

# MINNESOTA

## IMPAIRED DRIVING FACTS

### 2012

Produced by:

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- The Office of Traffic Safety is pleased that Jim Cleary and Rebecca Pirius of the Minnesota House of Representative Research Department permitted the reproduction here of their 2008 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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*This site also includes yearly archived Impaired Driving Facts reports.*

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There's no excuse for drunk driving, but as the numbers in this report clearly show, plenty of people in 2012 made the unsafe decision to get behind the wheel impaired. As a result of these dangerous decisions, lives have been dramatically changed or tragically ended.

Last year, 104 people were killed in drunk driving crashes while 2,644 people were injured. Meanwhile, more than 28,000 drivers were arrested for DWI.

These are massive numbers that indicate the drunk driving issue remains a stubborn and dangerous problem that will continue to prevent Minnesota from having safer roads.

There has been progress, however: A decade ago there were 205 drunk driving deaths. Further, alcohol-related crashes and DWI arrests have been trending downward, which may indicate people are making safer, smarter decisions.

This report, *Minnesota Impaired Driving Facts 2012*, presents the impaired driving facts and provides a wide-range view of the problem. This publication also explains Minnesota's impaired driving laws. Here are key facts from 2012:

- 395 people died in traffic crashes in Minnesota and 104 (26 percent) were in crashes involving drunk drivers.
- 2,644 people suffered injuries in alcohol-related crashes.
- 28,418 motorists were arrested for DWIs (an average of 78 DWIs per day).
- 11,474 (40 percent) of these violators had at least one prior DWI.
- 1,783 (6 percent) of all DWIs were issued to drivers less than 21 years of age.
- 76 percent of motorists arrested for DWI resulted in a criminal conviction for driving while impaired; this percentage will increase as outstanding cases are settled in courts.
- One out of every seven licensed drivers in Minnesota has at least one DWI.

The Office of Traffic Safety, our law enforcement partners and our *Toward Zero Deaths* traffic safety advocates place great resources to prevent drunk driving. And we need everyone's support to truly make a difference. As Minnesotans, we all have a role and a responsibility to make smart decisions to avoid the dangers and the consequences of drunk driving. Please always have a plan for a sober ride — don't risk driving impaired.

Sincerely,



Donna Berger  
Director, Office of Traffic Safety

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## I. IMPAIRED DRIVING INCIDENTS ON RECORD

### Summary

There were 28,418 impaired driving incidents that occurred in Minnesota in 2012 and then entered onto people's driving records. That's a 3% decrease from the previous year. Eighty-seven percent of the incidents involved taking a test for alcohol or drugs;\* 13% involved a test refusal.† A few incidents (8--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 number of the total incidents included a conviction for "criminal vehicular operation" resulting in a fatality (5 such incidents) or injury (124 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 1,386, in 1994, to close to 3,700 in 1999, but then dropped rather sharply in the past decade to 899 in 2012.

The second violation type has the jargon-like name "disqual." This refers to an incident where a commercial vehicle driver is tested and found to have an alcohol concentration of .04% or higher. Such a driver will then be disqualified from operating a commercial vehicle. These incidents are somewhat rare. There were only 7 in 2012. (Note that if the commercial driver has an AC over the *per se* illegal level, then the incident will be counted as a conviction or an implied consent violation; 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 when drinking and driving occurs in terms of days of the week. Year 2012 was similar to past years: Mondays through Thursdays had comparatively few incidents. Then Fridays accounted for 15%, Sundays for 23%, and Saturdays for 26% 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. There has been a steady decline among high-scoring violators ever since; there were 6,079 in the over 0.20% category in 1998, then 4,594 in 2012. This represents a 24% 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 0.148% in 2012. Second-or-subsequent violators averaged 0.173% in 1998 and 0.164% in 2012. These lower alcohol concentration levels are to be expected in some degree due to the lower .08 *per se* level that went into effect 08/01/2005.

### Who are the violators?

Driver license files provide only limited data on who the drinking drivers are. However, there is a strong relationship between age and impaired driving. Twenty-to-thirty-four year-olds accounted for 56% of the impaired driving incidents in 2012. In addition, there were 1,783 impaired driving incidents among underage drivers. This is especially disturbing since it is illegal to drink in Minnesota if you are less than 21 years of age.

In addition, there is an exceedingly strong relationship between gender and impaired driving. Most succinctly put, the problem is concentrated in the young adult male population. In 2012, males committed 73% 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.

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\* The tests are usually for alcohol, but they might be for controlled substances. In 2012, there were 1,006 incidents (involving either an implied consent violation or a criminal conviction, or both) for driving while impaired by controlled substances.

† Test refusals used to be higher. For example in 1993, 18% of all incidents involved a test refusal.

TABLE 1.01

OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1993 - 2012

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)	
1993	30,088	29,334	25,107	24,586	5,489	13	42	101	10	587	15
1994	29,748	28,855	24,834	24,524	5,208	16	44	92	15	1,386	21
1995	30,402	29,249	25,139	24,869	5,507	26	41	86	26	1,611	17
1996	30,923	29,687	25,718	25,512	5,405	6	42	145	50	2,181	19
1997	31,380	29,940	26,269	26,330	5,024	26	22	208	128	2,865	16
1998	32,422	30,888	27,136	27,483	4,774	165	40	213	218	3,245	21
1999	34,575	32,800	29,314	29,581	4,875	119	27	251	207	3,691	13
2000	35,034	33,329	29,292	30,007	4,886	141	40	251	334	3,607	18
2001	33,532	32,074	27,981	28,611	4,839	82	21	160	399	3,287	16
2002	33,163	31,911	27,447	28,308	4,767	88	35	207	404	3,163	15
2003	32,266	30,991	26,210	27,591	4,489	186	37	315	542	2,807	10
2004	34,202	32,811	27,907	29,501	4,478	223	26	279	695	2,762	8
2005	37,002	35,215	30,534	32,224	4,633	145	34	301	842	2,478	16
2006	41,951	40,425	34,528	36,893	4,942	116	26	301	724	2,463	16
2007	38,669	37,278	31,876	33,947	4,664	58	46	265	659	2,134	28
2008	35,794	34,497	29,509	31,492	4,292	10	35	241	642	1,703	12
2009	32,756	31,662	24,198	28,831	3,915	10	38	269	820	1,425	8
2010	29,918	28,838	22,153	26,366	3,545	7	40	256	927	1,229	16
2011	29,257	28,204	22,175	25,713	3,531	13	28	233	968	1,137	15
2012	28,418	27,499	21,548	24,722	3,688	8	5	124	1,006	899	7

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 2012, 76% of all incidents were known to involve a criminal conviction for driving while impaired by alcohol or drugs (as of June 01, 2013—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 for 2012 in columns (7) through (11) will all increase as court cases are settled.
- (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 .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, 1993 - 2012**

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
1993	17	3	80	24,566	0	78	22	9	16	0	84	5,499	16	3	81	30,088
1994	17	3	80	24,497	0	92	8	12	16	1	83	5,221	16	3	81	29,748
1995	17	4	78	24,837	0	100	0	25	16	1	83	5,527	17	4	79	30,402
1996	17	5	78	25,457	0	100	0	44	14	1	85	5,410	17	4	79	30,923
1997	17	5	78	26,190	18	64	18	123	14	1	85	5,048	16	5	79	31,380
1998	16	5	79	27,261	30	39	31	210	15	1	84	4,937	16	5	79	32,422
1999	15	6	79	29,363	34	38	28	200	14	1	85	4,990	15	5	80	34,575
2000	16	5	79	29,676	32	43	24	325	15	1	84	5,024	16	5	79	35,034
2001	16	5	79	28,222	36	21	43	389	14	1	85	4,919	16	4	79	33,532
2002	17	4	79	27,917	34	21	45	404	14	1	85	4,854	16	4	80	33,163
2003	17	5	79	27,152	36	19	45	528	14	1	85	4,673	17	4	79	32,266
2004	15	5	80	28,953	36	17	47	674	12	1	87	4,702	15	5	80	34,202
2005	14	5	80	31,409	29	16	55	815	12	2	86	4,778	14	5	81	37,002
2006	15	4	81	36,203	30	16	53	690	12	1	87	5,058	15	4	81	41,951
2007	14	4	82	33,327	28	23	49	620	11	1	88	4,722	14	4	82	38,669
2008	15	4	81	30,890	29	22	49	602	12	1	87	4,302	15	4	81	35,794
2009	17	4	79	28,105	28	20	52	726	12	2	86	3,925	17	4	79	32,756
2010	16	4	79	25,528	28	21	52	838	11	2	87	3,552	16	4	80	29,918
2011	16	4	80	24,880	29	25	46	833	12	2	86	3,544	16	5	80	29,257
2012	24	3	73	24,880	52	15	33	833	21	1	78	3,544	24	3	73	28,418

Note: 2012 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 license if the person refuses to take a test for alcohol, or for controlled substances (“drugs”), 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 .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”).

TABLE 1.03

IMPAIRED DRIVING INCIDENTS BY MONTH, 1993 – 2012

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1993	2,194	2,156	2,460	2,505	2,959	2,436	2,735	2,785	2,581	2,689	2,246	2,342	30,088
1994	2,101	2,047	2,548	2,599	2,714	2,434	2,800	2,471	2,499	2,618	2,239	2,678	29,748
1995	2,176	2,190	2,441	2,744	2,582	2,393	2,732	2,647	2,815	2,579	2,213	2,890	30,402
1996	2,120	2,207	2,625	2,448	2,875	2,772	2,753	2,909	2,632	2,581	2,420	2,581	30,923
1997	2,289	2,437	2,654	2,586	2,948	2,610	2,735	3,033	2,353	2,454	2,608	2,673	31,380
1998	2,434	2,391	2,448	2,500	2,993	2,658	2,937	2,951	2,782	2,857	2,663	2,808	32,422
1999	2,617	2,497	2,780	2,746	3,194	2,765	3,029	2,936	2,974	3,131	2,798	3,108	34,575
2000	2,883	2,724	3,015	2,918	2,960	2,904	3,184	2,838	2,995	2,997	2,559	3,057	35,034
2001	2,822	2,426	2,989	2,600	2,869	2,795	2,892	2,798	2,806	2,793	2,616	3,126	33,532
2002	2,722	2,460	2,796	2,582	2,812	2,806	2,910	3,045	2,741	2,648	2,693	2,948	33,163
2003	2,464	2,321	2,747	2,469	2,645	2,714	3,104	2,933	2,635	2,863	2,738	2,633	32,266
2004	2,796	2,706	2,909	2,706	2,970	2,769	3,123	3,168	2,814	2,918	2,583	2,740	34,202
2005	2,587	2,857	2,843	3,058	3,026	2,827	3,379	3,496	3,215	3,328	2,968	3,418	37,002
2006	3,479	3,184	3,604	3,473	3,493	3,568	3,722	3,750	3,657	3,141	3,231	3,649	41,951
2007	3,019	2,726	3,408	3,083	3,326	3,363	3,404	3,435	3,388	2,971	3,079	3,467	38,669
2008	3,065	2,916	3,168	2,711	3,180	2,958	3,436	3,020	2,641	2,902	3,042	2,755	35,794
2009	2,889	2,550	2,881	2,703	2,966	2,561	2,816	3,003	2,685	2,511	2,628	2,563	32,756
2010	2,541	2,507	2,689	2,463	2,655	2,356	2,623	2,651	2,394	2,566	2,106	2,367	29,918
2011	2,370	2,334	2,478	2,457	2,509	2,428	2,694	2,591	2,320	2,450	2,068	2,558	29,257
2012	2,141	2,224	2,520	2,287	2,450	2,414	2,454	2,620	2,394	2,262	2,153	2,499	28,418

TABLE 1.04

IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1993 – 2012

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
1993	6,202	2,264	2,465	2,905	3,511	5,083	7,658	30,088
1994	6,048	2,302	2,328	2,661	3,535	5,089	7,785	29,748
1995	6,600	2,274	2,476	2,717	3,436	4,977	7,922	30,402
1996	6,413	2,490	2,505	2,799	3,571	5,131	8,014	30,923
1997	6,488	2,331	2,436	3,111	3,426	5,339	8,249	31,380
1998	6,909	2,384	2,490	2,942	3,961	5,398	8,338	32,422
1999	7,470	2,446	2,540	3,116	3,992	6,017	8,994	34,575
2000	7,640	2,375	2,623	3,138	3,872	5,774	9,612	35,034
2001	7,316	2,566	2,564	3,002	3,893	5,558	8,633	33,532
2002	7,098	2,451	2,736	3,116	3,912	5,492	8,358	33,163
2003	6,803	2,391	2,564	3,311	3,607	5,319	8,271	32,266
2004	7,570	2,389	2,593	3,204	4,085	5,468	8,893	34,202
2005	8,105	2,698	2,838	3,252	4,161	6,113	9,835	37,002
2006	9,563	2,854	3,236	3,730	4,684	6,766	11,118	41,951
2007	8,682	2,934	2,853	3,617	4,341	6,147	10,095	38,669
2008	7,991	2,481	2,912	3,115	3,910	5,826	9,559	35,794
2009	7,511	2,275	2,513	2,977	3,864	5,028	8,588	32,756
2010	6,866	2,120	2,227	2,616	3,368	5,069	7,652	29,918
2011	6,715	2,238	2,102	2,461	3,175	4,680	7,886	29,257
2012	6,676	2,102	2,110	2,530	3,106	4,367	7,527	28,418



*TABLE 1.05*  
**ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS  
WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2003 - 2012**

Year	.01 - -.04	.05- -.07	.08- -.09	.10- -.14	.15- -.19	.20- -.24	.25- -.29	.30- -.34	.35 +	Average A.C.	Total Tests	Not Tested	Total Incidents
<b>2003</b>													
First	6	3	35	7,830	6,317	2,165	438	83	29	.155	16,906	2,272	19,178
Repeat	3	5	30	3,366	3,948	1,968	552	144	38	.170	10,054	3,034	13,088
All	9	8	65	11,196	10,265	4,133	990	227	67	.161	26,960	5,306	32,266
<b>2004</b>													
First	2	6	41	8,462	6,639	2,275	489	76	14	.155	18,004	2,395	20,399
Repeat	2	2	23	3,659	4,256	2,003	571	150	43	.169	10,709	3,094	13,803
All	4	8	64	12,121	10,895	4,278	1,060	226	57	.160	28,713	5,489	34,202
<b>2005</b>													
First	0	13	1,080	9,118	6,857	2,219	457	82	21	.150	19,847	2,667	22,514
Repeat	1	5	429	3,839	4,066	2,061	632	155	35	.166	11,223	3,265	14,488
All	1	18	1,509	12,957	10,923	4,280	1,089	237	56	.155	31,070	5,932	37,002
<b>2006</b>													
First	2	16	3,055	9,977	7,062	2,403	472	99	27	.144	23,113	2,877	25,990
Repeat	0	9	1,095	4,324	4,163	2,097	633	149	27	.160	12,497	3,464	15,961
All	2	25	4,150	14,301	11,225	4,500	1,105	248	54	.149	35,610	6,341	41,951
<b>2007</b>													
First	2	8	2,525	9,008	6,455	2,215	433	82	8	.145	20,736	2,917	23,653
Repeat	0	4	978	4,006	3,924	2,060	601	160	28	.161	11,761	3,255	15,016
All	2	12	3,503	13,014	10,379	4,275	1,034	242	36	.151	32,497	6,172	38,669
<b>2008</b>													
First	0	6	2,168	8,048	5,993	2,085	475	85	21	.146	18,881	2,508	21,389
Repeat	0	2	880	3,775	3,776	1,975	616	137	35	.162	11,196	3,209	14,405
All	0	8	3,048	11,823	9,769	4,060	1,091	222	56	.152	30,007	5,717	35,794
<b>2009</b>													
First	1	4	2,045	7,130	5,310	1,920	425	95	18	.147	16,948	2,346	19,294
Repeat	0	1	825	3,458	3,488	1,889	591	157	41	.163	10,450	3,012	13,462
All	1	5	2,870	10,588	8,798	3,809	1,016	252	59	.153	27,398	5,358	32,756
<b>2010</b>													
First	1	4	1,738	6,317	4,687	1,838	446	111	21	.148	15,163	2,319	17,482
Repeat	1	0	710	3,128	3,264	1,807	597	126	43	.165	9,676	2,760	12,436
All	2	4	2,448	9,445	7,951	3,645	1,043	237	64	.155	24,839	5,079	29,918
<b>2011</b>													
First	1	6	1,746	6,178	4,595	1,712	406	91	26	.148	14,761	2,393	17,154
Repeat	0	0	729	3,004	3,186	1,742	593	154	44	.166	9,452	2,651	12,103
All	1	6	2,475	9,182	7,781	3,454	999	245	70	.155	24,213	5,044	29,257
<b>2012</b>													
First	1	2	1,734	5,967	4,390	1,708	467	94	29	.148	14,392	2,552	16,944
Repeat	0	1	774	2,798	2,879	1,532	548	175	41	.164	8,748	2,726	11,474
All	1	3	2,508	8,765	7,269	3,240	1,015	269	70	.154	23,140	5,278	28,418

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 AC 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, 1993 – 2012**

Year	Male	Female	Not Stated	Total
1993	24,183	5,468	437	30,088
1994	23,241	5,314	1,192	29,748
1995	23,410	5,467	1,525	30,402
1996	23,967	5,462	1,494	30,923
1997	24,102	5,832	1,446	31,380
1998	24,623	6,148	1,650	32,422
1999	26,102	6,543	1,930	34,575
2000	26,065	6,839	2,130	35,034
2001	24,808	6,588	2,136	33,532
2002	24,246	6,651	2,267	33,163
2003	23,368	6,604	2,294	32,266
2004	24,511	7,262	2,429	34,202
2005	26,235	8,131	2,636	37,002
2006	29,251	9,445	3,255	41,951
2007	26,748	8,931	2,990	38,669
2008	24,503	8,552	2,739	35,794
2009	22,342	7,989	2,425	32,756
2010	20,154	7,486	2,278	29,918
2011	19,975	7,326	1,955	29,257
2012	19,035	7,156	2,227	28,418

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 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, 1993 – 2012**

Year	0-14	15	16	17	18	19	20	Under 21
1993	5	6	88	254	500	743	840	2,436
1994	4	7	107	237	545	643	766	2,309
1995	1	20	115	241	518	724	813	2,432
1996	3	11	138	304	617	800	833	2,706
1997	4	18	106	279	639	768	894	2,708
1998	2	17	105	301	679	890	929	2,923
1999	4	18	116	290	744	1,002	1,046	3,220
2000	4	10	127	330	710	991	1,116	3,288
2001	1	15	121	276	643	924	1,042	3,022
2002	7	12	123	306	659	862	1,100	3,069
2003	3	21	117	280	692	914	1,069	3,096
2004	3	13	106	301	679	891	1,014	3,007
2005	5	16	118	345	708	1,032	1,238	3,462
2006	6	24	138	394	859	1,280	1,354	4,055
2007	4	11	126	324	714	1,065	1,210	3,454
2008	6	14	104	269	634	888	1,047	2,962
2009	6	6	75	197	524	801	896	2,505
2010	4	9	54	139	425	667	804	2,102
2011	1	5	55	154	362	578	748	1,903
2012	4	10	42	112	332	621	662	1,783

TABLE 1.08

**IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1993 - 2012**

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
1993	5	1,591	6,366	5,933	5,822	4,292	2,574	1,506	871	511	296	184	94	43	0	30,088
1994	4	1,539	5,821	5,604	5,816	4,221	2,894	1,756	852	568	342	188	82	60	1	29,748
1995	1	1,618	5,877	5,549	5,844	4,554	3,046	1,742	956	553	324	185	92	60	1	30,402
1996	3	1,870	5,806	5,593	5,459	4,791	3,180	1,927	1,010	595	318	214	97	60	0	30,923
1997	4	1,810	5,816	5,727	5,082	4,974	3,355	2,112	1,169	621	341	206	97	65	1	31,380
1998	2	1,992	6,256	5,600	4,905	5,224	3,637	2,258	1,155	676	339	195	103	75	5	32,422
1999	4	2,170	7,403	5,853	4,915	5,254	3,853	2,370	1,330	671	404	192	96	60	0	34,575
2000	4	2,168	7,776	5,859	4,831	5,116	3,944	2,485	1,399	694	372	194	119	72	1	35,034
2001	1	1,979	7,912	5,457	4,573	4,438	3,910	2,462	1,457	651	338	192	100	61	1	33,532
2002	7	1,962	8,148	5,287	4,374	4,054	3,880	2,502	1,454	752	358	197	105	83	0	33,163
2003	3	2,024	8,209	5,411	4,004	3,632	3,650	2,465	1,378	754	381	188	97	67	3	32,266
2004	3	1,990	8,699	5,892	4,253	3,654	3,825	2,709	1,637	789	425	166	93	67	0	34,202
2005	5	2,219	9,615	6,829	4,386	3,790	3,855	2,934	1,669	922	409	213	92	62	2	37,002
2006	6	2,695	11,056	8,067	4,767	4,138	4,026	3,338	1,986	1,029	448	225	108	61	1	41,951
2007	4	2,240	9,874	7,398	4,482	3,946	3,627	3,171	1,912	1,101	492	262	93	66	1	38,669
2008	6	1,909	8,623	6,880	4,508	3,587	3,280	2,998	1,945	1,110	553	229	101	65	0	35,794
2009	6	1,603	7,570	6,394	4,097	3,386	2,937	2,873	1,893	1,055	541	225	119	56	1	32,756
2010	4	1,294	6,821	5,776	3,934	2,918	2,671	2,565	1,914	1,086	543	234	98	60	0	29,918
2011	1	1,154	6,505	5,837	3,895	2,778	2,671	2,393	1,904	1,084	608	231	120	73	3	29,257
2012	4	1,117	6,413	5,421	3,950	2,627	2,665	2,212	1,839	1,090	613	271	135	61	0	28,418

TABLE 1.09

**IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO AND NON-METRO AREAS, 1993 - 2012**

Year	Twin Cities Metro Area		Non-Metro Area		Total	
	number	percent	number	percent	number	percent
1993	15,587	51.8	14,501	48.2	30,088	100.0
1994	15,471	52.0	14,277	48.0	29,748	100.0
1995	15,716	51.7	14,686	48.3	30,402	100.0
1996	15,952	51.6	14,971	48.4	30,923	100.0
1997	16,153	51.5	15,227	48.5	31,380	100.0
1998	16,722	51.6	15,700	48.4	32,422	100.0
1999	17,144	49.5	17,431	50.4	34,575	100.0
2000	16,821	48.0	18,213	52.0	35,034	100.0
2001	16,347	48.8	17,185	51.2	33,532	100.0
2002	16,208	48.9	16,955	51.1	33,163	100.0
2003	16,000	49.6	16,266	50.4	32,266	100.0
2004	16,734	48.9	17,468	51.1	34,202	100.0
2005	17,867	48.3	19,135	51.7	37,002	100.0
2006	20,532	48.9	21,419	51.1	41,951	100.0
2007	18,764	48.5	19,905	51.5	38,669	100.0
2008	17,787	49.7	18,007	50.3	35,794	100.0
2009	16,253	49.6	16,503	50.4	32,756	100.0
2010	15,146	50.6	14,772	49.4	29,918	100.0
2011	14,888	50.9	14,369	49.1	29,257	100.0
2012	14,660	51.6	13,758	48.4	28,418	100.0

TABLE 1.10

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2001 - 2012

County	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Aitkin	233	245	199	159	215	208	248	159	134	104	138	129
Anoka	1,867	1,711	1,708	1,942	2,055	2,159	2,338	2,132	1,912	1,678	1,445	1,380
Becker	418	465	334	342	438	521	383	325	271	275	255	246
Beltrami	403	447	432	434	354	446	509	536	419	375	430	293
Benton	242	266	273	255	265	344	359	293	246	196	156	128
Big Stone	31	40	40	33	24	47	35	27	20	24	20	43
Blue Earth	592	596	595	544	644	679	614	598	643	468	397	340
Brown	139	151	192	219	149	176	162	149	141	126	118	124
Carlton	301	307	312	344	401	411	252	230	241	258	245	234
Carver	308	337	341	409	415	432	395	375	283	284	331	309
Cass	235	245	193	256	289	398	367	271	245	228	221	208
Chippewa	80	97	107	102	114	145	97	97	49	76	56	56
Chisago	367	301	321	391	374	374	370	317	310	236	214	205
Clay	534	564	615	785	803	743	682	545	576	567	511	518
Clearwater	85	72	66	67	68	57	57	75	81	91	48	37
Cook	72	64	62	44	75	101	61	42	47	38	30	31
Cottonwood	41	61	57	74	55	55	72	75	55	57	69	51
Crow Wing	468	414	431	529	659	716	648	586	509	421	365	354
Dakota	2,756	2,775	2,522	2,415	2,652	3,007	2,906	2,520	2,337	2,057	2,035	1,778
Dodge	168	149	98	103	148	153	163	127	100	83	104	68
Douglas	254	231	213	222	245	258	265	300	266	227	213	162
Faribault	100	106	67	59	69	91	101	79	57	59	64	69
Fillmore	142	145	103	121	111	142	116	102	90	92	88	73
Freeborn	303	279	224	223	243	203	184	168	190	204	198	157
Goodhue	344	298	298	285	387	528	402	444	384	335	347	335
Grant	22	32	46	27	42	53	37	40	40	28	22	21
Hennepin	6,439	6,669	7,086	7,355	7,541	8,602	7,790	7,498	6,783	6,307	6,769	6,921
Houston	208	162	136	134	143	154	170	155	121	108	109	116
Hubbard	121	142	139	108	154	183	165	117	137	111	164	121
Isanti	172	162	158	237	250	363	256	187	161	138	150	154
Itasca	293	272	236	314	497	585	459	342	386	280	319	330
Jackson	63	47	43	46	51	82	97	68	59	65	63	81
Kanabec	112	103	101	103	96	104	150	124	81	104	110	90
Kandiyohi	275	286	245	290	288	321	269	296	279	215	226	240
Kittson	11	11	21	23	24	23	20	24	18	15	22	12
Koochiching	87	124	96	81	64	97	109	97	89	92	81	70
Lac Qui Parle	18	32	27	18	36	45	47	35	38	39	26	28
Lake	40	49	43	63	59	66	71	53	62	72	42	68
Lake of the Woods	32	26	75	64	78	66	39	47	50	38	35	44
Le Sueur	141	156	133	168	151	181	181	151	155	107	107	93
Lincoln	10	13	8	15	29	31	38	25	23	26	22	29
Lyon	233	174	182	159	215	201	166	193	177	173	139	159
McLeod	276	256	268	233	266	366	290	281	222	173	182	149
Mahnomen	121	129	108	118	130	98	113	114	104	96	107	99
Marshall	34	36	38	41	57	50	58	61	35	37	42	50
Martin	135	150	142	135	134	120	181	152	118	126	90	87
Meeker	91	115	86	110	118	147	145	123	95	94	60	47

TABLE 1.10 (Continued)

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2001 - 2012

County	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Mille Lacs	354	302	251	285	301	348	288	236	233	221	189	172
Morrison	219	195	182	165	195	207	211	199	171	186	155	144
Mower	352	344	345	294	321	306	343	414	303	262	275	275
Murray	35	41	39	25	31	35	37	37	25	19	21	24
Nicollet	307	351	287	281	320	362	255	239	188	176	170	166
Nobles	150	182	183	162	190	185	186	175	166	149	115	139
Norman	27	49	23	20	55	55	43	28	37	22	50	39
Olmsted	828	802	695	772	878	832	1,015	998	973	865	943	744
Otter Tail	343	322	342	404	414	428	435	346	299	335	294	263
Pennington	116	117	89	120	125	119	107	96	63	74	66	87
Pine	283	234	250	324	335	349	275	261	200	198	170	176
Pipestone	71	46	42	50	69	60	74	61	45	45	47	36
Polk	310	298	309	324	272	302	282	265	271	254	231	235
Pope	95	79	67	65	84	73	62	56	49	50	39	48
Ramsey	2,856	2,659	2,330	2,394	2,634	3,234	2,912	2,995	2,862	2,946	2,666	2,676
Red Lake	46	43	41	34	47	79	71	53	43	36	30	34
Redwood	72	83	79	110	127	148	152	117	139	95	87	107
Renville	83	101	108	127	133	159	111	101	103	136	122	120
Rice	451	415	418	405	338	348	433	408	363	327	329	264
Rock	27	42	59	46	53	63	54	38	29	36	51	33
Roseau	111	128	115	158	159	141	127	145	147	91	113	117
St. Louis	1,465	1,447	1,330	1,488	1,601	1,724	1,561	1,590	1,657	1,313	1,262	1,208
Scott	745	664	683	903	1,119	1,253	1,068	955	816	760	632	615
Sherburne	372	396	386	466	577	801	689	584	534	469	412	508
Sibley	136	121	100	133	112	123	129	84	65	53	41	49
Stearns	893	773	937	986	1,145	1,335	1,300	1,067	1,021	968	951	1,021
Steele	220	175	191	224	254	290	244	210	227	217	189	244
Stevens	31	37	52	50	46	40	44	43	42	27	51	43
Swift	53	44	59	42	42	64	51	57	41	37	66	58
Todd	144	153	112	134	165	241	206	141	147	107	81	102
Traverse	35	33	19	24	21	22	16	15	6	15	8	15
Wabasha	151	163	186	137	152	199	172	178	184	132	131	96
Wadena	90	71	105	81	92	127	112	99	89	70	66	63
Waseca	129	123	143	110	117	151	149	124	88	77	84	84
Washington	1,376	1,393	1,330	1,316	1,451	1,845	1,355	1,312	1,260	1,114	1,010	981
Watonwan	98	87	76	75	97	103	84	63	60	36	50	31
Wilkin	80	71	71	61	50	72	78	58	42	52	71	56
Winona	329	406	360	492	420	380	359	396	339	350	332	314
Wright	545	580	570	643	695	881	839	675	512	476	592	609
Yellow Medicine	87	81	82	73	90	135	103	120	78	119	80	85

Totals: 33,532 33,163 32,266 34,202 37,002 41,951 38,669 35,794 32,756 29,918 29,257 28,418

TABLE 1.11

**IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD  
Part I: 1997 – 2004**

Incident Number	1997	%	1998	%	1999	%	2000	%	2001	%	2002	%	2003	%	2004	%
1	17,258	55.0	18,232	56.2	19,684	56.9	20,304	58.0	19,473	58.1	19,580	59.0	19,189	59.5	20,399	59.6
2	6,713	21.4	6,764	20.9	7,455	21.6	7,445	21.3	7,117	21.2	7,035	21.2	6,886	21.3	7,430	21.7
3	3,554	11.3	3,505	10.8	3,668	10.6	3,566	10.2	3,438	10.3	3,249	9.8	3,134	9.7	3,313	9.7
4	1,799	5.7	1,861	5.7	1,782	5.2	1,727	4.9	1,670	5.0	1,574	4.7	1,494	4.6	1,495	4.4
5	885	2.8	891	2.7	848	2.5	870	2.5	789	2.4	733	2.2	630	2.0	673	2.0
6	470	1.5	474	1.5	444	1.3	449	1.3	422	1.3	393	1.2	395	1.2	353	1.0
7	267	0.9	274	0.8	252	0.7	241	0.7	246	0.7	235	0.7	218	0.7	213	0.6
8	153	0.5	177	0.5	171	0.5	158	0.5	119	0.4	111	0.3	127	0.4	123	0.4
9	108	0.3	89	0.3	101	0.3	95	0.3	81	0.2	89	0.3	68	0.2	77	0.2
10	63	0.2	57	0.2	57	0.2	60	0.2	70	0.2	46	0.1	33	0.1	54	0.2
11	43	0.1	31	0.1	42	0.1	39	0.1	38	0.1	34	0.1	30	0.1	20	0.1
12	18	0.1	22	0.1	27	0.1	31	0.1	18	0.1	25	0.1	26	0.1	19	0.1
13	22	0.1	5	*	13	*	15	*	19	0.1	23	0.1	9	*	10	*
14	8	*	19	0.1	10	*	6	*	12	*	12	*	9	*	7	*
15	6	*	6	*	11	*	7	*	6	*	11	*	8	*	2	*
16	4	*	6	*	4	*	8	*	5	*	3	*	3	*	4	*
17	2	*	3	*	4	*	3	*	3	*	6	*	3	*	3	*
18	3	*	2	*	1	*	3	*	2	*	1	*	1	*	1	*
19	1	*	1	*	1	*	4	*	0	0	0	0	0	0	2	*
20	2	*	1	*	0	0	1	*	3	*	0	0	1	*	1	*
21	1	*	1	*	0	0	2	*	0	0	1	*	1	*	2	*
22	0	0	1	*	0	0	0	0	0	0	2	*	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	*
24	0	0	0	0	0	0	0	0	1	*	0	0	1	*	0	0
25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals:</b>	31,380	100	32,422	100	34,575	100	35,034	100	33,532	100	33,163	100	32,266	100	34,202	100

Table continues on next page

TABLE 1.11

**IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD  
Part II: 2005 – 2012**

Incident Number	2005	%	2006	%	2007	%	2008	%	2009	%	2010	%	2011	%	2012	%
1	22,514	60.9	25,990	62.0	23,653	61.2	21,389	59.8	19,294	58.9	17,482	58.4	17,154	58.6	16,944	59.6
2	7,965	21.5	8,974	21.4	8,489	22.0	8,066	22.5	7,462	22.8	6,818	22.8	6,637	22.7	6,375	22.4
3	3,462	9.4	3,865	9.2	3,570	9.2	3,503	9.8	3,373	10.3	3,155	10.6	3,137	10.7	2,847	10.0
4	1,526	4.1	1,620	3.9	1,558	4.0	1,510	4.2	1,420	4.3	1,366	4.6	1,273	4.4	1,248	4.4
5	690	1.9	711	1.7	651	1.7	625	1.8	557	1.7	549	1.8	462	1.6	516	1.8
6	353	1.0	344	0.8	329	0.8	293	0.8	264	0.8	224	0.8	253	0.9	198	0.7
7	201	0.5	185	0.4	159	0.4	146	0.4	146	0.4	131	0.4	127	0.4	121	0.4
8	117	0.3	98	0.2	113	0.3	93	0.3	97	0.3	71	0.2	76	0.3	59	0.2
9	72	0.2	65	0.2	58	0.2	66	0.2	47	0.1	46	0.2	54	0.2	38	0.1
10	37	0.1	38	0.1	34	0.1	41	0.1	35	0.1	28	0.1	30	0.1	27	0.1
11	22	0.6	22	*	18	*	25	0.1	24	0.1	16	0.1	19	0.1	11	*
12	11	*	12	*	14	*	11	*	18	0.1	16	0.1	8	*	11	*
13	15	*	9	*	7	*	12	*	4	*	7	*	7	*	10	*
14	6	*	8	*	6	*	5	*	5	*	3	*	12	*	2	*
15	5	*	1	*	1	*	3	*	3	*	3	*	2	*	4	*
16	2	*	2	*	3	*	2	*	2	*	1	*	1	*	2	*
17	0	0	4	*	2	*	1	*	1	*	0	0	0	0	2	*
18	1	*	2	*	1	*	1	*	2	*	1	*	0	0	1	*
19	1	*	1	*	1	*	2	*	0	0	0	0	1	*	0	0
20	1	*	0	0	0	0	0	0	1	*	1	*	2	*	0	0
21	0	0	0	0	1	*	0	0	0	0	0	0	0	0	0	0
22	1	*	0	0	1	*	0	0	0	0	0	0	0	0	1	*
23	0	0	0	0	0	0	0	0	0	0	0	0	2	*	0	0
24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	*
25	0	0	0	0	0	0	0	0	1	*	0	0	0	0	0	0
<b>Totals:</b>	<b>37,002</b>	<b>100</b>	<b>41,951</b>	<b>100</b>	<b>38,669</b>	<b>100</b>	<b>35,794</b>	<b>100</b>	<b>32,756</b>	<b>100</b>	<b>29,918</b>	<b>100</b>	<b>29,257</b>	<b>100</b>	<b>28,418</b>	<b>100</b>

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, 2001. Mr. Smith incurs a second incident in Iowa in July, 2002, and a

third incident, again in Minneapolis, in August, 2004. In this case, Mr. Smith's first incident contributes a count of one to row 1 of the 2001 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 the third row of the 2004 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) To the circumstance that the conviction occurred after the date on which the data used to compile these statistics were extracted from the state driver license files, or
- (2) To reporting errors.

### Timing of conviction

Conviction rates for 2012 were calculated using data available on June 01, 2013 – five full months after the end of the 2012 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 that errors occur. A court clerk may fail to accurately record a plea, or 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 2012 and driver 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 the 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 01, 2013 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.<sup>‡</sup>

(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).

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<sup>‡</sup> 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,<sup>§</sup> 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.

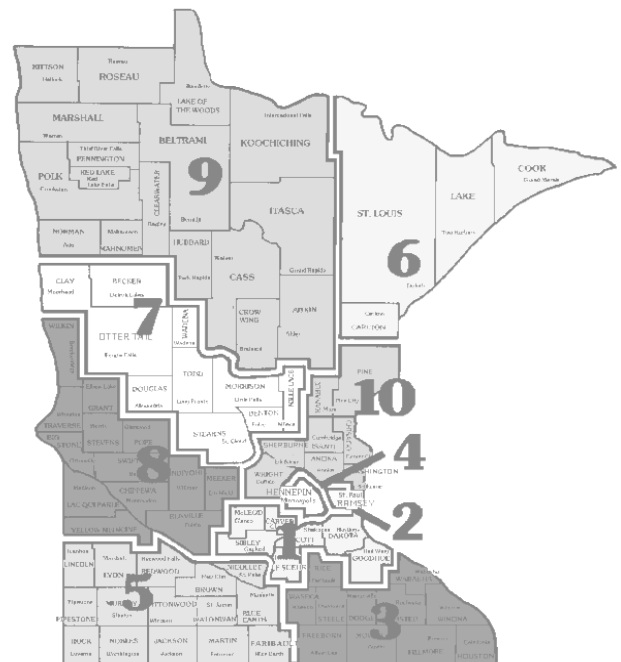
<sup>§</sup> The term “lifetime” look back period may be misleading. Currently, an impaired driving incident remains on the driver license forever, and there has always been a rule (for several decades, at any rate) that a second impaired driving incident causes all incidents to be kept on record forever. 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 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 .16 or higher (as of July 1, 2011).

### 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. Bargaining take 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 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 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 2012, the range of conviction rates was from 69.1% (District 4: Hennepin County) to 84.9% (for District 9, comprised of 17 counties in Northwest Minnesota).

Some counties had conviction rates at 90% or higher: Clearwater (95%), Hubbard (94%), Marshall (94%), Watonwan (94%), Wilkin (93%), Polk (92%), Wabasha (91%), and Otter Tail (90%).

Some counties had conviction rates that were lower than 70%: Washington (62%), Steele (67%), Dakota (68%), and Hennepin (69%).

Out of 28,418 impaired driving incidents in 2012, the overall conviction rate for Minnesota was 76%. As mentioned previously, the conviction rate for each year will increase to approximately 85% as judicial outcomes are settled. Another reason for the delay in judicial outcomes is likely because of current litigation. Defendants arrested for impaired driving have brought suit regarding the computer source code which measures alcohol content via breath tests. As many as 5,000 outcomes from 2009 and onward may be pending.

TABLE 2.01

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2012  
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

District and County	ALL VIOLATORS			1 <sup>ST</sup> -TIME VIOLATORS			2 <sup>ND</sup> -TIME VIOLATORS			3 <sup>RD</sup> -TIME VIOLATORS			4 <sup>TH</sup> + TIME VIOLATORS		
	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 %
<b>Judicial Dist 1</b>															
CARVER	309	238	77.0	183	140	76.5	70	54	77.1	35	25	71.4	21	19	90.5
DAKOTA	1,778	1,218	68.5	1,031	674	65.4	439	319	72.7	169	126	74.6	139	99	71.2
GOODHUE	335	275	82.1	189	158	83.6	80	68	85.0	35	22	62.9	31	27	87.1
LE SUEUR	93	72	77.4	43	34	79.1	25	20	80.0	14	10	71.4	11	8	72.7
MCLEOD	149	115	77.2	82	63	76.8	38	28	73.7	17	16	94.1	12	8	66.7
SCOTT	615	523	85.0	350	294	84.0	137	119	86.9	79	67	84.8	49	43	87.8
SIBLEY	49	42	85.7	27	22	81.5	12	10	83.3	4	4	100.0	6	6	100.0
SUBTOTAL:	3,328	2,483	74.6	1,905	1,385	72.7	801	618	77.2	353	270	76.5	269	210	78.1
<b>Judicial Dist 2</b>															
RAMSEY	2,676	1,915	71.6	1,643	1,113	67.7	602	469	77.9	253	194	76.7	178	139	78.1
<b>Judicial Dist 3</b>															
DODGE	68	58	85.3	37	35	94.6	11	6	54.5	12	10	83.3	8	7	87.5
FILLMORE	73	51	69.9	45	31	68.9	12	9	75.0	9	6	66.7	7	5	71.4
FREEBORN	157	128	81.5	95	81	85.3	39	27	69.2	12	12	100.0	11	8	72.7
HOUSTON	116	94	81.0	79	64	81.0	23	18	78.3	11	9	81.8	3	3	100.0
MOWER	275	211	76.7	175	131	74.9	50	38	76.0	28	22	78.6	22	20	90.9
OLMSTED	744	658	88.4	451	401	88.9	179	157	87.7	73	65	89.0	41	35	85.4
RICE	264	206	78.0	133	98	73.7	67	56	83.6	36	32	88.9	28	20	71.4
STEELE	244	163	66.8	147	102	69.4	55	36	65.5	23	14	60.9	19	11	57.9
WABASHA	96	87	90.6	55	51	92.7	19	17	89.5	9	8	88.9	13	11	84.6
WASECA	84	69	82.1	44	36	81.8	23	18	78.3	9	8	88.9	8	7	87.5
WINONA	314	252	80.3	204	157	77.0	60	52	86.7	29	25	86.2	21	18	85.7
SUBTOTAL:	2,435	1,977	81.2	1,465	1,187	81.0	538	434	80.7	251	211	84.1	181	145	80.1
<b>Judicial Dist 4</b>															
HENNEPIN	6,921	4,779	69.1	4,409	2,872	65.1	1,495	1,145	76.6	618	471	76.2	399	291	72.9
<b>Judicial Dist 5</b>															
BLUE EARTH	340	287	84.4	204	172	84.3	76	64	84.2	32	27	84.4	28	24	85.7
BROWN	124	104	83.9	77	65	84.4	32	25	78.1	11	11	100.0	4	3	75.0
COTTONWOOD	51	44	86.3	27	26	96.3	11	9	81.8	7	5	71.4	6	4	66.7
FARIBAULT	69	57	82.6	48	40	83.3	13	11	84.6	3	3	100.0	5	3	60.0
JACKSON	81	57	70.4	57	36	63.2	13	12	92.3	6	5	83.3	5	4	80.0
LINCOLN	29	21	72.4	11	8	72.7	11	6	54.5	3	3	100.0	4	4	100.0
LYON	159	140	88.1	104	90	86.5	31	29	93.5	15	13	86.7	9	8	88.9
MARTIN	87	70	80.5	55	46	83.6	24	19	79.2	6	3	50.0	2	2	100.0
MURRAY	24	20	83.3	14	12	85.7	5	4	80.0	1	1	100.0	4	3	75.0
NICOLLET	166	125	75.3	104	80	76.9	24	18	75.0	21	16	76.2	17	11	64.7
NOBLES	139	99	71.2	96	72	75.0	25	14	56.0	9	7	77.8	9	6	66.7
PIPESTONE	36	32	88.9	18	16	88.9	12	11	91.7	5	4	80.0	1	1	100.0
REDWOOD	107	94	87.9	51	45	88.2	23	19	82.6	17	16	94.1	16	14	87.5
ROCK	33	24	72.7	26	20	76.9	4	3	75.0	1	0	0.0	2	1	50.0
WATONWAN	31	29	93.5	20	19	95.0	7	7	100.0	3	2	66.7	1	1	100.0
SUBTOTAL:	1,476	1,203	81.5	912	747	81.9	311	251	80.7	140	116	82.9	113	89	78.8

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2012  
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

District and County	ALL VIOLATORS			1 <sup>ST</sup> -TIME VIOLATORS			2 <sup>ND</sup> -TIME VIOLATORS			3 <sup>RD</sup> -TIME VIOLATORS			4 <sup>TH</sup> + TIME VIOLATORS		
	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 %
<b>Judicial Dist 6</b>															
CARLTON	234	204	87.2	119	104	87.4	52	46	88.5	31	28	90.3	32	26	81.3
COOK	31	22	71.0	20	14	70.0	8	6	75.0	1	1	100.0	2	1	50.0
LAKE	68	50	73.5	39	30	76.9	17	12	70.6	8	6	75.0	4	2	50.0
ST. LOUIS	1,208	944	78.1	688	533	77.5	280	224	80.0	134	103	76.9	106	84	79.2
SUBTOTAL:	1,541	1,220	79.2	866	681	78.6	357	288	80.7	174	138	79.3	144	113	78.5
<b>Judicial Dist 7</b>															
BECKER	246	220	89.4	153	140	91.5	43	34	79.1	24	21	87.5	26	25	96.2
BENTON	128	105	82.0	71	61	85.9	27	23	85.2	14	10	71.4	16	11	68.8
CLAY	518	453	87.5	368	323	87.8	84	70	83.3	41	39	95.1	25	21	84.0
DOUGLAS	162	136	84.0	88	77	87.5	33	29	87.9	19	13	68.4	22	17	77.3
MILLE LACS	172	131	76.2	78	63	80.8	41	28	68.3	29	20	69.0	24	20	83.3
MORRISON	144	112	77.8	74	62	83.8	35	25	71.4	20	14	70.0	15	11	73.3
OTTER TAIL	263	237	90.1	156	138	88.5	59	58	98.3	25	20	80.0	23	21	91.3
STEARNS	1,021	830	81.3	642	529	82.4	216	173	80.1	102	80	78.4	61	48	78.7
TODD	102	82	80.4	59	51	86.4	22	18	81.8	9	7	77.8	12	6	50.0
WADENA	63	52	82.5	29	26	89.7	13	10	76.9	11	8	72.7	10	8	80.0
SUBTOTAL:	2,819	2,358	83.6	1,718	1,470	85.6	573	468	81.7	294	232	78.9	234	188	80.3
<b>Judicial Dist 8</b>															
BIG STONE	43	36	83.7	17	15	88.2	15	12	80.0	3	3	100.0	8	6	75.0
CHIPPEWA	56	45	80.4	29	25	86.2	16	12	75.0	8	7	87.5	3	1	33.3
GRANT	21	15	71.4	12	10	83.3	4	3	75.0	2	1	50.0	3	1	33.3
KANDIYOHI	240	207	86.3	146	125	85.6	56	49	87.5	23	20	87.0	15	13	86.7
LAC QUI PARLE	28	24	85.7	11	11	100.0	10	7	70.0	3	2	66.7	4	4	100.0
MEEKER	47	39	83.0	19	17	89.5	10	5	50.0	13	13	100.0	5	4	80.0
POPE	48	43	89.6	28	23	82.1	13	13	100.0	4	4	100.0	3	3	100.0
RENVILLE	120	93	77.5	63	50	79.4	29	24	82.8	14	10	71.4	14	9	64.3
STEVENS	43	38	88.4	28	25	89.3	9	7	77.8	4	4	100.0	2	2	100.0
SWIFT	58	49	84.5	26	21	80.8	11	8	72.7	12	11	91.7	9	9	100.0
TRAVERSE	15	12	80.0	7	5	71.4	4	3	75.0	3	3	100.0	1	1	100.0
WILKIN	56	52	92.9	36	34	94.4	8	8	100.0	7	7	100.0	5	3	60.0
YELLOW MED	85	66	77.6	51	43	84.3	17	11	64.7	9	8	88.9	8	4	50.0
SUBTOTAL:	860	719	83.6	473	404	85.4	202	162	80.2	105	93	88.6	80	60	75.0

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2012  
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

District and County	ALL VIOLATORS			1 <sup>ST</sup> -TIME VIOLATORS			2 <sup>ND</sup> -TIME VIOLATORS			3 <sup>RD</sup> -TIME VIOLATORS			4 <sup>TH</sup> + TIME VIOLATORS		
	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 %
<b>Judicial Dist 9</b>															
AITKIN	129	99	76.7	52	40	76.9	39	29	74.4	14	11	78.6	24	19	79.2
BELTRAMI	293	257	87.7	172	154	89.5	57	52	91.2	31	24	77.4	33	27	81.8
CASS	208	185	88.9	97	86	88.7	53	49	92.5	21	19	90.5	37	31	83.8
CLEARWATER	37	35	94.6	14	14	100.0	11	9	81.8	8	8	100.0	4	4	100.0
CROW WING	354	273	77.1	185	147	79.5	85	68	80.0	45	31	68.9	39	27	69.2
HUBBARD	121	114	94.2	74	68	91.9	23	23	100.0	8	8	100.0	16	15	93.8
ITASCA	330	285	86.4	199	170	85.4	65	55	84.6	36	33	91.7	30	27	90.0
KITSON	12	10	83.3	5	5	100.0	4	3	75.0	0	0	0.0	3	2	66.7
KOOCHICHING	70	61	87.1	35	32	91.4	22	19	86.4	3	3	100.0	10	7	70.0
LAKE OF WDS	44	31	70.5	28	16	57.1	10	9	90.0	4	4	100.0	2	2	100.0
MAHNOMEN	99	70	70.7	54	36	66.7	20	15	75.0	5	5	100.0	20	14	70.0
MARSHALL	50	47	94.0	27	26	96.3	10	9	90.0	6	5	83.3	7	7	100.0
NORMAN	39	28	71.8	25	16	64.0	9	9	100.0	3	2	66.7	2	1	50.0
PENNINGTON	87	77	88.5	52	46	88.5	14	12	85.7	6	5	83.3	15	14	93.3
POLK	235	217	92.3	137	127	92.7	46	40	87.0	25	24	96.0	27	26	96.3
RED LAKE	34	30	88.2	20	16	80.0	6	6	100.0	3	3	100.0	5	5	100.0
ROSEAU	117	99	84.6	64	52	81.3	29	25	86.2	15	15	100.0	9	7	77.8
SUBTOTAL:	2,259	1,918	84.9	1,240	1,051	84.8	503	432	85.9	233	200	85.8	283	235	83.0
<b>Judicial Dist 10</b>															
ANOKA	1,380	1,052	76.2	774	576	74.4	334	267	79.9	154	125	81.2	118	84	71.2
CHISAGO	205	152	74.1	107	82	76.6	54	41	75.9	30	21	70.0	14	8	57.1
ISANTI	154	112	72.7	81	67	82.7	38	21	55.3	19	14	73.7	16	10	62.5
KANABEC	90	72	80.0	48	39	81.3	20	13	65.0	11	10	90.9	11	10	90.9
PINE	176	129	73.3	95	76	80.0	32	17	53.1	16	10	62.5	33	26	78.8
SHERBURNE	508	420	82.7	290	237	81.7	125	106	84.8	58	49	84.5	35	28	80.0
WASHINGTON	981	609	62.1	579	335	57.9	234	159	67.9	86	61	70.9	82	54	65.9
WRIGHT	609	430	70.6	339	241	71.1	156	111	71.2	52	34	65.4	62	44	71.0
SUBTOTAL:	4,103	2,976	72.5	2,313	1,653	71.5	993	735	74.0	426	324	76.1	371	264	71.2
<b>Totals for Minnesota:</b>	28,418	21,548	75.8	16,944	12,563	74.1	6,375	5,002	78.5	2,847	2,249	79.0	2,252	1,734	77.0

**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 01, 2013.

However, new information is constantly being added to driver 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 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, and, at some point (probably in the early 1990s, or before); the single incident was purged from their driving record.

#### **10.9% of Minnesota residents have a DWI**

In all, 584,529 Minnesota residents have one or more impaired driving incidents on their driving record. That is 10.9% of all people living in Minnesota (using the U.S. Census Bureau's 2012 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 2012 total of licensed drivers in Minnesota, 1 in 7 has one or more incidents on record; 1 in 16 has two or more, and 1 in 35 have three or more.

In addition to Minnesota residents, there are 106,101 non-residents on record who have incurred one or more incidents in Minnesota.

#### **Counties vary**

As noted, 10.9% 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 (22.0%), Mille Lacs (17.0%), Cass (15.5%), Clearwater (15.4%), and Aitkin (14.8%) – these counties are north and west of the Twin Cities.

The five counties with the lowest percentages are Rock (7.5%), Stevens (7.6%), Lincoln (8.7%), Carver (8.8%), and Washington (9.1%) – 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, 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 584,529 persons in the state with incidents on record have two or more incidents. Some people have an amazing number of incidents: 1,292 have ten or more. One person now has 25 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	2000	2000	2010	2010	2010	2012	2012	2012
	Census Male	Census Female	Census Total	Census Male	Census Female	Census Total	(Estimate) Male	(Estimate) Female	(Estimate) Total
<b>00-04</b>	168,829	160,765	329,594	181,342	174,162	355,504	177,973	170,365	348,338
<b>05-09</b>	182,912	172,982	355,894	181,614	173,922	355,536	184,189	176,584	360,773
<b>10-14</b>	192,118	182,877	374,995	180,356	171,986	352,342	180,489	172,358	352,847
<b>15-19</b>	191,534	182,828	374,362	188,594	179,235	367,829	185,116	177,697	362,813
<b>20-24</b>	164,038	158,445	322,483	180,725	174,926	355,651	183,069	174,684	357,753
<b>25-29</b>	162,132	157,694	319,826	187,562	185,124	372,686	186,454	182,743	369,197
<b>30-34</b>	178,502	174,810	353,312	174,549	168,351	342,900	186,611	181,287	367,898
<b>35-39</b>	207,962	204,528	412,490	165,815	162,375	328,190	161,818	157,309	319,127
<b>40-44</b>	207,355	204,337	411,692	177,234	175,670	352,904	175,514	172,578	348,092
<b>45-49</b>	183,801	180,446	364,247	203,588	202,615	406,203	188,894	188,097	376,991
<b>50-54</b>	150,750	150,699	301,449	200,663	201,032	401,695	204,236	205,888	410,124
<b>55-59</b>	112,203	114,654	226,857	174,321	175,268	349,589	184,238	184,703	368,941
<b>60-64</b>	86,648	91,364	178,012	137,760	142,015	279,775	151,242	155,236	306,478
<b>65-69</b>	72,707	80,462	153,169	97,533	105,037	202,570	109,944	117,381	227,325
<b>70-74</b>	64,646	78,010	142,656	70,840	81,017	151,857	77,181	87,219	164,400
<b>75-79</b>	51,709	70,968	122,677	54,464	67,650	122,114	56,007	68,870	124,877
<b>80-84</b>	33,477	56,686	90,163	40,865	59,051	99,916	41,826	58,720	100,546
<b>85+</b>	24,308	61,293	85,601	34,307	72,357	106,664	37,368	75,251	112,619
<b>Totals:</b>	2,435,631	2,483,848	4,919,479	2,632,132	2,671,793	5,303,925	2,672,169	2,706,970	5,379,139

Source: United States Census Bureau.

TABLE 3.02

MINNESOTA LICENSED DRIVERS<sup>††</sup> UNDER 21, BY AGE, 1993 – 2012

Year	15	16	17	18	19	20	Total Under 21
1993	18,047	47,600	51,688	53,894	55,417	53,645	280,291
1994	16,031	48,754	54,960	55,472	55,793	56,765	287,775
1995	20,660	52,205	57,426	58,307	57,139	56,902	302,639
1996	24,783	54,657	60,864	61,788	61,058	58,964	322,114
1997	27,514	55,564	61,052	63,711	63,460	61,875	333,176
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

TABLE 3.03

MINNESOTA LICENSED DRIVERS,<sup>\*</sup> BY AGE-GROUP, 1993 – 2012

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
1993	226,646	297,918	336,007	401,155	386,805	342,988	276,715	216,632	173,423	156,044	149,118	128,828	191,874	3,284,153
1994	231,010	290,752	330,676	393,253	396,206	355,845	296,176	225,468	178,920	156,192	148,961	132,442	204,674	3,340,575
1995	245,737	283,027	331,259	381,403	402,366	364,629	313,384	230,114	183,763	156,652	149,004	132,842	214,171	3,388,351
1996	263,150	284,532	330,844	368,340	407,794	373,405	323,114	248,979	191,853	158,537	148,228	134,127	223,602	3,456,505
1997	271,301	291,004	325,020	356,278	407,334	381,214	330,259	260,406	201,963	160,789	146,590	133,750	221,862	3,487,770
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

<sup>††</sup> 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 2012**

Age	Age at Date of Last Incident				Age at End of Year 2012			
	Female	Male	Not Stated	Total	Female	Male	Not Stated	Total
<b>00-14</b>	13	28	20	61	0	0	4	4
<b>15-19</b>	7,621	21,672	1,055	30,348	336	830	94	1,260
<b>20-24</b>	29,228	93,782	4,419	127,429	5,491	13,489	935	19,915
<b>25-29</b>	23,046	82,407	3,788	109,241	12,807	33,773	2,638	49,218
<b>30-34</b>	18,237	61,886	2,506	82,629	14,883	44,965	3,390	63,238
<b>35-39</b>	16,162	50,416	1,699	68,277	12,389	42,008	2,558	56,955
<b>40-44</b>	14,018	42,099	1,122	57,239	15,684	48,835	2,016	66,535
<b>45-49</b>	10,097	32,747	661	43,505	19,467	57,656	1,467	78,590
<b>50-54</b>	5,659	22,536	351	28,546	19,520	61,595	1,238	82,353
<b>55-59</b>	2,846	14,345	175	17,366	12,248	46,576	725	59,549
<b>60-64</b>	1,525	8,559	99	10,183	7,040	31,637	424	39,101
<b>65-69</b>	709	4,685	43	5,437	4,077	19,742	202	24,021
<b>70-74</b>	317	2,369	21	2,707	2,416	12,385	129	14,930
<b>75-79</b>	124	980	6	1,110	1,347	8,518	58	9,923
<b>80-84</b>	40	331	4	375	888	6,392	40	7,320
<b>85 +</b>	7	63	5	75	1,056	10,504	57	11,617
<b>Unknown</b>	0	0	1	1	0	0	0	0
<b>Totals:</b>	129,649	438,905	15,975	584,529	129,649	438,905	15,975	584,529

## Note:

Gender is not stated for many persons. When a person applies for a driver license, gender is entered on the record. If a person is arrested for impaired driving and does not have a driver 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 2012, BY COUNTY**

County	2010 Pop Census	2012 Pop Estimate	1 or more Incidents	% of 2012 Pop	1 Incident	% of 2012 Pop	2 Incidents	% of 2012 Pop	3 or more Incidents	% of 2012 Pop
Aitkin	16,202	15,927	2,352	14.8	1,230	7.7	547	3.4	575	3.6
Anoka	330,844	336,414	37,328	11.1	20,880	6.2	8,643	2.6	7,805	2.3
Becker	32,504	33,000	4,804	14.6	2,505	7.6	1,029	3.1	1,270	3.8
Beltrami	44,442	45,375	6,357	14.0	3,420	7.5	1,481	3.3	1,456	3.2
Benton	38,451	38,865	4,326	11.1	2,387	6.1	1,018	2.6	921	2.4
Big Stone	5,269	5,164	549	10.6	316	6.1	139	2.7	94	1.8
Blue Earth	64,013	65,091	6,752	10.4	3,854	5.9	1,551	2.4	1,347	2.1
Brown	25,893	25,425	2,864	11.3	1,627	6.4	669	2.6	568	2.2
Carlton	35,386	35,348	4,541	12.8	2,454	6.9	1,054	3.0	1,033	2.9
Carver	91,042	93,707	8,239	8.8	5,076	5.4	1,833	2.0	1,330	1.4
Cass	28,567	28,357	4,384	15.5	2,249	7.9	1,026	3.6	1,109	3.9
Chippewa	12,441	12,135	1,447	11.9	869	7.2	319	2.6	259	2.1
Chisago	53,887	53,452	6,835	12.8	3,810	7.1	1,646	3.1	1,379	2.6
Clay	58,999	60,155	6,783	11.3	4,043	6.7	1,489	2.5	1,251	2.1
Clearwater	8,695	8,703	1,339	15.4	637	7.3	315	3.6	387	4.4
Cook	5,176	5,185	665	12.8	364	7.0	150	2.9	151	2.9
Cottonwood	11,687	11,597	1,164	10.0	694	6.0	272	2.3	198	1.7
Crow Wing	62,500	62,882	7,973	12.7	4,373	7.0	1,866	3.0	1,734	2.8
Dakota	398,552	405,088	40,489	10.0	24,433	6.0	8,904	2.2	7,152	1.8
Dodge	20,087	20,231	2,303	11.4	1,309	6.5	514	2.5	480	2.4
Douglas	36,009	36,415	4,093	11.2	2,314	6.4	883	2.4	896	2.5
Faribault	14,553	14,263	1,767	12.4	1,005	7.0	406	2.8	356	2.5
Fillmore	20,866	20,834	2,421	11.6	1,374	6.6	572	2.7	475	2.3
Freeborn	31,255	31,054	3,942	12.7	2,196	7.1	936	3.0	810	2.6
Goodhue	46,183	46,336	5,701	12.3	3,253	7.0	1,324	2.9	1,124	2.4
Grant	6,018	5,944	768	12.9	428	7.2	187	3.1	153	2.6
Hennepin	1,152,425	1,184,576	122,573	10.3	73,537	6.2	26,394	2.2	22,642	1.9
Houston	19,027	18,837	2,262	12.0	1,358	7.2	487	2.6	417	2.2
Hubbard	20,428	20,347	2,299	11.3	1,227	6.0	539	2.6	533	2.6
Isanti	37,816	38,248	4,600	12.0	2,447	6.4	1,118	2.9	1,035	2.7
Itasca	45,058	45,221	6,229	13.8	3,279	7.3	1,475	3.3	1,475	3.3
Jackson	10,266	10,281	1,075	10.5	660	6.4	244	2.4	171	1.7
Kanabec	16,239	16,005	2,234	14.0	1,143	7.1	535	3.3	556	3.5
Kandiyohi	42,239	42,379	4,752	11.2	2,743	6.5	1,075	2.5	934	2.2
Kittson	4,552	4,493	481	10.7	252	5.6	112	2.5	117	2.6
Koochiching	13,311	13,208	1,778	13.5	985	7.5	413	3.1	380	2.9
Lac Qui Parle	7,259	7,109	745	10.5	413	5.8	198	2.8	134	1.9
Lake	10,866	10,818	1,207	11.2	698	6.5	301	2.8	208	1.9
Lake of Woods	4,045	3,973	569	14.3	284	7.1	152	3.8	133	3.3
Le Sueur	27,703	27,677	3,828	13.8	2,176	7.9	881	3.2	771	2.8
Lincoln	5,896	5,818	509	8.7	301	5.2	123	2.1	85	1.5
Lyon	25,857	25,543	2,785	10.9	1,675	6.6	612	2.4	498	1.9
McLeod	36,651	36,053	4,400	12.2	2,522	7.0	996	2.8	882	2.4
Mahnomen	5,413	5,536	1,218	22.0	564	10.2	281	5.1	373	6.7
Marshall	9,439	9,449	1,103	11.7	598	6.3	262	2.8	243	2.6

TABLE 3.05 (Continued)

**POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD AT END OF 2012, BY COUNTY**

County	2010 Pop Census	2012 Pop Estimate	1 or more Incidents	% of 2012 Pop	1 Incident	% of 2012 Pop	2 Incidents	% of 2012 Pop	3 or more Incidents	% of 2012 Pop
Martin	20,840	20,475	2,397	11.7	1,376	6.7	566	2.8	455	2.2
Meeker	23,300	23,061	2,604	11.3	1,372	5.9	648	2.8	584	2.5
Mille Lacs	26,097	25,740	4,385	17.0	2,205	8.6	1,031	4.0	1,149	4.5
Morrison	33,198	33,052	4,094	12.4	2,209	6.7	966	2.9	919	2.8
Mower	39,163	39,372	5,026	12.8	2,838	7.2	1,192	3.0	996	2.5
Murray	8,725	8,577	814	9.5	491	5.7	169	2.0	154	1.8
Nicollet	32,727	32,929	3,339	10.1	1,999	6.1	739	2.2	601	1.8
Nobles	21,378	21,487	2,540	11.8	1,736	8.1	479	2.2	325	1.5
Norman	6,852	6,634	837	12.6	465	7.0	195	2.9	177	2.7
Olmsted	144,248	147,066	13,481	9.2	7,886	5.4	3,017	2.1	2,578	1.8
Otter Tail	57,303	57,288	6,374	11.1	3,452	6.0	1,529	2.7	1,393	2.4
Pennington	13,930	14,074	1,974	14.0	1,041	7.4	457	3.2	476	3.4
Pine	29,750	29,218	4,060	13.9	2,116	7.2	922	3.2	1,022	3.5
Pipestone	9,596	9,345	1,055	11.3	583	6.2	263	2.8	209	2.2
Polk	31,600	31,416	4,407	14.0	2,387	7.6	1,019	3.2	1,001	3.2
Pope	10,995	10,892	1,212	11.1	648	5.9	288	2.6	276	2.5
Ramsey	508,640	520,152	51,130	9.8	30,376	5.8	11,138	2.1	9,616	1.8
Red Lake	4,089	4,087	538	13.2	300	7.3	118	2.9	120	2.9
Redwood	16,059	15,847	1,789	11.3	1,024	6.5	389	2.5	376	2.4
Renville	15,730	15,369	2,098	13.7	1,179	7.7	491	3.2	428	2.8
Rice	64,142	64,854	6,816	10.5	3,874	6.0	1,568	2.4	1,374	2.1
Rock	9,687	9,553	719	7.5	466	4.9	139	1.5	114	1.2
Roseau	15,629	15,476	2,004	12.9	1,097	7.1	475	3.1	432	2.8
St. Louis	200,226	200,319	24,829	12.4	13,854	6.9	5,774	2.9	5,201	2.6
Scott	129,928	135,152	13,287	9.8	8,028	5.9	3,025	2.2	2,234	1.7
Sherburne	88,499	89,455	9,959	11.1	5,817	6.5	2,333	2.6	1,809	2.0
Sibley	15,226	15,123	1,791	11.8	994	6.6	424	2.8	373	2.5
Stearns	150,642	151,606	15,605	10.3	9,212	6.1	3,405	2.2	2,988	2.0
Steele	36,576	36,322	4,062	11.2	2,263	6.2	948	2.6	851	2.3
Stevens	9,726	9,663	737	7.6	435	4.5	168	1.7	134	1.4
Swift	9,783	9,594	1,229	12.8	673	7.0	287	3.0	269	2.8
Todd	24,895	24,509	2,724	11.1	1,509	6.2	655	2.7	560	2.3
Traverse	3,558	3,451	386	11.2	220	6.4	101	2.9	65	1.9
Wabasha	21,676	21,476	2,676	12.5	1,544	7.2	634	3.0	498	2.3
Wadena	13,843	13,767	1,723	12.5	922	6.7	362	2.6	439	3.2
Waseca	19,136	19,237	2,204	11.5	1,216	6.3	552	2.9	436	2.3
Washington	238,136	244,088	22,242	9.1	13,690	5.6	4,924	2.0	3,628	1.5
Watonwan	11,211	11,187	1,408	12.6	808	7.2	353	3.2	247	2.2
Wilkin	6,576	6,585	803	12.2	462	7.0	199	3.0	142	2.2
Winona	51,461	51,629	5,014	9.7	3,052	5.9	1,117	2.2	845	1.6
Wright	124,700	127,336	14,012	11.0	8,028	6.3	3,271	2.6	2,713	2.1
Yellow Med	10,438	10,158	1,312	12.9	739	7.3	298	2.9	275	2.7
Minnesota	5,303,925	5,379,139	584,529	10.9	338,548	6.3	131,599	2.5	114,382	2.1

TABLE 3.06

**PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2012**

No. of Incidents on Record	Minnesota Residents Twin City Metro Area				Minnesota Residents Non-Metro Area				Total MN Residents	Non-Minnesota Residents				Total MN and Non MN Residents
	Fe-male	Male	Not Stated	Sub-total	Fe-male	Male	Not Stated	Sub-total		Fe-male	Male	Not Stated	Total	
1	49,192	119,519	7,309	176,020	41,899	114,294	6,335	162,528	338,548	12,490	38,302	26,775	77,567	416,115
2	12,965	50,970	926	64,861	11,950	53,954	834	66,738	131,599	2,513	12,675	2,195	17,383	148,982
3	4,577	25,451	190	30,218	4,317	27,928	208	32,453	62,671	711	5,484	430	6,625	69,296
4	1,576	11,672	41	13,289	1,598	13,355	60	15,013	28,302	219	2,266	114	2,599	30,901
5	486	4,966	17	5,469	506	5,636	19	6,161	11,630	70	927	27	1,024	12,654
6	162	2,302	3	2,467	170	2,690	13	2,873	5,340	21	402	16	439	5,779
7	76	1,184	1	1,261	78	1,424	6	1,508	2,769	2	192	7	201	2,970
8	26	659	2	687	29	777	4	810	1,497	5	102	2	109	1,606
9	10	378	1	389	17	473	2	492	881	2	60	1	63	944
10	3	236	1	240	5	267	1	273	513	1	27	2	30	543
11	2	144	0	146	0	138	0	138	284	0	18	2	20	304
12	3	81	0	84	1	84	0	85	169	0	20	0	20	189
13	0	60	0	60	1	46	0	47	107	1	5	1	7	114
14	0	33	0	33	0	47	1	48	81	0	4	0	4	85
15	0	19	0	19	0	24	0	24	43	0	8	0	8	51
16	0	17	1	18	0	13	0	13	31	0	1	0	1	32
17	0	11	0	11	0	15	0	15	26	0	0	0	0	26
18	0	8	0	8	0	8	0	8	16	0	0	0	0	16
19	0	1	0	1	0	5	0	5	6	0	0	1	1	7
20	0	3	0	3	0	3	0	3	6	0	0	0	0	6
21	0	2	0	2	0	2	0	2	4	0	0	0	0	4
22	0	0	0	0	0	1	0	1	1	0	0	0	0	1
23	0	2	0	2	0	0	0	0	2	0	0	0	0	2
24	0	0	0	0	0	2	0	2	2	0	0	0	0	2
25	0	0	0	0	0	1	0	1	1	0	0	0	0	1
<b>Totals:</b>	69,078	217,718	8,492	295,288	60,571	221,187	7,483	289,241	584,529	16,035	60,493	29,573	106,101	690,630

Note:

(1) The above table classifies violators based on current residence, as known at the time data are compiled from the drivers' 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 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 license, gender is entered on the record. If a person is arrested for impaired driving and does not have a driver license, then a record is created but gender is not entered on that record.

## 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: 23% of violators in their twenties have prior incidents, compared to 34% of those in their thirties, 43% of those in their forties, 51% 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 6,870 fewer incidents in 2012 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.<sup>‡‡</sup> 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 31 and 41 percent of the 2012 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 31% of the incidents (and first-time violators 69%).

Taking a step back, one could say that first-time violators accounted for well over half the impaired driving violations in 2012. 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.

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<sup>‡‡</sup>As an example of using a “nine-to-ten-year look-back period,” the records of all violators who incurred incidents in 2012 were examined for the period from 1-1-2003 through 12-31-2012. Thus, the look-back period could be as short as 9 years and 1 day for a violator who incurred an incident on 12-31-2003, or as long as 10 years for a violator who incurred an incident on 1-1-2003.

## RECIDIVISM MEASURED PROSPECTIVELY AMONG VIOLATOR COHORTS

Among the 14,380 first-time violators from 1997, 39% 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: 7% 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, 22% recidivated by four years out, 32% by eight years out, 37% by 12 years out, and 39% by 15 years out.<sup>§§</sup>

Among the cohort of 5,910 violators who incurred a second incident in 1997, 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: 9% incurred a third incident within the first 12 months of their second, another 8% recidivated in the second 12 months, another 6% in the third 12 months, and another 5% in the fourth 12 months. Cumulatively, 28% recidivated by four years out, 40% by eight years out, 45% by 12 years out, and 48% by 15 years out.

### Recidivism since 1997

First-, second-, and third-time violators from each year 1997-2008 (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 1997 first-time violators 22.2% recidivated within 48 months, compared to 17.3% of year 2008 first-time violators. However, there is evidence that recidivism is declining at a higher rate when considering multiple offenders. Twenty-eight percent of 1997 second-time violators recidivated within 48 months, compared to 19% of year-2008 second-time violators – a nine percentage-point drop. Finally, 27% of 1997 third-time violators recidivated within 48 months, compared to just 17% of year-2008 third-time violators – a significant ten percentage-point drop.

### Another perspective: violators are just older now

Work done separately and not reported here suggests that the decline in recidivism does not show itself when violators are examined within age groups. Specifically, for example, 35-year-old violators in recent years are just as likely to get a first, second, third, or fourth impaired driving incident as were 35 year-old violators in the early 1990s. The same observation was found to be true for almost all age-years examined—specifically, for persons at each year of age from 21 through 49.

There were two exceptions to that rule. One exception was that, for each year over the last decade, 22, 23, and 24 year-old violators were somewhat more likely to incur first-time violations. The other exception was that, over the last decade, violators in their later twenties appeared slightly less likely to incur third- and fourth-time incidents than was true of violators in their late twenties during the early 1990s.

In general however, the decline in recidivism appears to disappear when age of violators is controlled for.

This other perspective may suggest that efforts to change drinking and driving behavior have been unsuccessful. Two considerations weigh against this conclusion. First, the work that looked at first-, second-, third-, and fourth-time incidents within same-age cohorts focused on violators as proportions of the total population of violators. It is possible that the total number of episodes of drinking and driving in the state of Minnesota (not just those that end in arrest) *have* gone down significantly, but have decreased almost perfectly equally across all ages and offense levels, causing the appearance of no change in recidivism. Second, it is very difficult to believe that, if no efforts to control drinking and driving were made, incidence would not greatly increase. Reducing drinking and driving is a tremendous challenge, calling for as much energy and creativity as can be brought to the problem.

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<sup>§§</sup> 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 2012**

<b>Total Incidents on Record</b>	<b>Age 0-19</b>	<b>Age 20-24</b>	<b>Age 25-29</b>	<b>Age 30-34</b>	<b>Age 35-39</b>	<b>Age 40-44</b>	<b>Age 45-49</b>	<b>Age 50-54</b>	<b>Age 55-59</b>	<b>Age 60-69</b>	<b>Age 70 +</b>	<b>Total</b>
<b>1</b>	1,216	16,814	36,261	42,812	36,590	39,762	43,260	40,858	29,032	31,113	20,830	338,548
<b>2</b>	47	2,631	9,793	13,859	12,541	14,820	17,606	19,338	14,035	15,049	11,880	131,599
<b>3</b>	1	409	2,614	4,907	5,317	7,048	9,315	11,086	8,052	8,249	5,673	62,671
<b>4</b>	0	54	469	1,283	1,741	2,991	4,641	5,666	4,274	4,398	2,785	28,302
<b>5</b>	0	7	67	299	517	1,076	1,889	2,561	1,940	2,012	1,262	11,630
<b>6</b>	0	0	13	51	156	441	908	1,252	964	983	572	5,340
<b>7</b>	0	0	0	19	62	221	407	663	525	548	324	2,769
<b>8</b>	0	0	0	7	14	88	238	379	289	294	188	1,497
<b>9</b>	0	0	1	1	10	40	129	230	171	189	110	881
<b>10</b>	0	0	0	0	4	22	81	129	107	114	56	513
<b>11</b>	0	0	0	0	0	11	51	71	61	51	39	284
<b>12</b>	0	0	0	0	0	6	29	40	40	36	18	169
<b>13</b>	0	0	0	0	2	2	21	22	18	24	18	107
<b>14</b>	0	0	0	0	1	4	7	21	17	21	10	81
<b>15</b>	0	0	0	0	0	2	1	11	8	15	6	43
<b>16</b>	0	0	0	0	0	0	3	9	5	8	6	31
<b>17</b>	0	0	0	0	0	0	0	7	7	2	10	26
<b>18</b>	0	0	0	0	0	0	3	4	1	6	2	16
<b>19</b>	0	0	0	0	0	0	1	2	1	2	0	6
<b>20</b>	0	0	0	0	0	0	0	0	2	4	0	6
<b>21</b>	0	0	0	0	0	0	0	1	0	3	0	4
<b>22</b>	0	0	0	0	0	0	0	1	0	0	0	1
<b>23</b>	0	0	0	0	0	0	0	1	0	1	0	2
<b>24</b>	0	0	0	0	0	1	0	1	0	0	0	2
<b>25</b>	0	0	0	0	0	0	0	0	0	0	1	1
<b>Total Persons</b>	1,264	19,915	49,218	63,238	56,955	66,535	78,590	82,353	59,549	63,122	43,790	584,529

TABLE 4.02

**INCIDENTS THAT OCCURRED IN MINNESOTA IN 2012  
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 1/1/03--12/31/2012)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/03--12/31/2012)	
Number of Incidents on Record	Number of Incidents in 2012	Per-cent	Number of Incidents in 2012	Per-cent	Number of Incidents in 2012	Per-cent	Number of Incidents in 2012	Per-cent
<b>1</b>	13,360	62.00	15,543	72.13	16,944	59.62	19,913	70.07
<b>2</b>	4,790	22.23	4,559	21.16	6,375	22.43	6,250	21.99
<b>3</b>	2,013	9.34	1,225	5.68	2,847	10.02	1,858	6.54
<b>4</b>	807	3.75	197	0.91	1,248	4.39	339	1.19
<b>5</b>	279	1.29	21	0.10	516	1.82	53	0.19
<b>6</b>	133	0.62	3	0.01	198	0.70	5	0.02
<b>7</b>	68	0.32			121	0.43		
<b>8</b>	40	0.19			59	0.21		
<b>9</b>	24	0.11			38	0.13		
<b>10</b>	13	0.06			27	0.10		
<b>11</b>	6	0.03			11	0.04		
<b>12</b>	6	0.03			11	0.04		
<b>13</b>	4	0.02			10	0.04		
<b>14</b>					2	0.01		
<b>15</b>	3	0.01			4	0.01		
<b>16</b>	1	*			2	0.01		
<b>17</b>					2	0.01		
<b>18</b>	1	*			1	*		
<b>19</b>								
<b>20</b>								
<b>21</b>								
<b>22</b>					1	*		
<b>23</b>								
<b>24</b>					1	*		
<b>25</b>								
<b>Total Incidents</b>	21,548	100.0	21,548	100.0	28,418	100.0	28,418	100.0

\* An asterisk is used for a percentage that is greater than zero but that, if shown, would round to 0.0%.



TABLE 4.03

**PERSONS WHO INCURRED INCIDENTS IN MINNESOTA IN 2012  
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 1/1/03—12/31/2012)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/03—12/31/2012)	
Number of Incidents on Record	Persons who Incurred Incidents in 2012	Per-cent	Persons who Incurred Incidents in 2012	Per-cent	Persons who Incurred Incidents in 2012	Per-cent	Persons who Incurred Incidents in 2012	Per-cent
<b>1</b>	13,094	61.99	15,224	72.08	16,536	59.66	19,425	70.08
<b>2</b>	4,699	22.25	4,472	21.17	6,209	22.40	6,080	21.94
<b>3</b>	1,973	9.34	1,205	5.70	2,774	10.01	1,819	6.56
<b>4</b>	796	3.77	197	0.93	1,224	4.42	335	1.21
<b>5</b>	273	1.29	21	0.10	505	1.82	53	0.19
<b>6</b>	124	0.59	3	0.01	188	0.68	5	0.02
<b>7</b>	66	0.31			115	0.41		
<b>8</b>	40	0.19			59	0.21		
<b>9</b>	24	0.11			36	0.13		
<b>10</b>	13	0.06			27	0.10		
<b>11</b>	5	0.02			11	0.04		
<b>12</b>	6	0.03			10	0.04		
<b>13</b>	4	0.02			10	0.04		
<b>14</b>					2	0.01		
<b>15</b>	3	0.01			4	0.01		
<b>16</b>	1	*			2	0.01		
<b>17</b>					2	0.01		
<b>18</b>	1	*			1	*		
<b>19</b>								
<b>20</b>								
<b>21</b>								
<b>22</b>					1	*		
<b>23</b>								
<b>24</b>					1	*		
<b>25</b>								
<b>Total Persons</b>	21,122	100.0	21,122	100.0	27,717	100.0	27,717	100.0

\* An asterisk is used for a percentage that is greater than zero but that, if shown, would round to 0.0%.



TABLE 4.05

**RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 1997 - 2011:  
CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION**

Months Elapsed	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
1	0.7	0.7	0.7	0.5	0.6	0.6	0.6	0.5	0.7	0.7	0.6	0.6	0.6	0.6	0.6
2	1.3	1.4	1.3	1.2	1.2	1.1	1.1	1.2	1.3	1.2	1.2	1.2	1.2	1.3	1.1
3	2.1	2.0	2.0	1.7	1.8	1.6	1.8	1.6	1.9	1.9	1.7	1.7	1.8	1.8	1.5
4	2.5	2.5	2.5	2.3	2.4	2.2	2.3	2.1	2.4	2.4	2.1	2.1	2.2	2.3	2.0
5	3.0	3.1	3.2	2.8	2.9	2.7	2.8	2.6	3.0	2.9	2.6	2.6	2.8	2.7	2.3
6	3.6	3.7	3.8	3.3	3.5	3.2	3.3	3.2	3.5	3.4	3.1	3.2	3.2	3.0	2.7
7	4.3	4.2	4.4	4.0	4.0	3.8	4.0	3.7	4.0	4.0	3.6	3.7	3.7	3.4	3.1
8	4.8	4.7	4.9	4.5	4.5	4.3	4.5	4.3	4.7	4.5	4.1	4.1	4.0	3.9	3.6
9	5.3	5.3	5.5	5.0	5.1	4.9	5.0	4.9	5.3	5.0	4.6	4.6	4.5	4.2	4.1
10	5.9	5.9	6.2	5.7	5.6	5.4	5.5	5.4	5.9	5.4	5.1	5.0	4.9	4.7	4.4
11	6.5	6.5	6.8	6.2	6.1	5.9	6.0	5.9	6.5	6.0	5.7	5.4	5.3	5.2	4.8
<b>12</b>	<b>7.0</b>	<b>7.0</b>	<b>7.4</b>	<b>6.8</b>	<b>6.5</b>	<b>6.4</b>	<b>6.5</b>	<b>6.5</b>	<b>7.1</b>	<b>6.6</b>	<b>6.2</b>	<b>5.8</b>	<b>5.7</b>	<b>5.6</b>	<b>5.2</b>
13	7.5	7.6	7.9	7.3	7.0	6.9	6.9	6.9	7.6	7.0	6.7	6.3	6.1	6.1	
14	8.1	8.1	8.5	7.8	7.6	7.4	7.4	7.5	8.2	7.6	7.2	6.7	6.5	6.5	
15	8.7	8.6	9.0	8.3	8.0	7.8	8.0	8.1	8.7	8.1	7.6	7.1	6.8	6.9	
16	9.3	9.1	9.5	8.7	8.5	8.3	8.4	8.7	9.2	8.6	8.0	7.4	7.2	7.3	
17	9.8	9.8	10.0	9.3	9.0	8.8	8.9	9.2	9.7	9.1	8.4	7.8	7.6	7.8	
18	10.3	10.2	10.5	9.8	9.5	9.3	9.4	9.7	10.1	9.5	8.8	8.2	8.0	8.2	
19	10.8	10.7	11.0	10.2	10.0	9.7	9.8	10.2	10.6	9.9	9.2	8.5	8.3	8.5	
20	11.2	11.2	11.4	10.6	10.4	10.1	10.3	10.8	11.0	10.3	9.6	8.8	8.7	8.9	
21	11.8	11.7	11.8	11.1	10.8	10.6	10.8	11.3	11.5	10.8	10.1	9.3	9.1	9.2	
22	12.2	12.2	12.4	11.6	11.2	11.2	11.3	11.7	11.9	11.3	10.4	9.7	9.4	9.5	
23	12.6	12.8	13.0	12.2	11.7	11.6	11.8	12.2	12.4	11.8	10.8	10.0	9.8	9.9	
<b>24</b>	<b>13.1</b>	<b>13.2</b>	<b>13.4</b>	<b>12.6</b>	<b>12.1</b>	<b>12.1</b>	<b>12.3</b>	<b>12.7</b>	<b>12.8</b>	<b>12.2</b>	<b>11.1</b>	<b>10.4</b>	<b>10.1</b>	<b>10.3</b>	
25	13.5	13.6	13.9	13.0	12.5	12.5	12.7	13.1	13.3	12.6	11.5	10.8	10.5		
26	14.1	14.1	14.4	13.4	13.0	13.0	13.2	13.5	13.8	13.0	11.9	11.2	10.8		
27	14.5	14.5	14.8	13.8	13.4	13.4	13.6	14.0	14.2	13.4	12.2	11.5	11.2		
28	14.9	14.9	15.1	14.1	13.8	13.8	14.1	14.4	14.7	13.7	12.6	11.8	11.5		
29	15.3	15.3	15.6	14.5	14.1	14.1	14.5	14.9	15.1	14.0	12.9	12.1	11.8		
30	15.8	15.8	16.0	15.0	14.5	14.4	14.9	15.3	15.5	14.4	13.2	12.4	12.1		
31	16.2	16.2	16.4	15.4	14.9	14.9	15.3	15.8	15.9	14.8	13.5	12.7	12.4		
32	16.6	16.5	16.7	15.7	15.3	15.3	15.8	16.2	16.2	15.2	13.9	13.0	12.7		
33	17.0	16.8	17.0	16.0	15.7	15.6	16.3	16.6	16.6	15.5	14.2	13.3	13.0		
34	17.4	17.1	17.4	16.3	16.1	16.0	16.7	16.9	16.9	15.9	14.5	13.6	13.3		
35	17.7	17.5	17.8	16.6	16.5	16.4	17.0	17.4	17.4	16.2	14.9	13.9	13.6		
<b>36</b>	<b>18.0</b>	<b>18.0</b>	<b>18.1</b>	<b>17.0</b>	<b>16.9</b>	<b>16.7</b>	<b>17.4</b>	<b>17.8</b>	<b>17.7</b>	<b>16.4</b>	<b>15.2</b>	<b>14.2</b>	<b>13.9</b>		
37	18.5	18.3	18.5	17.3	17.2	17.1	17.7	18.3	18.1	16.8	15.4	14.5			
38	18.8	18.6	18.9	17.6	17.6	17.4	18.1	18.6	18.3	17.1	15.7	14.8			
39	19.1	19.0	19.3	17.9	18.0	17.8	18.5	19.0	18.7	17.4	16.0	15.1			
40	19.5	19.4	19.6	18.3	18.3	18.3	18.8	19.3	19.0	17.7	16.2	15.4			
41	19.9	19.7	20.0	18.6	18.6	18.6	19.2	19.6	19.3	17.9	16.5	15.7			
42	20.2	20.0	20.3	19.0	18.8	19.1	19.6	19.9	19.7	18.2	16.8	15.9			
43	20.6	20.3	20.5	19.3	19.1	19.4	20.0	20.3	20.0	18.5	17.1	16.1			
44	20.9	20.5	20.8	19.5	19.5	19.7	20.4	20.7	20.3	18.7	17.3	16.3			
45	21.3	20.8	21.2	19.8	19.8	20.1	20.7	20.9	20.6	19.0	17.6	16.6			
46	21.6	21.2	21.5	20.1	20.1	20.5	21.0	21.2	21.0	19.2	17.8	16.8			
47	21.9	21.4	21.8	20.4	20.4	20.8	21.2	21.5	21.2	19.4	18.0	17.1			
<b>48</b>	<b>22.2</b>	<b>21.7</b>	<b>22.1</b>	<b>20.7</b>	<b>20.7</b>	<b>21.2</b>	<b>21.6</b>	<b>21.8</b>	<b>21.5</b>	<b>19.7</b>	<b>18.2</b>	<b>17.3</b>			
<b>Percentage not recidivating within 48 months</b>															
	77.8	78.3	77.9	79.3	79.3	78.8	78.4	78.2	78.5	80.3	81.8	82.7			
<b>Persons in cohort (number on which percent's are based)</b>															
	14,380	15,244	16,417	17,293	16,589	16,722	16,620	17,774	19,541	22,702	20,798	19,002	17,406	15,790	15,715
<b>Average age of persons in cohort</b>															
	32.1	31.9	31.4	31.5	31.5	31.3	30.9	31.1	30.8	30.5	30.9	31.4	31.5	31.6	31.7

TABLE 4.06

**RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 1997 - 2011:  
CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION**

Months Elapsed	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
1	1.1	0.7	0.7	0.7	0.5	0.7	0.8	0.6	0.7	0.7	0.6	0.6	0.7	0.8	0.7
2	2.3	1.3	1.4	1.4	1.1	1.2	1.3	1.1	1.2	1.3	1.1	1.1	1.3	1.6	1.2
3	3.3	1.8	2.0	1.9	1.5	1.7	1.7	1.7	1.8	1.8	1.5	1.6	1.9	2.2	1.7
4	4.0	2.5	2.6	2.5	1.9	2.0	2.3	2.1	2.3	2.3	2.1	1.9	2.4	2.7	2.1
5	4.6	3.1	3.3	3.1	2.3	2.4	2.7	2.6	2.8	2.9	2.5	2.3	2.7	3.0	2.5
6	5.4	3.6	3.9	3.5	2.7	2.8	3.1	3.1	3.2	3.3	3.0	2.7	3.0	3.6	2.8
7	6.2	4.2	4.6	4.1	3.2	3.3	3.5	3.6	3.7	3.7	3.4	3.0	3.4	4.0	3.2
8	6.8	4.8	5.3	4.5	3.6	3.6	3.9	4.2	4.1	4.2	4.0	3.4	3.9	4.4	3.7
9	7.4	5.3	5.9	4.9	4.2	4.2	4.4	4.6	4.8	4.7	4.5	3.7	4.3	4.9	4.0
10	8.1	6.0	6.4	5.6	4.7	4.8	5.0	5.1	5.3	5.3	5.0	4.2	4.7	5.2	4.5
11	8.6	6.7	6.9	6.2	5.1	5.3	5.6	5.6	5.8	5.8	5.4	4.7	5.1	5.5	4.7
<b>12</b>	<b>9.2</b>	<b>7.2</b>	<b>7.7</b>	<b>7.0</b>	<b>5.7</b>	<b>5.7</b>	<b>6.2</b>	<b>6.2</b>	<b>6.4</b>	<b>6.4</b>	<b>6.0</b>	<b>5.2</b>	<b>5.5</b>	<b>6.0</b>	<b>5.1</b>
13	10.0	7.8	8.2	7.8	6.2	6.3	6.7	6.7	7.0	6.9	6.5	5.7	6.1	6.4	
14	10.7	8.4	8.7	8.6	6.7	6.9	7.2	7.4	7.7	7.3	7.0	6.2	6.5	6.6	
15	11.4	9.2	9.3	9.2	7.2	7.4	7.8	7.9	8.3	7.9	7.6	6.7	6.8	6.9	
16	11.8	9.9	10.1	9.7	7.8	7.9	8.3	8.3	8.8	8.4	8.0	7.1	7.2	7.1	
17	12.5	10.4	10.8	10.2	8.4	8.4	8.8	9.0	9.4	9.0	8.5	7.6	7.5	7.4	
18	13.0	11.1	11.6	10.9	9.0	9.0	9.4	9.6	10.1	9.5	9.0	8.1	7.9	7.8	
19	13.6	11.8	12.1	11.5	9.6	9.7	10.0	10.2	10.4	9.9	9.6	8.5	8.4	8.2	
20	14.2	12.4	12.9	12.1	10.2	10.4	10.7	10.7	10.8	10.5	10.1	9.1	8.9	8.6	
21	14.8	13.0	13.5	12.9	10.6	10.8	11.2	11.2	11.4	11.0	10.6	9.4	9.3	9.0	
22	15.5	13.6	13.9	13.5	11.1	11.1	11.7	11.8	12.0	11.4	11.1	9.8	9.7	9.4	
23	16.4	14.3	14.4	14.1	11.7	11.7	12.4	12.4	12.4	11.8	11.6	10.4	10.1	10.0	
<b>24</b>	<b>17.2</b>	<b>15.1</b>	<b>14.8</b>	<b>14.7</b>	<b>12.4</b>	<b>12.4</b>	<b>12.9</b>	<b>13.1</b>	<b>12.9</b>	<b>12.4</b>	<b>12.0</b>	<b>10.7</b>	<b>10.6</b>	<b>10.4</b>	
25	17.5	15.7	15.4	15.0	12.9	12.8	13.4	13.7	13.4	12.8	12.4	11.1	11.0		
26	18.2	16.4	16.0	15.5	13.5	13.3	14.0	14.2	14.0	13.5	12.8	11.7	11.5		
27	18.8	17.1	16.7	16.0	13.9	13.6	14.6	14.8	14.5	14.0	13.4	12.1	11.8		
28	19.2	17.6	17.3	16.4	14.4	14.1	15.2	15.3	14.9	14.4	13.6	12.6	12.3		
29	19.7	18.1	17.8	17.0	14.9	14.7	15.6	15.9	15.5	14.9	14.0	12.9	12.7		
30	20.2	18.6	18.2	17.5	15.5	15.2	16.3	16.3	16.0	15.3	14.3	13.2	13.1		
31	20.7	19.1	18.6	17.9	16.0	15.7	16.9	16.8	16.4	15.6	14.7	13.5	13.4		
32	21.1	19.5	19.1	18.4	16.4	16.2	17.4	17.3	17.0	15.9	15.1	13.8	13.7		
33	21.7	20.1	19.7	18.8	17.0	16.6	17.9	17.8	17.4	16.3	15.6	14.1	14.0		
34	22.2	20.6	20.0	19.1	17.3	17.2	18.3	18.3	17.9	16.7	15.9	14.4	14.3		
35	22.8	21.1	20.5	19.4	17.8	17.7	19.0	18.7	18.2	17.2	16.2	14.8	14.7		
<b>36</b>	<b>23.4</b>	<b>21.6</b>	<b>21.0</b>	<b>19.8</b>	<b>18.4</b>	<b>18.0</b>	<b>19.4</b>	<b>19.0</b>	<b>18.7</b>	<b>17.6</b>	<b>16.5</b>	<b>15.1</b>	<b>15.1</b>		
37	23.9	22.1	21.3	20.4	18.9	18.4	19.7	19.4	19.1	18.0	16.9	15.6			
38	24.4	22.4	21.7	20.9	19.2	18.8	20.1	19.9	19.4	18.4	17.3	16.1			
39	24.8	22.9	22.2	21.3	19.7	19.4	20.7	20.3	19.8	18.7	17.6	16.6			
40	25.1	23.3	22.6	21.7	20.1	20.0	21.2	20.5	20.1	19.0	18.1	16.9			
41	25.4	23.8	23.1	22.2	20.5	20.5	21.5	21.0	20.5	19.4	18.4	17.3			
42	26.0	24.1	23.5	22.5	21.0	21.0	21.9	21.3	20.9	19.8	18.8	17.7			
43	26.2	24.6	23.9	22.9	21.4	21.5	22.3	21.7	21.4	20.2	19.1	18.0			
44	26.5	24.9	24.2	23.4	21.7	21.9	22.7	22.0	21.8	20.6	19.4	18.3			
45	26.9	25.2	24.6	23.7	22.0	22.1	23.0	22.3	22.0	20.8	19.7	18.5			
46	27.3	25.4	24.9	24.1	22.4	22.6	23.5	22.9	22.4	21.2	19.9	18.8			
47	27.6	25.9	25.3	24.4	22.8	23.0	23.8	23.1	22.7	21.4	20.3	19.0			
<b>48</b>	<b>28.0</b>	<b>26.2</b>	<b>25.6</b>	<b>24.8</b>	<b>23.2</b>	<b>23.3</b>	<b>24.2</b>	<b>23.5</b>	<b>22.8</b>	<b>21.7</b>	<b>20.6</b>	<b>19.3</b>			
<b>Percentage not recidivating within 48 months</b>															
	72.0	73.8	74.4	75.2	76.8	76.7	75.8	76.5	77.2	78.3	79.4	80.7			
<b>Persons in cohort (number on which percent's are based)</b>															
	5,910	6,058	6,696	6,646	6,485	6,362	6,348	6,882	7,365	8,359	7,977	7,635	7,140	6,543	6,454
<b>Average age of persons in cohort</b>															
	34.4	34.3	34.1	34.2	34.1	34.4	34.2	34.4	34.3	33.8	34.3	34.1	34.5	34.8	34.9

TABLE 4.07

**RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 1997 - 2011:  
CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION**

Months Elapsed	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
1	1.4	1.3	0.6	0.9	0.6	0.5	0.6	0.4	0.9	0.5	0.8	0.7	0.8	0.8	0.8
2	2.3	1.8	1.3	1.4	1.3	1.1	1.2	0.8	1.3	1.4	1.6	1.2	1.4	1.4	1.3
3	3.5	2.6	2.1	2.0	2.0	1.7	1.8	1.4	1.6	1.9	2.0	1.9	2.1	2.2	1.7
4	4.2	3.2	2.4	2.6	2.3	2.0	2.3	1.8	2.2	2.5	2.6	2.3	2.9	2.4	2.0
5	4.7	3.8	2.8	3.2	2.7	2.5	2.7	2.3	2.7	2.9	2.9	2.6	3.2	2.8	2.3
6	5.0	4.4	3.2	3.7	2.9	3.1	3.0	2.7	3.0	3.3	3.6	3.1	3.8	3.3	2.6
7	5.6	5.0	3.6	4.4	3.3	3.4	3.3	3.0	3.4	4.0	4.1	3.3	4.1	3.5	2.9
8	6.2	5.4	4.1	4.8	3.9	3.8	3.7	3.4	3.6	4.2	4.6	3.7	4.5	3.7	3.2
9	6.9	5.9	4.5	5.3	4.4	4.3	4.2	3.7	4.0	4.8	5.0	4.0	4.8	4.0	3.6
10	7.7	6.3	5.1	5.9	4.8	4.6	4.7	4.2	4.7	5.2	5.5	4.6	5.2	4.3	3.8
11	8.1	6.9	5.6	6.3	5.2	4.9	4.9	4.6	5.1	5.6	5.9	5.0	5.6	4.7	4.0
<b>12</b>	<b>8.8</b>	<b>7.4</b>	<b>6.2</b>	<b>6.9</b>	<b>5.9</b>	<b>5.1</b>	<b>5.3</b>	<b>5.2</b>	<b>5.6</b>	<b>6.0</b>	<b>6.3</b>	<b>5.3</b>	<b>5.9</b>	<b>5.0</b>	<b>4.1</b>
13	9.3	7.8	6.7	7.5	6.2	5.5	5.8	5.5	6.2	6.2	6.5	5.6	6.2	5.4	
14	9.8	8.5	7.1	8.0	6.7	5.8	6.1	5.8	6.6	6.6	7.0	6.0	6.4	5.8	
15	10.5	8.9	7.6	8.4	7.4	6.5	6.5	6.2	7.0	7.0	7.4	6.2	6.8	6.0	
16	11.0	9.3	8.1	8.9	8.0	6.8	7.0	6.7	7.4	7.3	7.7	6.6	7.3	6.3	
17	11.6	9.8	8.5	9.5	8.2	7.5	7.5	7.1	7.7	7.8	8.1	7.0	7.6	6.5	
18	12.0	10.5	9.2	10.0	8.7	8.0	7.8	7.5	8.0	8.4	8.4	7.2	8.0	6.7	
19	12.6	11.0	9.7	10.6	9.1	8.5	8.3	8.1	8.3	8.8	8.8	7.6	8.2	7.1	
20	13.3	11.5	10.3	11.1	9.7	9.2	8.9	8.6	8.7	9.3	9.5	8.2	8.6	7.3	
21	13.8	12.1	10.9	11.6	10.0	9.6	9.4	9.2	9.3	9.6	10.0	8.6	9.0	7.9	
22	14.5	12.7	11.6	12.3	10.3	10.1	9.8	9.5	9.6	9.9	10.3	8.8	9.2	8.3	
23	15.0	13.0	12.1	13.0	10.7	10.7	10.3	10.0	10.0	10.3	10.8	9.2	9.9	8.6	
<b>24</b>	<b>15.5</b>	<b>13.5</b>	<b>12.7</b>	<b>13.4</b>	<b>11.0</b>	<b>11.2</b>	<b>10.7</b>	<b>10.6</b>	<b>10.4</b>	<b>10.6</b>	<b>11.2</b>	<b>9.6</b>	<b>10.3</b>	<b>8.9</b>	
25	16.1	14.0	13.2	13.8	11.5	11.4	11.4	11.0	10.9	11.1	11.6	9.8	10.7		
26	16.6	14.5	13.7	14.2	11.9	12.1	12.0	11.3	11.3	11.5	11.9	10.3	10.9		
27	17.2	14.9	14.1	14.5	12.4	12.6	12.5	11.8	11.9	11.8	12.4	10.7	11.2		
28	17.9	15.4	14.5	15.0	12.9	13.1	12.9	12.3	12.3	12.1	12.8	11.1	11.6		
29	18.4	16.1	15.1	15.3	13.3	13.6	13.4	12.7	12.7	12.2	13.3	11.4	11.8		
30	18.9	16.5	15.6	15.7	13.8	14.0	13.8	13.1	13.2	12.5	13.7	11.6	12.2		
31	19.4	16.9	16.1	16.1	14.2	14.4	14.2	13.5	13.6	12.8	14.1	11.9	12.5		
32	20.0	17.4	16.6	16.4	14.6	14.8	14.5	13.9	14.0	13.3	14.5	12.3	12.8		
33	20.4	17.9	17.0	17.0	14.9	15.3	15.0	14.5	14.3	13.9	14.9	12.6	13.0		
34	20.8	18.2	17.5	17.4	15.4	15.6	15.4	14.8	14.4	14.1	15.2	12.9	13.3		
35	21.3	18.8	18.0	17.9	15.8	15.9	15.7	15.1	14.7	14.4	15.5	13.3	13.7		
<b>36</b>	<b>21.9</b>	<b>19.1</b>	<b>18.2</b>	<b>18.2</b>	<b>16.1</b>	<b>16.2</b>	<b>15.9</b>	<b>15.3</b>	<b>14.9</b>	<b>14.8</b>	<b>15.8</b>	<b>13.4</b>	<b>14.0</b>		
37	22.3	19.6	18.7	18.6	16.4	16.6	16.4	15.7	15.3	15.1	16.2	13.7			
38	22.7	19.9	19.4	19.0	16.6	16.9	16.7	16.3	15.6	15.4	16.5	14.0			
39	23.2	20.2	20.0	19.4	17.0	17.4	17.3	16.6	16.0	15.8	16.8	14.4			
40	23.6	20.7	20.3	19.8	17.3	17.5	17.5	16.8	16.5	16.2	16.9	14.7			
41	24.1	21.3	20.7	20.2	17.7	18.0	17.9	17.1	16.7	16.5	17.3	15.0			
42	24.4	21.8	21.2	20.6	18.0	18.5	18.4	17.4	17.1	16.9	17.4	15.3			
43	24.9	22.1	21.6	20.8	18.2	18.7	18.9	17.7	17.4	17.2	17.9	15.4			
44	25.5	22.5	21.9	21.1	18.6	19.0	19.2	18.1	17.8	17.4	18.2	15.8			
45	25.9	22.6	22.4	21.5	18.9	19.3	19.6	18.6	18.3	17.5	18.5	16.0			
46	26.5	23.1	22.6	21.8	19.2	19.8	20.0	18.8	18.7	17.9	18.9	16.3			
47	26.8	23.3	22.8	22.3	19.6	20.2	20.3	19.1	19.0	18.2	19.1	16.6			
<b>48</b>	<b>27.1</b>	<b>23.7</b>	<b>23.2</b>	<b>22.6</b>	<b>20.0</b>	<b>20.5</b>	<b>20.7</b>	<b>19.3</b>	<b>19.2</b>	<b>18.4</b>	<b>19.4</b>	<b>16.8</b>			
<b>Percentage not recidivating within 48 months</b>															
	72.9	76.3	76.8	77.4	80.0	79.5	79.3	80.7	80.8	81.6	80.6	83.2			
<b>Persons in cohort (number on which percent's are based)</b>															
	3,209	3,170	3,337	3,279	3,152	2,986	2,923	3,110	3,278	3,664	3,426	3,355	3,267	3,058	3,058
<b>Average age of persons in cohort</b>															
	36.4	36.7	37.0	36.9	37.0	37.4	37.6	37.7	37.4	37.8	37.6	37.6	38.0	38.4	38.4

## V. ALCOHOL-RELATED CRASH STATISTICS BY COUNTY

### **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 should be, but are not, reported, as there are that do get reported.

### **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,<sup>\*\*\*</sup> 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 .01% alcohol concentration (AC) 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 vehicles drivers who consumed a considerable amount of alcohol.

### **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 .08 legal limit or above. Note that Tables 5.02 and 5.03 in this Section use both of these definitions.

### **'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.

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<sup>\*\*\*</sup> 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 perceived 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 2012 were classified as alcohol-related or not using both techniques. Using officer perception alone, 80 (20%) of the 395 fatalities were classified as alcohol-related. Using officer perception and test results together, 131 (33%) of the 395 fatalities were classified as alcohol-related.<sup>†††</sup>

### Crash numbers generally

The number of crashes that get reported has been declining in recent years, from over 100,000 in year 2000, to about 69,000 in 2012. 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. Then about a third of all crashes involve injuries to people, but no deaths. Then the great majority of crashes -- about two-thirds -- 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 2012, 4% of property damage crashes, 9% of injury crashes, and 34% 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."<sup>†††</sup>

Using this approach, for example, the National Safety Council estimates costs for the 2012 calendar year as follows:

Death .....	\$1,420,000
Incapacitating (A) Injury .....	\$70,500
Non-incapacitating (B) Injury.....	\$22,700
Possible (C) Injury.....	\$12,800
Property Damage Crash.....	\$9,100

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."<sup>§§§</sup> Using that approach yields the following cost estimates for the 2012 year:

Death .....	\$4,459,000
Incapacitating (A) Injury .....	\$225,100
Non-incapacitating (B) Injury.....	\$57,400
Possible (C) Injury.....	\$27,200
No Injury .....	\$2,400

Table 5.04 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 .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 2012 was: \$224,566,600.

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 2012 was:\$262,906,600.

<sup>†††</sup> 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 crashes. Thus, the statistical patterns may not be similar for fatal and non-fatal crashes.

<sup>†††</sup> National Safety Council: *Injury Facts, 2005-2006 Edition*: page 91.  
<sup>§§§</sup> Ibid

TABLE 5.01

MINNESOTA TRAFFIC FATALITIES, 1910 - 2012

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

Figure 5.01

Minnesota Traffic Fatalities, 1910-2012, and Fatality Rate Per 100 Million Vehicle Miles Traveled, 1961-2012

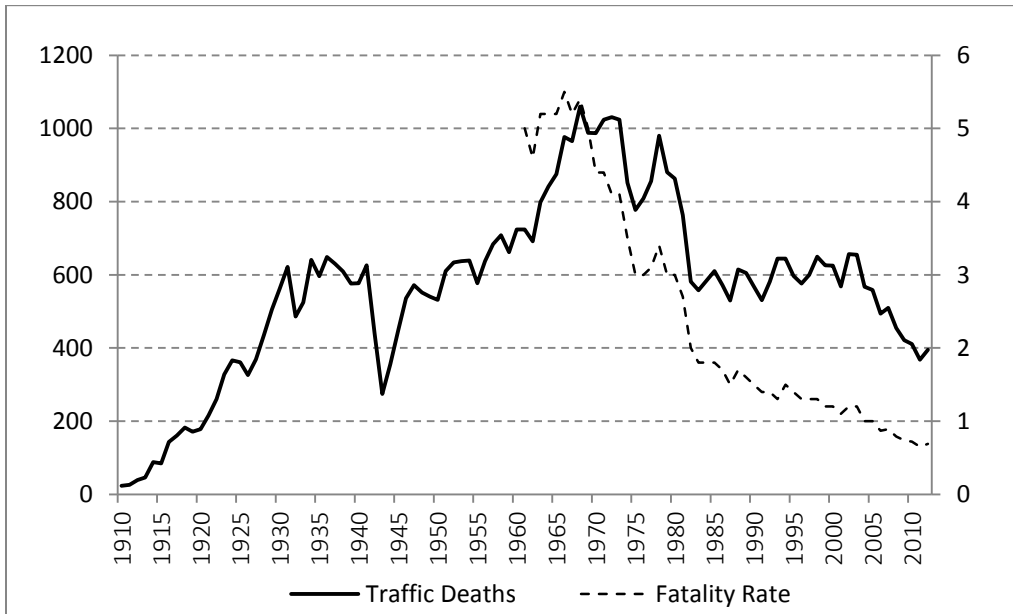




TABLE 5.02

OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1965 - 2012

<u>Year</u>	<u>Total Crashes</u>	<u>Total Deaths</u>	<u>Licensed Drivers (million)</u>	<u>Reg. Vehicles (million)</u>	<u>State Population</u>	<u>Miles Traveled (billion)</u>	<u>Fatality Rate</u>	<u>DWI Arrests</u>	<u>Deaths 'Any' Alcohol</u>	<u>Deaths % of Col (3)</u>	<u>Deaths .08 + Alcohol</u>	<u>Deaths % of Col (3)</u>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1965	83,329	875	1.85	1.86	3,565,000	16.8	5.21					
1966	84,754	977	1.90	1.94	3,585,000	17.7	5.52					
1967	93,819	965	1.95	2.01	3,625,000	18.7	5.17					
1968	92,910	1,060	2.00	2.09	3,647,000	19.9	5.33					
1969	105,235	988	2.03	2.15	3,743,291	20.8	4.75					
1970	99,404	987	2.05	2.24	3,804,971	22.4	4.41					
1971	104,030	1,024	2.33	2.36	3,860,000	23.4	4.38					
1972	111,180	1,031	2.50	2.41	3,877,000	24.9	4.14					
1973	107,956	1,024	2.38	2.51	3,890,000	25.2	4.07					
1974	102,964	852	2.44	2.67	3,904,100	24.6	3.47					
1975	123,206	777	2.51	2.69	3,921,000	25.6	3.03					
1976	116,390	809	2.57	2.92	3,954,000	27.0	3.00	19,419				
1977	119,754	856	2.63	2.77	3,980,000	28.1	3.05	16,976				
1978	118,833	980	2.70	2.90	4,024,000	28.8	3.40	18,078				
1979	120,633	881	2.73	3.00	4,060,000	29.0	3.04	18,092				
1980	103,612	863	2.77	3.01	4,075,970	28.5	3.03	22,788				
1981	97,879	763	2.83	3.09	4,099,048	28.6	2.67	27,034				
1982	89,443	581	2.87	3.01	4,133,334	29.2	1.98	28,048				
1983	97,371	558	2.90	3.03	4,145,667	30.5	1.83	32,155				
1984	93,741	584	2.91	3.13	4,161,464	32.2	1.81	36,638	305	52%		
1985	99,168	610	3.04	3.22	4,192,973	33.1	1.84	35,383	261	43		
1986	95,460	572	3.07	3.25	4,214,013	34.2	1.67	36,390	264	46		
1987	94,095	530	3.10	3.31	4,245,870	35.1	1.51	34,664	224	42		
1988	102,094	615	3.13	3.39	4,306,550	36.4	1.69	32,827	277	45		
1989	105,996	605	3.16	3.46	4,353,000	37.6	1.61	34,562	275	45		
1990	99,236	568	3.18	3.52	4,375,099	38.8	1.47	36,847	235	41		
1991	101,419	531	3.22	3.51	4,432,000	39.3	1.35	32,430	212	40		
1992	96,808	581	3.27	3.55	4,480,034	41.3	1.41	30,841	229	39		
1993	100,907	538	3.28	3.48	4,517,416	42.3	1.27	30,088	196	36		
1994	99,701	644	3.34	3.67	4,567,267	43.4	1.48	29,748	226	35		
1995	96,022	597	3.39	3.68	4,609,548	44.1	1.35	30,402	246	41	203	34%
1996	105,332	576	3.46	3.70	4,657,800	45.9	1.27	30,923	205	36	169	29
1997	98,626	600	3.49	3.77	4,685,549	46.9	1.28	31,380	178	30	151	25
1998	92,926	650	3.53	3.90	4,735,830	48.5	1.34	32,422	273	42	222	34
1999	96,813	626	3.54	3.92	4,775,508	50.7	1.24	34,575	195	31	156	25
2000	103,591	625	3.65	4.20	4,919,479	52.4	1.19	35,034	245	39	212	34
2001	98,984	568	3.69	4.38	4,977,976	53.2	1.07	33,532	211	37	167	29
2002	94,969	657	3.76	4.49	5,033,661	54.4	1.21	33,163	239	36	185	28
2003	n/a	655	3.79	4.56	5,088,006	55.4	1.18	32,266	255	39	205	31
2004	91,274	567	3.85	4.63	5,145,106	56.5	1.00	34,202	177	31	155	27
2005	87,813	559	3.87	4.69	5,205,091	56.5	0.99	37,002	197	35	164	29
2006	78,745	494	3.87	4.76	5,231,106	56.6	0.87	41,951	166	34	141	29
2007	81,505	510	3.91	4.82	5,263,493	57.4	0.89	38,669	190	37	170	33
2008	79,095	455	3.94	4.86	5,287,976	57.3	0.79	35,794	163	36	137	30
2009	73,498	421	3.95	4.87	5,300,942	56.9	0.74	32,756	141	34	112	27
2010	74,073	411	4.00	4.92	5,303,925	56.8	0.72	29,918	131	32	121	29
2011	72,117	368	4.01	4.98	5,332,246	56.7	0.65	29,257	136	37	111	30
2012	69,236	395	4.04	5.02	5,379,139	57.0	0.69	28,418	131	33	104	26

Note: Column (10) lists the number of alcohol-related deaths resulting from crashes where at least one driver or pedestrian was known to be drinking. Column (12) lists the number of impaired-related deaths resulting from crashes where at least one driver or pedestrian tested positive for alcohol at the .08 level or above.

TABLE 5.03

**TRAFFIC CRASHES, FATALITIES, AND INJURIES -- TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2012**

COUNTY (1)	FATAL TRAFFIC CRASHES			INJURY TRAFFIC CRASHES			TRAFFIC CRASHES WITH PROPERTY DAMAGE ONLY			TOTAL CRASHES			PERSONS KILLED			PERSONS INJURED		
	.08+			Alco			Alc			Alco			.08+			Alco %		
	All	Alc	%	All	-hol	%	All	-hol	%	All	-hol	%	All	Alc	%	All	-hol	Alc
(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	
Aitkin	3	1	33.3	69	14	20.3	117	6	5.1	189	21	11.1	3	1	33.3	90	25	27.8
Anoka	23	10	43.5	1,072	93	8.7	1,779	75	4.2	2,874	178	6.2	25	11	44.0	1,536	138	9.0
Becker	4	1	25.0	107	17	15.9	172	3	1.7	283	21	7.4	4	1	25.0	166	26	15.7
Beltrami	7	2	28.6	140	19	13.6	296	11	3.7	443	32	7.2	7	2	28.6	199	26	13.1
Benton	6	0	0.0	157	14	8.9	360	16	4.4	523	30	5.7	8	0	0.0	207	16	7.7
Big Stone	1	0	0.0	25	6	24.0	38	3	7.9	64	9	14.1	1	0	0.0	32	7	21.9
Blue Earth	5	1	20.0	303	30	9.9	706	33	4.7	1,014	64	6.3	5	1	20.0	408	38	9.3
Brown	1	0	0.0	76	8	10.5	167	9	5.4	244	17	7.0	1	0	0.0	106	11	10.4
Carlton	3	0	0.0	108	13	12.0	193	7	3.6	304	20	6.6	4	0	0.0	170	26	15.3
Carver	1	1	100	260	16	6.2	672	30	4.5	933	47	5.0	1	1	100	352	20	5.7
Cass	6	2	33.3	103	18	17.5	147	9	6.1	256	29	11.3	6	2	33.3	166	31	18.7
Chippewa	4	0	0.0	41	7	17.1	69	3	4.3	114	10	8.8	4	0	0.0	72	17	23.6
Chisago	6	3	50.0	197	20	10.2	281	13	4.6	484	36	7.4	6	3	50.0	308	38	12.3
Clay	4	0	0.0	199	23	11.6	439	27	6.2	642	50	7.8	4	0	0.0	282	30	10.6
Clearwater	0	0	0.0	31	5	16.1	38	2	5.3	69	7	10.1	0	0	0.0	47	8	17.0
Cook	0	0	0.0	27	4	14.8	33	1	3.0	60	5	8.3	0	0	0.0	42	5	11.9
Cottonwood	2	2	100	38	3	7.9	53	4	7.5	93	9	9.7	2	2	100	72	5	6.9
Crow Wing	10	5	50.0	285	32	11.2	453	21	4.6	748	58	7.8	10	5	50.0	427	44	10.3
Dakota	14	3	21.4	1,349	88	6.5	3,128	140	4.5	4,491	231	5.1	19	3	15.8	1,877	128	6.8
Dodge	3	0	0.0	70	7	10.0	115	2	1.7	188	9	4.8	5	0	0.0	102	8	7.8
Douglas	5	1	20.0	185	17	9.2	335	11	3.3	525	29	5.5	8	1	12.5	262	20	7.6
Faribault	3	0	0.0	39	4	10.3	86	0	0.0	128	4	3.1	4	0	0.0	55	6	10.9
Fillmore	2	1	50.0	59	8	13.6	107	6	5.6	168	15	8.9	2	1	50.0	90	13	14.4
Freeborn	3	2	66.7	132	11	8.3	271	14	5.2	406	27	6.7	3	2	66.7	190	13	6.8
Goodhue	6	0	0.0	186	12	6.5	457	9	2.0	649	21	3.2	7	0	0.0	278	15	5.4
Grant	1	1	100	21	5	23.8	42	4	9.5	64	10	15.6	1	1	100	28	5	17.9
Hennepin	32	5	15.6	6,018	423	7.0	13,766	536	3.9	19,816	964	4.9	33	5	15.2	8,205	613	7.5
Houston	1	0	0.0	56	12	21.4	171	10	5.8	228	22	9.6	1	0	0.0	69	12	17.4
Hubbard	1	0	0.0	74	15	20.3	65	3	4.6	140	18	12.9	1	0	0.0	112	28	25.0
Isanti	2	1	50.0	104	9	8.7	200	10	5.0	306	20	6.5	2	1	50.0	162	13	8.0
Itasca	6	4	66.7	175	24	13.7	355	20	5.6	536	48	9.0	8	5	62.5	255	28	11.0
Jackson	2	0	0.0	46	4	8.7	76	2	2.6	124	6	4.8	3	0	0.0	60	4	6.7
Kanabec	0	0	0.0	42	3	7.1	73	7	9.6	115	10	8.7	0	0	0.0	58	4	6.9
Kandiyohi	8	1	12.5	193	19	9.8	345	18	5.2	546	38	7.0	11	3	27.3	285	29	10.2
Kittson	1	0	0.0	3	1	33.3	6	0	0.0	10	1	10.0	1	0	0.0	5	1	20.0
Koochiching	2	0	0.0	26	4	15.4	56	5	8.9	84	9	10.7	2	0	0.0	38	9	23.7
Lac Qui Parle	0	0	0.0	14	0	0.0	23	1	4.3	37	1	2.7	0	0	0.0	24	0	0.0
Lake	1	1	100	35	4	11.4	56	3	5.4	92	8	8.7	1	1	100	61	4	6.6
Lake Woods	0	0	0.0	8	1	12.5	13	2	15.4	21	3	14.3	0	0	0.0	9	1	11.1
Le Sueur	2	0	0.0	95	17	17.9	220	7	3.2	317	24	7.6	2	0	0.0	139	29	20.9
Lincoln	2	2	100	18	2	11.1	61	3	4.9	81	7	8.6	2	2	100	25	2	8.0
Lyon	4	0	0.0	79	6	7.6	201	4	2.0	284	10	3.5	4	0	0.0	108	9	8.3
McLeod	4	0	0.0	123	11	8.9	304	5	1.6	431	16	3.7	6	0	0.0	167	14	8.4
Mahnomen	2	0	0.0	16	3	18.8	27	1	3.7	45	4	8.9	2	0	0.0	29	5	17.2
Marshall	2	0	0.0	28	7	25.0	29	2	6.9	59	9	15.3	2	0	0.0	50	17	34.0
Martin	1	1	100	61	6	9.8	142	6	4.2	204	13	6.4	1	1	100	97	7	7.2
Meeker	2	2	100	74	8	10.8	133	3	2.3	209	13	6.2	2	2	100	104	11	10.6
Mille Lacs	2	1	50.0	115	20	17.4	114	6	5.3	231	27	11.7	3	2	66.7	183	28	15.3
Morrison	5	0	0.0	106	21	19.8	173	9	5.2	284	30	10.6	5	0	0.0	162	33	20.4
Mower	4	0	0.0	96	14	14.6	253	11	4.3	353	25	7.1	6	0	0.0	121	17	14.0
Murray	2	1	50.0	36	6	16.7	38	2	5.3	76	9	11.8	2	1	50.0	60	9	15.0
Nicollet	3	1	33.3	94	6	6.4	261	10	3.8	358	17	4.7	3	1	33.3	132	8	6.1
Nobles	6	1	16.7	78	7	9.0	259	9	3.5	343	17	5.0	7	1	14.3	114	10	8.8
Norman	0	0	0.0	21	4	19.0	30	4	13.3	51	8	15.7	0	0	0.0	28	7	25.0

TABLE 5.03 (Continued)

**TRAFFIC CRASHES, FATALITIES, AND INJURIES -- TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2012**

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)	% (4)	All (5)	Alco- hol (6)	% (7)	All (8)	Alco- hol (9)	% (10)	All (11)	Alco- hol (12)	% (13)	All (14)	.08+ Alc (15)	% (16)	All (17)	Alco- hol (18)	% (19)
Olmsted	2	0	0.0	547	36	6.6	1,215	49	4.0	1,764	85	4.8	2	0	0.0	757	59	7.8
Otter Tail	8	3	37.5	207	26	12.6	424	12	2.8	639	41	6.4	10	5	50.0	294	34	11.6
Pennington	2	0	0.0	54	6	11.1	58	2	3.4	114	8	7.0	2	0	0.0	81	7	8.6
Pine	9	2	22.2	128	19	14.8	224	7	3.1	361	28	7.8	14	2	14.3	189	29	15.3
Pipestone	2	0	0.0	29	2	6.9	56	4	7.1	87	6	6.9	2	0	0.0	48	3	6.3
Polk	7	5	71.4	90	13	14.4	227	17	7.5	324	35	10.8	7	5	71.4	131	26	19.8
Pope	3	1	33.3	37	6	16.2	56	5	8.9	96	12	12.5	3	1	33.3	73	23	31.5
Ramsey	18	0	0.0	2,475	192	7.8	7,926	260	3.3	10,419	452	4.3	19	0	0.0	3,363	261	7.8
Red Lake	1	0	0.0	7	2	28.6	14	1	7.1	22	3	13.6	1	0	0.0	9	2	22.2
Redwood	5	3	60.0	48	9	18.8	81	4	4.9	134	16	11.9	6	4	66.7	71	14	19.7
Renville	1	0	0.0	48	8	16.7	90	6	6.7	139	14	10.1	1	0	0.0	63	11	17.5
Rice	4	1	25.0	219	17	7.8	404	9	2.2	627	27	4.3	4	1	25.0	302	25	8.3
Rock	4	0	0.0	29	3	10.3	77	4	5.2	110	7	6.4	4	0	0.0	43	3	7.0
Roseau	2	1	50.0	29	4	13.8	50	5	10.0	81	10	12.3	2	1	50.0	44	7	15.9
St. Louis	9	3	33.3	740	81	10.9	2,149	100	4.7	2,898	184	6.3	11	3	27.3	979	104	10.6
Scott	4	1	25.0	381	34	8.9	694	23	3.3	1,079	58	5.4	4	1	25.0	554	50	9.0
Sherburne	7	2	28.6	258	24	9.3	746	20	2.7	1,011	46	4.5	8	2	25.0	371	28	7.5
Sibley	2	1	50.0	43	3	7.0	79	2	2.5	124	6	4.8	2	1	50.0	52	6	11.5
Stearns	7	1	14.3	653	45	6.9	1,582	46	2.9	2,242	92	4.1	7	1	14.3	922	59	6.4
Steele	2	1	50.0	129	16	12.4	282	10	3.5	413	27	6.5	2	1	50.0	178	21	11.8
Stevens	1	0	0.0	23	5	21.7	56	1	1.8	80	6	7.5	1	0	0.0	32	7	21.9
Swift	0	0	0.0	29	5	17.2	49	3	6.1	78	8	10.3	0	0	0.0	35	6	17.1
Todd	1	1	100	82	8	9.8	120	6	5.0	203	15	7.4	1	1	100	112	11	9.8
Traverse	0	0	0.0	9	2	22.2	6	0	0.0	15	2	13.3	0	0	0.0	13	3	23.1
Wabasha	2	2	100	63	2	3.2	119	7	5.9	184	11	6.0	2	2	100	90	4	4.4
Wadena	1	1	100	39	4	10.3	60	1	1.7	100	6	6.0	1	1	100	53	5	9.4
Waseca	3	0	0.0	66	4	6.1	116	7	6.0	185	11	5.9	3	0	0.0	85	6	7.1
Washington	7	4	57.1	767	54	7.0	1,594	69	4.3	2,368	127	5.4	8	5	62.5	1,062	76	7.2
Watsonwan	0	0	0.0	26	1	3.8	59	2	3.4	85	3	3.5	0	0	0.0	35	1	2.9
Wilkin	0	0	0.0	26	1	3.8	73	3	4.1	99	4	4.0	0	0	0.0	38	1	2.6
Winona	5	0	0.0	184	16	8.7	392	10	2.6	581	26	4.5	5	0	0.0	257	21	8.2
Wright	9	4	44.4	371	47	12.7	768	19	2.5	1,148	70	6.1	12	5	41.7	513	60	11.7
Yellow Med	1	0	0.0	23	0	0.0	62	1	1.6	86	1	1.2	1	0	0.0	39	0	0.0
Minnesota	349	94	26.9	20,972	1,846	8.8	47,915	1,873	3.9	69,236	3,813	5.5	395	104	26.3	29,314	2,644	9.0

TABLE 5.04

**COST OF ALCOHOL-RELATED TRAFFIC CRASHES,  
IMPAIRED-RELATED FATALITIES,  
AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2012**

COUNTY	COST	COUNTY	COST	COUNTY	COST
Aitkin	\$ 2,412,900	Itasca	\$8,161,400	Pope	\$1,982,500
Anoka	19,666,700	Jackson	127,100	Ramsey	7,375,900
Becker	2,273,100	Kanabec	202,300	Red Lake	54,500
Beltrami	3,573,000	Kandiyohi	5,134,700	Redwood	5,983,000
Benton	535,100	Kittson	22,700	Renville	215,200
Big Stone	194,400	Koochiching	431,100	Rice	2,161,600
Blue Earth	2,604,100	Lac Qui Parle	9,100	Rock	132,500
Brown	329,900	Lake	1,518,300	Roseau	1,632,600
Carlton	620,800	Lake of the Woods	40,900	St. Louis	7,452,700
Carver	2,056,200	Le Sueur	842,200	Scott	3,044,300
Cass	3,829,800	Lincoln	2,912,700	Sherburne	3,499,200
Chippewa	343,900	Lyon	220,900	Sibley	1,515,000
Chisago	5,072,600	McLeod	341,800	Stearns	3,301,200
Clay	873,800	Mahnomen	112,700	Steele	1,994,200
Clearwater	275,600	Marshall	428,700	Stevens	186,100
Cook	83,000	Martin	1,757,100	Swift	133,800
Cottonwood	2,970,100	Meeker	3,201,000	Todd	1,664,900
Crow Wing	8,377,000	Mille Lacs	3,584,500	Traverse	115,900
Dakota	8,008,500	Morrison	863,800	Wabasha	3,042,300
Dodge	140,400	Mower	617,800	Wadena	1,608,500
Douglas	1,855,300	Murray	1,630,900	Waseca	170,200
Faribault	116,400	Nicollet	1,643,100	Washington	9,399,900
Fillmore	1,863,600	Nobles	1,669,500	Watsonwan	31,000
Freeborn	3,241,000	Norman	271,100	Wilkin	40,100
Goodhue	516,300	Olmsted	1,997,600	Winona	574,200
Grant	1,597,900	Otter Tail	8,041,800	Wright	8,680,700
Hennepin	24,646,000	Pennington	243,000	Yellow Med	9,100
Houston	485,300	Pine	3,528,900		
Hubbard	657,800	Pipestone	94,600		
Isanti	1,862,100	Polk	7,831,600		
<b>Minnesota Total</b>					\$ 224,566,600

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 produc-

tivity. 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.

## APPENDIX A

### *Terms Describing Impaired Driving Incident 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 more than 35,000 DWI arrests annually -- more than for any other criminal offense in the state. For nearly a century, defense attorneys have found loopholes in the law, while the state has sought to tighten the law.

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.<sup>\*\*\*\*</sup> 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 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 impairing substances, or when the person has an alcohol concentration of 0.08 or more, or when a person

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<sup>\*\*\*\*</sup> 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.

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 was in itself (“*per se*”) a crime.<sup>††††</sup> 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.<sup>††††</sup> 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.<sup>§§§§</sup>

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

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<sup>††††</sup> In 2004 the Legislature reduced the *per se* level to 0.08%, effective August 1, 2005.

<sup>††††</sup> The District of Columbia had a similar ordinance, but Minnesota was the first state to pass “administrative *per se*.”

<sup>§§§§</sup> 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.

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 35,000 impaired driving arrests. Five-hundred of those never get recorded as an impaired driving incident. Among the remaining 34,500 arrests that do lead to an impaired driving incident on record, there are 34,000 civil Implied Consent law violations, and 27,000 impaired-driving criminal convictions, for a total of 61,000 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 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 34,500 incidents on record, but if 1,500 persons were arrested twice, and 500 were arrested three times in the year, then 32,000 persons accounted for the 34,500 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 of them of them that were classified as alcohol-related.

## 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 .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**

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Year passed	Reference Number	Description of Amendment
1911	1	<b>Driving while in an intoxicated condition is defined to be a misdemeanor.</b>
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	<b>A second or subsequent DWI is raised to gross misdemeanor status.</b>
	2	Criminal penalty for repeat offenders shall include license revocation for three months to one year.
1927	1	<b>First DWI offense raised to gross misdemeanor status.</b>
	2	<b>Prison for all offenders.</b> 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	<b>All DWI offenses reduced to misdemeanor status.</b>
	2	<b>Criminal penalties reduced.</b> 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	<b>90 day license revocation.</b> All offenders shall have driver’s license revoked for not less than 90 days.
1955	1	<b>Blood alcohol concentration (“BAC”) levels defined for use as evidence.</b> 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"> <li>▪ BAC of .000 to .049 is <i>prima facie</i> evidence of innocence.</li> <li>▪ BAC of .050 to .149 is relevant, but not <i>prima facie</i>, evidence of intoxication.</li> <li>▪ BAC of .150 or greater is <i>prima facie</i> evidence of intoxication.</li> </ul>
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	<b>License revocation reduced.</b> 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

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Year passed	Reference number	Description of Amendment
1957	3	<b>Offense causing injury or death.</b> 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	<b>Open Bottle Law.</b> It is a misdemeanor to have an open container of alcohol in the passenger compartment of a vehicle.
1961	1	<b>Implied Consent Law.</b> 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	<b>Commissioner to revoke driver's license for 6 months for test refusal.</b> 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	<b>BAC level of 0.10% is <i>prima facie</i> evidence of intoxication.</b> <ul style="list-style-type: none"> <li>▪ A BAC of 0.000--0.049 shall be considered <i>prima facie</i> evidence of innocence.</li> <li>▪ A BAC of 0.055--0.099 shall be considered as relevant, but not <i>prima facie</i>, evidence of intoxication.</li> <li>▪ A BAC of 0.100 or greater shall be considered <i>prima facie</i> evidence of intoxication.</li> </ul>
	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	<b>The "B-Card" restriction</b> 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

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Year passed	Reference number	Description of Amendment
1971	1	<p><b>Criminal <i>per se</i> law enacted.</b></p> <p>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.</p> <p>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.</p>
	2	<p><b>Preliminary breath test.</b></p> <p>Officer may utilize preliminary breath test to help determine if there are probable grounds for arrest and for request for the evidentiary test.</p>
	3	<p>Test at scene of accident, upon probable cause.</p> <p>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).</p>
	4	<p>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.</p>
1973	1	<p>Maximum fine for a first offense increased to \$300.00.</p>
	2	<p>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.)</p>
1976	1	<p><b>“Administrative <i>per se</i>” law enacted.</b></p> <p>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.)</p> <p>A request for a hearing stays imposition of the revocation.</p>
	2	<p>Commissioner may issue limited licenses to persons whose licenses were revoked under the “administrative <i>per se</i>” law.</p>
	3	<p><b>Alcohol safety programs in counties</b></p> <p>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.</p> <p>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.</p>
	4	<p>If a first-time offender complies with treatment program, the commissioner may terminate the administrative <i>per se</i> revocation after 60 days.</p>
1978	1	<p><b>Administrative revocation expedited.</b></p> <p>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 temporary license, valid for 30 days, to the person.</p>

## 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	<b>Concept of BAC changed to AC (alcohol concentration).</b> <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"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ 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.</li> </ul>
	5	<b>“Aggravated violations” raised to gross misdemeanor status.</b> (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>“B-Card restriction” upon implied consent violation.</b> 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
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	<b>Request for judicial hearing no longer stays revocation from taking effect.</b> 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 data, 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	<b>Repeat offenses raised to gross misdemeanor status.</b> 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 offenders.	
	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		<b>Administrative revocation for test refusal increased from 6 months to 1 year.</b>	
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	<b>Mandatory License Plate Impoundment Law.</b> 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"> <li>1. A person who incurs a violation within 5 years of three prior incidents.</li> <li>2. A person who incurs a violation within 10 years or four or more prior incidents.</li> </ol> (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	<b>Test refusal by repeat violators criminalized.</b> 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 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: <ol style="list-style-type: none"> <li>First violation: 1 year.</li> <li>If violation involved hazardous materials: 3 years.</li> <li>If violation is a second or subsequent violation on record: 10 years.</li> </ol> (1/1/90)
1990	1	<b>Administrative license plate impoundment law.</b> 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"> <li>1. death.</li> <li>2. great bodily harm.</li> <li>3. substantial bodily harm (new).</li> <li>4. death to an unborn child.</li> <li>5. injury to an unborn child.</li> </ol> (8/1/90)
	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	<b>Any test refusal is defined to be a crime</b> (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"> <li>1. any “aggravated violation” (see 1978:5).</li> <li>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.”)</li> </ol> (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	<b>Vehicle Forfeiture law.</b> If a person is convicted of <ol style="list-style-type: none"> <li>1. impaired driving within 5 years of 3 prior incidents, or</li> <li>2. impaired driving within 10 years of four or more prior incidents, or</li> <li>3. aggravated impaired driving, or</li> <li>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,</li> </ol> then the vehicle used in the offense is subject to impoundment and forfeiture. (1/1/93)
	5	<b>“Hard revocation” periods established.</b> 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"> <li>▪ for a first incident: 15 days.</li> <li>▪ for a subsequent incident: 90 days.</li> <li>▪ for a test refusal: 180 days.</li> </ul> (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	<p>Test may be compelled by force in event of CVO.</p> <p>Test for alcohol and/or controlled substances may be compelled (by force if necessary) if there is probable cause to suspect criminal vehicular operation.</p> <p>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)</p>												
1993	1	<p><b>“Not-a-Drop” law enacted.</b> 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)</p>												
	2	<p><b>Child Endangerment law enacted.</b> 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)</p>												
	3	<p>Length of “hard revocation” (see 1992:4) increased to 1 year if the violation includes a conviction for criminal vehicular operation. (1/1/94)</p>												
1994	1	<p><b>“Habitual Offender” penalties established.</b> 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)</p>												
1996	1	<p><b>Not-a-drop violation raised to misdemeanor status.</b> 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)</p>												
	2	<p>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)</p>												
	3	<p>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:</p> <table style="margin-left: 40px;"> <tr> <td>1. a fatality.</td> <td>4. bodily harm (new).</td> </tr> <tr> <td>2. great bodily harm.</td> <td>5. death to an unborn child.</td> </tr> <tr> <td>3. substantial bodily harm.</td> <td>6. injury to an unborn child.</td> </tr> </table> <p>(8/1/96)</p>	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.						
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2. great bodily harm.	5. death to an unborn child.													
3. substantial bodily harm.	6. injury to an unborn child.													
1997	1	<p><b>Special provisions for high-AC (0.20% or higher) offenders established.</b> 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:</p> <table style="margin-left: 40px;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>BAC less than 0.20</u></th> <th style="text-align: center;"><u>BAC 0.20+</u></th> </tr> </thead> <tbody> <tr> <td>First incident</td> <td style="text-align: center;">90 days</td> <td style="text-align: center;">180 days</td> </tr> <tr> <td>Second incident within 5 years</td> <td style="text-align: center;">180 days</td> <td style="text-align: center;">360 days</td> </tr> <tr> <td>Incident by violator under 21</td> <td style="text-align: center;">6 months</td> <td style="text-align: center;">one year</td> </tr> </tbody> </table> <p>(1/1/98)</p>		<u>BAC less than 0.20</u>	<u>BAC 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
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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	<p>New offense category, “Enhanced Gross Misdemeanor,” with stricter criminal penalties, established.</p> <p>The following violations are defined to be “enhanced gross misdemeanors:”</p> <ol style="list-style-type: none"> <li>1. Driving while impaired within 10 years of two prior incidents.</li> <li>2. Driving with an AC of 0.20% or higher within ten years of a prior incident.</li> <li>3. Child Endangerment (see 1993:2) within 10 years of a prior incident.</li> <li>4. Driving while impaired and not stopping at a railroad crossing within 10 years of a prior incident. (1/1/98)</li> </ol>
	3	<p>Officer authorized to stop vehicle bearing special plates.</p> <p>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)</p>
	4	<p><b>Procedure established for “administrative forfeiture” of violator’s vehicle.</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. a violation within 5 years of 2 prior incidents.</li> <li>2. a violation within 15 years of 3 prior incidents.</li> <li>3. a violation that includes child endangerment within 5 years of 1 prior incident.</li> <li>4. a violation that includes child endangerment within 15 years of 2 prior incidents.</li> <li>5. a violation that includes a high AC within 5 years of 1 prior incident.</li> <li>6. a violation that includes a high AC within 15 years of 2 prior incidents. (1/1/98)</li> </ol>
	5	<p>Violations that trigger license plate impoundment (see 1988:1 and 1992:2) are greatly expanded to include:</p> <ol style="list-style-type: none"> <li>1. a violation within 5 years of a prior incident.</li> <li>2. a violation within 15 years of two or more prior incidents.</li> <li>3. an “aggravated violation” (see 1978:6).</li> <li>4. a violation that includes a high AC (.20% or higher).</li> <li>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)</li> </ol>
1998	1	<p>Program to use “remote [home] electronic alcohol monitoring” established.</p> <p>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)</p>
	2	<p>Increased fee for special series plates.</p> <p>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)</p>
1999	1	<p>Enhanced gross misdemeanor repealed.</p> <p>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.</p> <p>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)</p>

## Appendix C: Minnesota Impaired Driving Legislation Chronology

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Year passed	Reference number	Description of Amendment
1999	2	<p>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)</p>
2000	1	<p><b>All existing impaired-driving statutes are repealed.</b>  <b>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.”</b>            Chief among the statutes repealed are:</p> <ol style="list-style-type: none"> <li>1. MS 168.042, the license plate impoundment law. (incorporated into 169A.60).</li> <li>2. MS 169.121, the main criminal impaired driving law. (incorporated into 169A.20 to 169A.48).</li> <li>3. MS169.1211, “alcohol-related” driving by commercial vehicle operators. (incorporated into 169A.20, 169A.31, and 169A.50 to 169A.53).</li> <li>4. MS 169.122, the “open-bottle law.” (incorporated into 169A.35).</li> <li>5. MS 169.123, the main civil (“Implied Consent”) impaired driving law. (incorporated into 169A.50 to 169A.53).</li> <li>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).</li> <li>7. MS 169.1265, authorizing use of intensively supervised probation programs in lieu of incarceration. (incorporated into 169A.73 and 169A.74).</li> <li>8. MS 169.1217, providing for vehicle forfeiture, administrative and judicial procedures. (incorporated into 169A.63).</li> <li>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).</li> </ol> <p>The Not-A-Drop law for underage divers is incorporated into 169A.33. (1/1/01)</p>
	2	<p><b>First-, Second-, and Third-Degree Impaired Driving offenses introduced, determined by number of “aggravating factors.”</b>            Concept of aggravating factors introduced. Aggravating factors are defined to be:</p> <ol style="list-style-type: none"> <li>1. Child endangerment (see 1993:2).</li> <li>2. Having a high (0.20% or higher) alcohol-concentration (see 1997:1).</li> <li>3. Each prior incident within ten years counts as 1 aggravating factor.               <ul style="list-style-type: none"> <li>▪ A <i>first-degree</i> impaired driving offense is an impaired driving offense with two or more aggravating factors, and is a gross misdemeanor.</li> <li>▪ A <i>second-degree</i> impaired driving offense is an impaired driving offense with one aggravating factor, and is a gross misdemeanor.</li> <li>▪ A <i>third-degree</i> impaired driving offense is an impaired driving offense with aggravating factors, and is a misdemeanor. (1/1/98)</li> </ul> </li> </ol>

## Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
2000	4	<p>Mandatory license plate impoundment violations (see 1988:1 and 1997:5) further expanded to also include:</p> <ol style="list-style-type: none"> <li>1. any violation involving child endangerment (see 1993:2).</li> <li>2. an incident within 10 years of a prior incident.</li> <li>3. a commercial vehicle driver license disqualification (see 1989:2) within ten years of prior such disqualification.</li> </ol>
	3	<p>(1/1/01) 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)</p>
	5	<p>Court is authorized to increase maximum fine by \$1,000 if offender has high AC (0.20% or higher). (1/1/01)</p>
	6	<p>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.</p>
2001	1	<p><b>Felony DWI law enacted.</b> 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:</p> <ol style="list-style-type: none"> <li>4. First-degree impaired driving offense: felony.</li> <li>5. Second-degree impaired driving offense (two or more aggravating factors): gross misdemeanor.</li> <li>6. Third-degree impaired driving offense (1 aggravating factor): gross misdemeanor.</li> <li>7. Fourth-degree impaired driving offense (no aggravating factors): misdemeanor.</li> </ol>
	2	<p>(8/1/02) Driver license reinstatement fees increased. The total fee had been \$250.00 with a \$40 surcharge (total \$290). That total is increased to:</p> <ol style="list-style-type: none"> <li>1. \$395 (\$250 fee and \$145 surcharge) effective July 1, 2002.</li> <li>2. \$630 (\$250 fee and \$380 surcharge) effective July 1, 2003.</li> </ol>
	3	<p>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)</p>
	4	<p>Two new misdemeanor crimes are defined.</p> <ol style="list-style-type: none"> <li>1. It is a misdemeanor for a person whose vehicles has had its license plates impounded to drive any vehicle.</li> <li>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.</li> </ol> <p>(8/1/02)</p>

## Appendix C: Minnesota Impaired Driving Legislation Chronology

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Year passed	Reference number	Description of Amendment
2002 earlier.	1	<p><b>License cancellation (and “B-Card restriction” upon reinstatement) triggered</b></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><b>Test refusal increased to gross misdemeanor offense.</b></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><b>The <i>per se</i> illegal alcohol concentration level is reduced from 0.10% to 0.08%.</b></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><b>Commercial Driver License Disqualification made more stringent.</b></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"> <li>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.</li> <li>2. If the conviction was for an incident involving transport of hazardous materials, the disqualification shall be for three years.</li> <li>3. Any second test-refusal or impaired-driving conviction shall trigger <i>lifetime</i> disqualification.</li> </ol>

## Appendix C: Minnesota Impaired Driving Legislation Chronology

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Year passed	Reference number	Description of Amendment
2010	1	<p><b>DWI Sanctions Strengthened; Ignition Interlocks Required.</b></p> <p>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"><li>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.</li><li>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.</li><li>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.</li><li>4. Interlocks will be used to monitor chronic DWI offenders (three or more DWIs in 10 year period) to verify chemical use.</li></ol>

(05/18/10)

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 Jim Cleary and Rebecca Pirius, 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.

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# An Overview of Minnesota's DWI Laws

This information brief provides a brief overview of DWI laws, which are mainly

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## Prohibited Behaviors

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

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

- under the influence of alcohol, a controlled substance, or (knowingly) a hazardous substance, or any combination of these;
- having an alcohol concentration (AC) of .08 (.08 means .08 percent alcohol concentration, which is 8/10,000ths by volume) 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 alcohol concentration of .04 or more at the time or within two hours of doing so; or

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

## Criminal Penalties

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Criminal penalties upon conviction for DWI are tiered, as follows:

- **Fourth-Degree DWI** – misdemeanor, punishable by up to 90 days of jail and a \$1,000 fine (for the person's first impaired driving violation within ten years without test refusal or any aggravating factors)
- **Third-Degree DWI** – a gross misdemeanor, punishable by up to one year of jail and a \$3,000 fine (for the person's second impaired driving violation within ten years or first such violation with test refusal or another aggravating factor)
- **Second-Degree DWI** – also a gross misdemeanor (for the person's third impaired driving violation within ten years or second such violation with test refusal or one other aggravating factor, or first such violation with two aggravating factors)

- **First-Degree DWI** – felony, punishable by up to seven years' imprisonment and a \$14,000 fine (for the person's fourth impaired driving violation within ten years or anytime following a previous felony DWI or criminal vehicular operation conviction; other aggravating factors are not considered)

### Aggravating Factor

This includes:

- a qualified prior impaired driving incident within the preceding ten years;
- an alcohol concentration of .20 or more upon arrest (but not for first-degree DWI); and
- the presence of a child under age 16 in the vehicle, if more than 36 months younger than the offender (but not for first-degree DWI).

### Qualified Prior Impaired Driving Incident

This includes both:

- prior impaired driving convictions; and
- prior impaired driving-related losses of license (implied consent revocations) or operating privileges

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.

## Chemical Testing

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Minnesota's implied consent law assumes that a person who drives, operates, or is in control of any type of motor vehicle anywhere in the state has consented to a chemical test of breath, blood, or urine for the purpose of determining the presence of alcohol or controlled or hazardous substances in the person's body. The testing is administered at the direction of a law enforcement officer when there is probable cause that the person has committed a DWI

- has been arrested for a DWI violation;
- has been involved in a motor vehicle crash;
- has refused to take the DWI screening test; or
- has taken the screening test and it shows AC of .08 or more.

To build probable cause, the officer generally, though not always, proceeds as follows:

- observes the impaired driving behavior and forms a reasonable suspicion of an impaired driving violation
- stops and questions the driver
- administers a standardized field sobriety test (SFST)
- administers a preliminary breath test (PBT)

If, based on these screening tests, the officer has probable cause to believe that a DWI crime has occurred, he or she may arrest the person and demand a more rigorous evidentiary test of the person's breath, blood, or urine. Before administering the evidentiary 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. If the evidentiary test is requested without the advisory being given, then the person may be criminally charged and prosecuted following test failure or refusal, but the various administrative sanctions cannot be applied.

If the person is unconscious, consent is deemed not to have been withdrawn, and the chemical test may be administered.

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

## Administrative Sanctions

Apart from any criminal penalties that may result from a DWI arrest, the law provides for three administrative sanctions, which can commence immediately upon arrest.

### 1) Administrative License Revocation (ALR)

Whenever the implied consent law can be invoked during the arrest process, the person's driver's license can be withdrawn immediately following any test failure or test refusal. The person is given a seven-day temporary license to drive before the withdrawal becomes effective. The period of license withdrawal is as follows:

- **90 days** for a person with no qualified prior impaired driving incident within the past ten years and no other aggravating factor was present in the current incident (reducible to 30 days upon DWI conviction for a first-time offender)
- **six months**, if violator is under age 21
- **180 days**, if person has had a qualified prior impaired driving incident within ten years
- **double** the applicable period above, if the person was arrested with an alcohol concentration of .20 or more or while having a child under age 16 in the vehicle
- **one year**, if the person refused to submit to the chemical test of blood, breath, or urine (reducible to 90 days upon DWI conviction for a first-time violation)
- **cancelled and denied indefinitely as inimical to public safety**, pending treatment and rehabilitation for a third or more impaired driving incident within a ten-year period

The person may appeal the administrative license revocation, either administratively to DPS and/or judicially through the court. (See [Minn. Stat. § 169A.53](#) for the procedural details.)



## 2) Administrative License Plate Impoundment

A plate impoundment violation is an impaired driving violation involving an aggravating factor, such as any of the following:

- occurring within ten years of a qualified prior impaired driving violation by that person
- involving an alcohol concentration of .20 or more
- having a child under age 16 present in the vehicle
- occurring while the person's license has been cancelled for the person being inimical to public safety

Plate impoundment applies to:

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

A plate impoundment order is issued by the arresting officer at the time of arrest and is effective immediately. The officer also seizes the plates and issues a temporary vehicle permit valid for seven days (or 45 days if the violator is not the owner).

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.

Specially coded license plates—signifying to law enforcement that the regular plates have been impounded for an impaired driving violation—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.

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.)

## 3) Administrative 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 or involving a person whose driver's license is cancelled as inimical to public safety or subject to B-Card (no alcohol) 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. The forfeiture is conducted administratively, unless within 30 days the owner appeals the forfeiture action by filing for a judicial determination of the forfeiture.

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 trial on it, or

- it was used in conduct resulting in a designated license revocation and the driver either fails to seek administrative or 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. As a protection for an owner who is not the offender, the law states that a motor vehicle is subject to forfeiture only if its owner knew or should have known of the unlawful or intended use of the vehicle.

Following completion of forfeiture, the arresting agency may 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. A proportionate share of the proceeds, after deduction of certain expenses, goes to the financial institution. The law provides similar protection to any innocent co-owner, as well.

## Charging the Crime

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DWI violations may be charged by:

- citation (very rarely done, and only if a misdemeanor);
- tab charge when booking the person into jail; and/or
- complaint prepared by the prosecutor subsequent to arrest.

In the case of a blood or urine evidentiary test, the officer typically tab charges the violator at the time of arrest for driving under the influence, which is one category of DWI crime. Then, at the person's first court appearance, the prosecutor requests continuation of the charges, pending return of the test results from the state crime lab. If the test results indicate an alcohol concentration of .08 or more, the prosecutor is allowed to add additional charges orally at the person's next court hearing. Any charging complaint that is subsequently prepared would include all relevant charges.

## Mandatory Hold and Conditional Release Pretrial

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When a person is arrested for a first-degree (felony) or second-degree DWI crime, the person 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. Unless maximum bail (\$12,000 for gross misdemeanor DWI) is imposed, a person charged with any of the following offenses may be granted pretrial release from detention, but only if the person agrees 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 alcohol concentration of .20 or more.

Further conditions apply to a person charged with a 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.

## Chemical Dependency Assessment and Treatment

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Every person convicted of DWI or a reduced charge must submit to a chemical use assessment administered by the county (\$125 fee, plus \$5 surcharge) prior to sentencing. The court must order the person to submit to the level of treatment care recommended by the assessment, if the conviction is for a repeat offense within ten years or the conviction was for DWI with an AC of .20 or more. Treatment requirements are spelled out in DPS rules.

## Rehabilitation Following Driver's License Cancellation and Denial

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Chemical dependency rehabilitation is statutorily required following a person's third or subsequent impaired driving incident within ten years. Either a conviction or an administrative loss of license, or both, constitutes an impaired driving incident.

Rehabilitation is also required—by DPS administrative rule, but not by statute—of a person whose license has been cancelled for violating the no alcohol provision of a restricted driver's license—a B-Card (which can be obtained only upon successful completion of a prior rehabilitation).

By statute, DPS is authorized to administratively establish the standards for rehabilitation, and the periods of rehabilitation must be not less than one year for the person's third, and not less than two years for the person's fourth or more impaired driving violation.

Under DPS rules, however, the period of rehabilitation is tiered from one to six years, according to whether the violator has successfully completed rehabilitation previously:

- one year for the first rehabilitation
- three years for the second
- six years for the person's third or subsequent rehabilitation

According to DPS rules, rehabilitation requires, among other things, that the person:

- successfully complete chemical dependency treatment in a program that requires complete abstinence from alcohol and controlled substances;
- actively participate in a recognized chemical dependency support group;
- completely abstain from alcohol and controlled substances; and
- obtain sworn affidavits vouching to that effect from at least five other familiar witnesses (who are not relatives, an employer or employees of the person).

## Mandatory Minimum Sentences

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

- **second DWI offense within ten years:**  
30 days 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 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

### For All Repeat Offenders

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

### An Alternative 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.

### **Long-term Monitoring Required**

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

### **Felony DWI Penalties**

If a person is convicted of felony DWI and given a stayed prison sentence, then that person must be sentenced in accordance with the local sentencing provisions described in this section. (For more, see the Felony DWI section.)

### **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 if prescribed.

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 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.

### **Felony DWI**

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Minnesota criminal law defines the term felony to mean any crime for which incarceration of more

than one year may be imposed. 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 (or more than seven years if the person has other prior criminal history);
- 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); or
- has previously been convicted of a felony DWI crime; or
- has previously been convicted of a felony-level crime of criminal vehicular homicide or injury (CVO) involving alcohol or controlled substances.

Unlike nonfelony DWI crimes, being arrested with a high alcohol concentration (.20 or more) or under circumstances of child endangerment are not defined as aggravating factors for felony DWI; instead, 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 of this sentence or sentence the person to less than three years imprisonment.

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 also order that after a felony DWI offender is released from prison, the person must be placed 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 of release, the commissioner may revoke it 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 as well that the person submit to long-term alcohol monitoring and 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 recommend 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.

To illustrate, a person convicted of felony DWI who has had seven qualified prior impaired driving incidents within the past ten years, but no other criminal convictions, would likely reach the threshold for a presumptive commit, as follows:

- three of those priors are used to establish the basis for enhancing the current DWI offense to a felony-level crime (but these cannot also be used to determine the person's criminal history score)
- the other four priors—provided they involved DWI convictions—count as one-half criminal history point each, for a total of two points

- one criminal history point—a custody status point—would result from the current impaired driving incident occurring while the person is on probation for a prior impaired driving incident, as would almost certainly be the case in this example

Thus, this hypothetical offender would have a criminal history score of three when facing sentencing on the current felony-level DWI offense; the person's presumptive sentence under the guidelines would be to commit to prison for 54 months. With one less qualified prior incident during the preceding ten years, the guidelines would call for a presumptive stayed sentence of 48 months.

## **Criminal Vehicular Homicide and Injury**

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Criminal law defines six levels of criminal vehicular operation (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 to an unborn child
- 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 vehicle under any of the following conditions:

- in a grossly negligent manner
- 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 felony fleeing 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, conviction for criminal vehicular homicide or death to an unborn child carries a presumptive commit to prison for 48 months, for an offender with no other criminal history points.

### **Limited Driver's License – Work Permit**

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A person whose driver's license has been revoked for an implied consent violation or DWI conviction may apply for a limited license to drive:

- to and from a job, or for a job;
- to chemical dependency treatment;
- to provide for the educational, medical, or nutritional needs of the family; and/or
- for attendance at a postsecondary educational institution.

However, the law requires a waiting period (i.e., hard revocation) before a suspended or revoked driver may apply for a limited license. The waiting period is:

- 15 days for a first-time implied consent or DWI violator;
- 90 days for a second-time or subsequent violator who complied with the AC test;
- 180 days for a second or subsequent-time violator who refused the test;
- one year for a person revoked for manslaughter or criminal vehicular homicide;
- if under the age of 18, for twice the applicable period above, with a minimum of 90 days;
- for twice the applicable period above, if person's AC was .20 or more at the time of violation; and
- an additional 60 days, if the license withdrawal involved use of the vehicle in commission of a felony crime or an injury accident involving failure to stop and disclose identity.

For the most part, a limited driver's license may not be issued to a driver whose license is cancelled and denied for a third or more DWI violation. However, Minnesota law authorizes DPS to issue a limited license to a person whose driver's license is revoked or cancelled if the person qualifies for participation in an ignition interlock program. (Contact DPS Office of Traffic Safety for more information.)

### **Restricted Driver's License – The B-Card**

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Driver's licensing law allows DPS to impose restrictions on a person's license to "assure safe operation." Under DPS rules, a person whose driver's license has been cancelled and denied for a third or subsequent impaired driving violation and who has successfully completed treatment and rehabilitation may apply for a restricted driver's license, a B-Card, provided that the person signs a sworn statement to never again consume any alcohol (not even in a religious service, in medication, in any other manner or amount, irrespective of whether the act involves driving).

Any violation of this "no alcohol" restriction of the B-Card results in immediate cancellation of that driver's license (but is not a crime unless it involves operation of a motor vehicle). A subsequent rehabilitation is required to regain the B-Card.

Under DPS rules, the minimum period of time for establishing rehabilitation for which the person must prove total alcohol abstinence, is:

- one year for the first rehabilitation,
- three years for the second rehabilitation, and
- six years for the third or subsequent rehabilitation.

It is only following such rehabilitation that the offender whose driver's license has been cancelled may apply for a B-Card license. The rehabilitation requirements following a B-Card violation are not mandated by statutes, but have been established administratively by DPS rules.

Violation of the "no alcohol" restriction of a B-Card while operating a motor vehicle is a gross misdemeanor.

## **Record Keeping**

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Records of implied consent license actions and DWI convictions must be retained permanently on the official driving record.

The "no alcohol" restriction of a person's B-Card also remains in effect and on the person's driving record permanently. A temporary law enacted in 2005 allowed B-Card holders who had gone ten years without a repeat violation to request a duplicate driver's license without the "No Alcohol" verbiage showing under "Restrictions." However, that law expired July 31, 2006, and as a result, the restriction then went back to a permanent restriction. In 2010 with the passage of the sanctions law a person with the restriction can now request that the restriction be removed after they've been alcohol free for ten years.

## **Driver's License Reinstatement Fees**

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Before becoming relicensed to drive after the period of license withdrawal stemming from an implied consent violation or DWI conviction, a person must pass the license examination and re-apply for a driver's license and pay the following fees:

- \$250 – driver's license (DL) reinstatement fee (basic fee)
- \$430 – surcharge on the DL reinstatement fee
- \$24 – DL application fee

The \$250 driver's license reinstatement fee and \$430 surcharge apply to alcohol-related and CVO-related license withdrawals only; the standard reinstatement fee of \$30 applies following loss of license for other reasons.

Effective July 1, 2009, 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. Full payment of the fee and surcharge is required before a person can renew a license on the standard schedule or reinstate a cancelled, revoked, or suspended license.

## **First-time DWI Violator Using an Off-road Recreational Vehicle or Motorboat**

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A violator who has no qualified prior impaired driving incident is subject only to the criminal penalty (a misdemeanor) and the loss of operating privileges for that type of vehicle.

The person is not subject to driver's license revocation, mandatory chemical dependency assessment and treatment, mandatory conditions of release, long-term monitoring, the penalty assessment fee, or license plate impoundment.

Any person arrested for a DWI violation involving an off-road recreational vehicle or motorboat and who has a qualified prior impaired driving incident on record is subject to the same administrative sanctions and criminal penalties as the person would be if arrested while driving a regular motor vehicle.

## **Commercial Vehicle Driving**

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DWI law sets a lower per se alcohol concentration limit for driving commercial motor vehicles, .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 ten years 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 or by

driving while impaired or 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**

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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 and, upon conviction, disqualification of the person's commercial driving privileges. 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.

### **Flying Airplanes**

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A special DWI law establishes a .04 per se standard for alcohol concentration while flying 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.

### **Special Laws for Youth**

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DWI laws apply equally to drivers of all ages. DWI violations require either evidence of impaired driving or an alcohol concentration 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. However, two additional alcohol-related laws apply to youth under age 21.

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 the full range of adult penalties and consequences.

**The drinking age law** prohibits a person who is under the age of 21 from:

- consuming alcohol without parental permission and supervision;
- purchasing or attempting to purchase alcohol;
- possessing alcohol with intent to consume;
- entering a liquor store or bar for the purpose of purchasing or consuming alcohol; or
- misrepresenting one's age for the purpose of purchasing alcohol.

A violation of this statute is a misdemeanor and carries a mandatory minimum fine of \$100. However, it does not result in suspension of the driver's license unless the person has used a driver's license, Minnesota ID card, or any type of false identification to purchase or attempt to purchase alcohol (90 days suspension).

For purposes of these laws, a person does not attain the age of 21 until 8:00 a.m. on the day of the person's 21<sup>st</sup> birthday.

### **Underage Drinking Driving – Zero Tolerance**

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Minnesota's DWI law provides misdemeanor penalties and driver's license suspension for any driver under age 21 who is convicted of driving a motor vehicle anywhere in the state while consuming alcohol or while there is physical evidence of such consumption present in the person's body. (This law applies only to the driver and not to any passengers.)

However, a violation of the zero-tolerance law for underage drinking and driving does not in



itself constitute a DWI/impaired driving violation, nor can it be used as an enhancing factor for any subsequent DWI violation.

*For more information about DWI, visit the criminal justice area of our web site, [www.house.mn/hrd/](http://www.house.mn/hrd/)*