of the mandatory minimum sentence under REAM or on home detention.

Alternatives to the Mandatory Minimum Period of Incarceration

The court may sentence the offender to a program of intensive probation for repeat DWI offenders that requires the person to consecutively serve at least six days in jail/workhouse and may order that the remainder of the minimum sentence be served on home detention. As another alternative, the court may require the person to enter the ignition interlock program as a condition of probation.

Long-term Monitoring Required

Long-term monitoring applies to most third-time DWI offenders and repeat offenders under age 19. When the court stays part or all of a jail sentence, it must order the offender to submit to REAM (if available) for at least 30 consecutive days each year of probation.

Intermediate Sanctions and Probation

When sentencing a DWI offender, the court may impose and execute a sentence to incarcerate, or it may stay imposition or execution of sentence and:

- order intermediate sanctions without probation; or
- place the person on probation with or without supervision and under terms the court prescribes, including intermediate sanctions.

The term “intermediate sanction” includes but is not limited to jail, home detention, electronic monitoring, intensive supervision, sentencing to service, day reporting, chemical dependency and mental health treatment, restitution, fines, day fines, community work service, restorative justice work, and work in lieu of or to work off fines or restitution.

For DWI convictions, the maximum period of the stay of sentence is:

- two years, for a misdemeanor conviction;
- six years, for a gross misdemeanor conviction; and
- seven years, for a felony DWI conviction.

Penalty Assessment

When the court finds the aggravating factor of having an AC concentration of .16 or more, the court may impose a penalty assessment up to \$1,000. This is in addition to any fines or other charges.

Felony DWI

Under Minnesota's felony DWI law, a person who commits first-degree DWI is guilty of a felony and may be sentenced to:

- imprisonment for not more than seven years (plus the term of conditional release);
- a fine of not more than \$14,000; or
- both.

A person is guilty of first-degree DWI if the person violates DWI law:

- within ten years of three or more qualified prior impaired driving incidents (defined as prior convictions or license revocations for separate impaired driving incidents);
- has previously been convicted of a felony DWI crime; or

- has previously been convicted of a felony-level CVO crime involving alcohol or controlled substances.

Unlike nonfelony DWI crimes, being arrested with a high AC (.16 or more) or under circumstances of child endangerment are not defined as aggravating factors for felony DWI. Only qualified prior impaired driving incidents and prior convictions for felony CVO are considered.

When sentencing a person for a felony DWI offense, the court:

- must impose a sentence to imprisonment for not less than three years; and
- may stay execution of this mandatory sentence, but may not stay imposition or adjudication of this sentence.

A person sentenced to incarceration in prison for felony DWI is not eligible for early release unless the person has successfully completed a chemical dependency treatment program while in prison.

The court must place a felony DWI offender released from prison on conditional release for five years, under any conditions that the commissioner of corrections opts to impose, including an intensive probation program for repeat DWI offenders. If the person fails to comply with the conditions, the commissioner may revoke the release and return the person to prison.

If the court stays execution of the mandatory prison sentence, then it must apply the mandatory penalties for nonfelony DWI offenses (jail and/or intensive probation, as described in a preceding section) and must order that the person submit to long-term alcohol monitoring and comply with the level of treatment prescribed in the chemical dependency assessment. If the person violates any condition of probation, the court may order that the stayed prison sentence be executed.

The Minnesota sentencing guidelines presume a stayed sentence of 36 months, 42 months, and 48 months for a felony DWI conviction for a person with zero, one, or two criminal history points respectively, and they specify a presumptive commit-to-prison for a person with a criminal history score of three or more.

Records and Expungement

A person may apply to have a misdemeanor or gross misdemeanor DWI sentence expunged (i.e., sealed) under certain conditions.¹¹ However, records of administrative license actions and DWI convictions must be retained permanently on the official driving record and are also used in future sentencing decisions.

¹¹ See [Minn. Stat. ch. 609A](#) and [Expungement of Criminal Records](#), House Research Department Information Brief, January 2016.

Criminal Vehicular Operation (CVO): Homicide and Injury

Criminal law defines six levels of CVO—all but one constituting felony offenses—depending on the level of injury inflicted:

- criminal vehicular homicide (causing death, but not constituting murder or manslaughter)
- great bodily harm (serious permanent injury)
- substantial bodily harm (temporary substantial injury)
- bodily harm (pain or injury—a gross misdemeanor)
- death or injury to an unborn child

A common element to each of these CVO crimes is that the person causes the specified harm to another person as a result of operating a motor vehicle¹² under any of the following conditions:

- in a grossly negligent manner
- in a negligent manner while in violation of any of the elements of regular DWI law
- where the driver who causes the accident leaves the scene in violation of Minnesota's hit-and-run law
- where a citation was issued that the vehicle was defectively maintained, the driver knew remedial action was not taken, the defect created a risk to others, and injury or death resulted from the defective maintenance

In practice, most CVO prosecutions involve simultaneous violation of DWI law. Under the sentencing guidelines, a conviction for criminal vehicular homicide for an offender with no other criminal history points carries a presumptive commit to prison for 48 months.

Special Laws

Youth Under Age 21

Impaired driving

DWI laws apply equally to drivers of all ages. DWI violations require either evidence of impaired driving or an AC of .08 or higher, or the presence of certain illegal substances in the person's body, during or within two hours of the time of driving, operating, or being in control of a motor vehicle, broadly defined. Drivers aged 16 and 17 years old who violate the DWI laws are under the jurisdiction of the adult court, not the juvenile court. As such, they are subject to adult penalties and consequences.

¹² The definition of a "motor vehicle" for CVO offenses is "a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air."

Zero tolerance – underage drinking and driving

Minnesota has a zero-tolerance law for underage drinking and driving. This law provides misdemeanor penalties and driver's license suspension for any driver under age 21 who is convicted of driving a motor vehicle while consuming alcohol or while there is physical evidence of such consumption present in the person's body. A violation of the zero-tolerance law also restricts a person's eligibility for an instruction permit, provisional license, or driver's license. If the offender is age 16 or 17, an offense is prosecuted in juvenile court and is considered a "major traffic offense." So long as the conduct does not violate the DWI law, it cannot be used as an enhancing factor for any subsequent DWI violation.

Open Bottle Law

Minnesota's open bottle law makes it a crime to consume alcohol or possess an open bottle of an alcoholic beverage in a motor vehicle that is on the street or highway. It is not a violation to have an open bottle kept in a trunk or other area not occupied by passengers.

The open bottle law does not prohibit possession or consumption of alcoholic beverages by *passengers* in buses, limousines, motorboats, or pedal pubs.

DWI Violator Using an Off-road Recreational Vehicle or Motorboat

Any person who commits a DWI violation involving an off-road recreational vehicle or motorboat is subject to the same administrative sanctions and criminal penalties as the person would be if arrested while driving a regular motor vehicle. That includes the revocation of a person's driver's license. In addition, a person who violates DWI law in any vehicle loses the privilege to operate a snowmobile or ATV for one year, and the privilege to operate a motorboat for a 90 day period between May 1 and October 1. The motorboat restriction can be spread over two years if necessary.

Commercial Vehicle Driving

The legal AC limit for driving commercial motor vehicles is .04 instead of .08, and the implied consent law allows for a chemical test upon probable cause that the commercial vehicle driver has consumed any amount of alcohol.

A person who violates the .04 standard while driving a commercial motor vehicle is subject to a period of disqualification (one year for the first violation and lifetime disqualification for any subsequent violation) from commercial motor vehicle driving. The person would remain validly licensed to drive regular motor vehicles unless he or she also has violated regular DWI law by exceeding the .08 per se standard, driving while impaired, or driving with any amount of certain controlled substances in the body, in which case the person would be subject to the full range of applicable penalties and sanctions of regular DWI law.

In addition, a commercial motor vehicle driver who incurs license revocation or cancellation for an impaired driving violation in a personal passenger vehicle receives no special dispensations

from the sanctions and penalties that apply to other drivers—the person is prohibited from driving any type of vehicle until becoming validly relicensed to drive.

School Bus Driving

DWI law provides an even stricter standard of zero tolerance for school bus driving, by making it unlawful to drive a school bus when there is physical evidence in the person's body of the consumption of any amount of alcohol. In addition to criminal penalties, such a violation also triggers cancellation of the person's school bus driving endorsement. However, as with other nonbus commercial vehicle DWI violations, the person would remain validly licensed to drive regular motor vehicles unless he or she also has violated the higher standards of regular DWI law.

Aircraft

A federal law establishes a .04 per se standard for AC while operating an aircraft and also criminalizes test refusal. Violation is always a gross misdemeanor.

It also is unlawful to fly within eight hours of any alcohol consumption—a zero-tolerance standard, but time limited. Violation is a misdemeanor.

For more information about DWI, visit the criminal justice area of our website, www.house.mn/hrd/.