Minnesota Impaired Driving Facts 2004

On August 6 on Hwy. 29 in Pope County, J. Michaels, 19, lost control of the vehicle and hit another [illegible] Michaels died at the scene. On September 2 on I-494 in Hennepin County, [illegible] control after trying to avoid stopped traffic, rolled through the median and [illegible] P. Hutchinson, 58, of Minnetonka. The driver of the other vehicle was adjusting radio controls before losing control. G. Nolan, 39, of Ogilvie, was killed while riding a motorcycle on Hwy. 23 in Mille Lacs County. Nolan was attempting to pass another vehicle but made contact with that vehicle [illegible] Alcohol was a factor [illegible] County on September 23, [illegible] killed when the occupant attempted to make [illegible] struck the passenger side of Olson's car. T. [illegible] driver's vehicle was broadsided by an oncoming [illegible] stop sign. Kuhlman was not belted and ejected [illegible] Weth, 24, of Cambridge, were killed on September [illegible] they went through a stop sign and were hit [illegible] Hwy. 371 on June 12, M. Pence, 19, of Eau Claire, [illegible] went off the road, hit a light pole, rolled over [illegible] was struck and killed by a vehicle as the pedestrian [illegible] in Dakota County against a green light. On H[illegible] driven by D. Coles, 70, of Ironton, lost control, crossed [illegible] airborne and hit another vehicle head-on. Coles was killed. W. Rice, 2[illegible] Grand Prairie, Texas, died after the occupant's vehicle crossed the median on I-35 in Freeborn County, hit a bridge guardrail and dropped onto railroad tracks below. On October 27 on Hwy. 169 in Sherburne County, a semitrailer driven by J. Jordan, 61, of Swanville, rear-ended a pick-up truck and rolled over, killing Jordan. On Hwy. 52 in Dakota County on December 25, W. Dupont, 51, of Robbinsdale, was killed when the driver's vehicle hit a deer and then swerved off the road, landing on the vehicle's roof. C. Sears, 16, was broadsided and killed by a semitrailer after failing to yield at an intersection on Hwy. 23 in Kandiyohi County. D. Rooney, 40, of Claremont, was killed in a crash on Hwy. 14 in Dodge County when Rooney's vehicle crossed the center line and hit a large truck head-on. Rooney was ejected. H. Ziegler, 16, of Cannon Falls, died on October 15 on Hwy. 61 in Dakota County when the occupant's vehicle was hit as it tried to turn left in front of an oncoming vehicle. T. Dane, 35, of Perham, died on May 8 in Otter Tail County after the driver lost control of the vehicle on Hwy. 228, rolled over and was ejected. Dane was not wearing a seat belt. D. Simms, 42, of St. Charles, was killed when riding a motorcycle on Hwy. 14 in Winona County. Simms was not wearing a helmet and collided with a tractor when attempting to pass. A triple-fatal crash on Hwy. 169 in Scott County killed J. Schmidt, 24, G. Schmidt, 53, and D. Parsons, 39, all of Lakeville. A semi-trailer hit their vehicle as they attempted to turn in front of it. On October 2 on I-35W in Dakota County, X. Long, 65, of Minneapolis, was killed when the occupant's vehicle ran off the road into the median, vaulted and struck a concrete bridge pillar. On April 24 on Hwy. 212, C. Bowers, 46, of Hutchinson, was killed when an impaired driver traveling the wrong way hit Bowers head-on. On November 27 on Hwy. 71 in Hubbard County, M. Zelling, 43, of Sauk Rapids, lost control of the vehicle on an icy road, skidded into a ditch, rolled over and was ejected. Zelling was not wearing a seat belt. In Pine County on Hwy. 70 on November 26, a triple-fatal, two-vehicle crash occurred when a vehicle carrying I. Bindet, 23, of [illegible] Grasston, and T. Rhodes, 13, of Finlayson, lost control and was broadsided by another vehicle. Bindet, Kramer and Rhodes were killed. On April 12 P. Benson, 31, of Burnsville, was killed when the driver ran a red light and was broadsided [illegible]. T. Paulson, 31, of Lecroy, and M. Boyle, 40, of Spring Valley, were killed when the vehicle ran off Hwy. 16 in Spring Valley, struck a power pole and rolled over. On Aug[illegible] I-35, S. Harrison, 16, of Geneva, was killed when the occupant's vehicle attempted to pass a semitrailer, made contact with the truck and lost control, went through the median and hit another vehicle head-on. C. Walters, 52, of Albert Lea, was killed when traveling on Main St. in Albert Lea on a motorcycle and collided with

MINNESOTA IMPAIRED DRIVING FACTS, 2004

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Alcohol & Gambling Enforcement

Bureau of Criminal Apprehension

Capitol Security

Driver & Vehicle Services

Emergency Management / Emergency Response Commission

State Fire Marshal / Pipeline Safety

State Patrol

Traffic Safety

In 2004, 567 people died in traffic crashes in Minnesota; 177 of those deaths were classified as alcohol-related. Each year over the last half-decade officers cited drinking and driving, or drug-impaired driving, as a factor in over 2,500 injury crashes, injuring over 4,000 people. And these numbers reflect incremental improvements over the prior decades. The State invests significant resources in the effort to stop impaired driving. There were over 34,000 impaired-driving incidents in 2004--thus, there were more arrests for impaired driving than for any other single criminal offense in the State. This figure is just the tip of the iceberg, though. For each impaired driving episode that results in an arrest, there may be 100 or more episodes that do not result in arrest. Each episode has the potential to result in a crash, causing death or injury to those involved.

This report is intended to be a source of reliable statistics to help quantify the nature of the problem. Additionally, there is information about impaired driving law and practice in Minnesota. This report is still new and under development. Suggestions from users are always welcomed. Changes and other features this year include:

- The Office of Traffic Safety is pleased that James Cleary and Rebecca Pirius of the Minnesota House of Representative Research Department permitted the reproduction here of their article, "An Overview of Minnesota's DWI Laws" (see pages 5-12). Minnesota's DWI law is notably complex, but this article provides a brilliant, concise overview.

- Some tables show statistics for every year since 1990. In other tables, statistics for the oldest year (1990) are kept but statistics for some intervening years are deleted.

- There are some new tables. Table 1.04 provides test results on drivers who took the alcohol concentration test. Section IV, on recidivism, contains several new tables tracking forward in time cohorts of first-, second-, and third-time violators from years 1990 through 2003, and showing the cumulative proportion of the cohorts that recidivate at each month. These tables provide some evidence that legislative and program efforts may be having the desired effect of reducing recidivism.

- The formats of many tables are changed in an effort to provide the same or more information but in a simpler, easier-to-follow manner.

- An appendix this year shows a chronology of significant impaired driving statutes in Minnesota since 1911.

The Legislature continues making important reforms to impaired driving law. The felony law for fourth-time offenders went into effect August 1, 2002. The historic change from a 0.10% to a 0.08% *per se* illegal blood-alcohol level was passed in 2004 and took effect August 1, 2005. It is hoped this report will help us to see the impact of such laws and reflect on how to deal with the impaired driving problem in Minnesota.

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INTRODUCTION

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 30,000 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.* 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 "violator" are general terms though. Thus, a crime is a type of violation, and "violator" 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 0.10 or more, or when a person refuses to take a test under the Implied Consent Law, and so on.

In 1961, Minnesota passed the civil "Implied Consent" law, defining the principle that by driving

* 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.

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.[†] Thus, Minnesota's "criminal *per se*" law dates from 1971.

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

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

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

The driver potentially could incur the following violations. The alcohol test failure is a criminal offense under MS 169A.20(1). It is also a civil law violation under MS 169A.52(4). The drug test refusal is a criminal offense under MS 169A.20(2) and is also a civil law violation under MS 169A.52(3). Since the driver was under age 21, he violated MS 169A.33(2). As a commercial vehicle driver with an AC over .04, he violated MS 169A.20(6) and also MS 169A.52(2). Since the incident caused a death and two injuries, a felony conviction for criminal vehicular operation resulting in a fatality is possible under MS 609.21(1), and two separate felony convictions for criminal vehicular operation resulting in an injury are possible under MS 609.21(2). Each of the above violations could cause an entry to the person's driver record (although there can be only one offense under MS169A.20).

Since a single incident may lead to multiple violations, a circumstance such as the following could occur: In a year, there are 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

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

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

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

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.

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.

The article below, "An Overview of Minnesota's DWI Laws" (pages 5-12), is reprinted by permission of the authors, James Cleary and Rebecca Pirius, of the Minnesota House of Representatives Research Department. Although the DWI Law recodification (enacted in 2000, and mostly taking effect January 1, 2001) simplified the law, it is still complex to those not already familiar with it. The article below is brilliant in the way it provides a concise explanation of the law in clear language.

An Overview of Minnesota's DWI Laws

by James Cleary and Rebecca Pirius

This information brief provides a brief overview of DWI laws, which are mainly codified in Minnesota Statutes, chapter 169A.

Prohibited Behaviors

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 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 the time, 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 Penalty Enhancement

Criminal penalty enhancement is based on the number of aggravating factors present when the crime was committed:

- **none:** **4th degree DWI, misdemeanor** (maximum penalties: $1,000 fine, 90 days jail)
- **one:** **3rd degree DWI, gross misdemeanor** (maximum penalties: $3,000 fine, one year jail)
- **two:** **2nd degree DWI, gross misdemeanor** (same)
- **three:** **1st degree DWI, felony** (maximum penalties: seven years incarceration in prison, and $14,000 fine; See felony DWI section for detailed description)

Aggravating Factor

This includes:

- a qualified prior impaired driving incident within the preceding ten years;
- an alcohol concentration of .20 or more upon arrest; and
- presence of a child under age 16 in the vehicle, if more than 36 months younger than the offender.

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

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 violation and the person:

- 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 violation within a ten-year period

The person may appeal the administrative license revocation, either administratively to DPS, and/or judicially through the court.

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.

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 enhancing 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

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 0.08 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

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

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 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.

Mandatory Minimum Sentences

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 below.)

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

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 new 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 (i.e., once a felon, always a felon).

Unlike nonfelony DWI crimes, being arrested with a high alcohol concentration (.20 or more) and because of child endangerment are not defined as aggravating factors for felony DWI; instead, only qualified prior impaired driving incidents 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.

Limited Driver's License – Work Permit

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.

Under a seldom-used program, a person whose driver's license has been cancelled and denied for a third or more impaired driving incident (as inimical to public safety), may also apply for a limited license, but only if:

- at least one-half the person's required abstinence period has expired;
- the person has completed chemical dependency treatment and is regularly participating in a recognized abstinence-based support group; and
- the person agrees to drive only a motor vehicle equipped with a certified ignition interlock device.

Apart from this program, a limited driver's license may not be issued at any time to a driver whose license is cancelled and denied for a third or more DWI violation (as inimical to public safety).

Restricted Driver's License – The B-Card

Driver's licensing law empowers the 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 whatsoever (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 the driver's license.

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 may apply for a B-Card license.

The "no alcohol" restriction of a person's B-Card remains in effect and on the person's driving record permanently. However, the "no alcohol" verbiage on the back of the driver's license card may be removed upon request after ten years if there has been no repeat violation during that time.

Record Keeping

Records of implied consent license actions and DWI convictions must be kept on the official driving record for at least 15 years, and in fact are being kept for a driver's lifetime. However, a driver may request that a first-time violation involving an AC of .08 or .09 be purged from the driving record after ten years if there has been no repeat violation.

Driver's License Reinstatement Fees

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)
- $380 – surcharge on the DL reinstatement fee
- $18.50 – DL application fee

The $250 driver's license reinstatement fee and $380 surcharge apply to alcohol-related withdrawals only; the standard reinstatement fee of $30 applies following loss of license for other reasons.

First-Time DWI Violator Using an Off-road Recreational Vehicle or Motorboat

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

DWI law sets a lower per se alcohol concentration limit for driving commercial motor vehicles, 0.04 instead of 0.08, and implied consent law allows for a chemical test upon probable cause that the commercial vehicle driver has consumed any amount of alcohol whatsoever, also a stricter standard.

A person who violates the 0.04 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 0.08 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

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

A special DWI law establishes a 0.04 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

DWI laws apply equally to drivers of all ages. DWI violations require either evidence of impaired driving or an alcohol concentration of 0.08 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).

Underage Drinking Driving – Zero Tolerance

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—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.

Criminal Vehicular Homicide and Injury

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

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.

I. IMPAIRED DRIVING INCIDENTS ON RECORD

In General...
There were 34,202 impaired driving incidents that occurred in Minnesota in 2004 and got entered onto people's driving records. That's a large (6%) increase from the prior year. Eighty-six percent of the incidents involved taking a test for alcohol or drugs[*] and 13% involved a test refusal.[†] Failure versus refusal was not reported for a few (446) incidents. Also, a few incidents (223--less than 1%) involved both a test failure and a test refusal (for example, taking a test for alcohol but refusing a test for drugs). A small number (220) of the total incidents included a conviction for "criminal vehicular operation" resulting in a fatality (13 such incidents) or injury (207 such incidents).

"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 and 2000, but then dropped rather sharply over the next years to 2,679 in 2004.

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 rare -- only about a dozen per year. There were only 7 in 2003. (Note however 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 incidents occur (weekends)
There is high consistency year after year with respect to when drinking and driving occurs in terms of days of the week. Year 2004 was similar to past years: Mondays through Thursdays had comparatively few incidents. Then Fridays accounted for 16%, Sundays for 22%, and Saturdays for fully 26% of all incidents. The months of the year are similar to one another, though July and August each had slightly more than average.

Alcohol concentration levels higher among repeat offenders, but may be declining.
In 1997 the Legislature adopted special sanction provisions, effective January, 1998, for high-AC (0.20% or higher) offenders and alcohol test results began to be available starting in 1998. There may be some decline among high-scoring violators: there were over 6,000 in the over 0.20% category in each of the three years 1998 - 2000, then about 5,500 in the last four years.

Average alcohol level among first-time violators was 0.157% in 1998 and 0.155% in 2004. Second-or-subsequent violators averaged 0.173% in 1998 and 0.169% in 2004.

WHO are the violators
Driver license files provide only limited data on who the drinking drivers are. There is an exceedingly strong relationship between age and impaired driving, and between gender and impaired driving. Most succinctly put, the problem is concentrated in the young adult male population. In 2001, males committed 71% of the incidents. Twenty-to-thirty-nine year-olds accounted for 66% of incidents.

Surprisingly, even though the seven-county twin-cities metro area is growing in population relative to the non-metro area, and currently has 54% of the state's population, an increasing proportion of incidents are occurring in the non-metro area: In 1990, 44% of all incidents occurred in the 80 counties outside the metro area, but in 2004, fully 51% of all incidents occurred there.

Recidivism: In 2004, 40% of violators were recidivists
Section III will look at recidivism more closely. In general, though, in recently years, about 58 to 60 percent of all violators had no prior alcohol incidents on record, and about 40 to 42 percent did have prior violations.

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 almost always tests for alcohol, but they might be for controlled substances. In 2004, there were 681 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 1990, 22% of all incidents involved a test refusal.

TABLE 1.01

OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1990 - 2004

	Impaired Driving Incidents										Related Incidents	
				Test Taken or Refused				Criminal Vehicular Operation				
Year	Total	Implied Consent	Criminal convictions	taken	Refused	Both taken +Ref.	Unkn	Fatality	Injury	Drugs	Not-a-Drop	Commercial Vehicle
	(1)	(1a)	(1b)	(1c)	(1d)	(1e)	(1f)	(1g)	(1h)	(1i)	(2)	(3)
1990	36,487	36,032	29,069	27,943	8,088	7	809	16	48	5		16
1991	32,430	31,673	25,860	24,505	7,174	5	746	24	53	6		9
1992	30,841	30,101	25,338	23,679	6,423	11	728	34	79	10		20
1993	30,088	29,334	25,107	23,857	5,489	13	729	42	101	10	587	15
1994	29,748	28,855	24,834	23,664	5,208	16	860	44	92	14	1,386	20
1995	30,402	29,249	25,139	23,772	5,507	26	1,097	41	41	25	1,611	17
1996	30,923	29,687	25,718	24,316	5,405	6	1,196	43	43	50	2,181	18
1997	31,380	29,940	26,269	24,940	5,024	26	1,390	22	209	128	2,865	15
1998	32,422	30,888	27,136	27,135	4,774	165	348	40	209	218	3,245	21
1999	34,575	32,800	29,314	29,180	4,875	119	401	27	250	207	3,691	12
2000	35,034	33,329	29,292	29,567	4,886	141	440	38	250	334	3,607	15
2001	33,532	32,074	27,981	28,210	4,839	82	401	15	146	397	3,287	14
2002	33,163	31,911	27,447	27,883	4,767	88	425	29	182	404	3,163	14
2003	32,266	30,991	26,210	27,184	4,489	186	407	20	262	528	2,737	9
2004	34,202	32,811	27,907	29,055	4,478	223	446	13	207	681	2,679	7

Notes:

(1) Column 1 counts the total number of impaired driving incidents in Minnesota. Columns 1a through 1i are subsets of column 1.

(1a) 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.

(1b) In 2004, 82% of all incidents also involved a criminal conviction for driving while impaired by alcohol or drugs (as of the date on which statistics were compiled, in late October 12, 2005).

(1e) An officer may require one test for alcohol, and another for drugs, thus making it possible for one incident to involve both the taking of a test and a refusal to take the test.

(1f) The number of incidents with unknown test status dropped sharply in 1998, when test results started being entered on driver license records.

(1g - 1h) Criminal vehicular operation (CVO) offenses are divided into CVO resulting in a fatality (column 1g) or CVO resulting in great bodily harm, substantial bodily harm, bodily harm, death to an unborn child, or injury to an unborn child, all of which are counted in column 1h.

(1i) Incidents counted in column 1i involved an implied consent violation or a criminal conviction, or both, for driving while impaired by a controlled substance ("drugs").

(2) The "not-a-drop" law, making it illegal for person under age 21 to drive while having any amount of alcohol whatsoever (as opposed to being over the *per-ser* illegal level) took effect June 1, 1993.

(3) Commercial vehicle drivers found to have an alcohol concentration of .04% or higher, but less than the *per se* illegal level, are disqualified form operating a commercial vehicle. This column counts these "disqualifications."

TABLE 1.02

IMPAIRED DRIVING INCIDENTS BY MONTH, 1990 - 2004

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1990	2,821	2,631	3,275	3,051	3,415	3,274	3,369	3,281	3,272	3,069	2,756	2,633	36,847
1991	2,371	2,506	2,999	2,835	2,927	2,959	2,850	3,157	2,813	2,581	2,049	2,383	32,430
1992	2,460	2,454	2,722	2,515	2,881	2,623	2,748	2,885	2,558	2,608	2,283	2,104	30,841
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

TABLE 1.03

IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1990 - 2004

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
1990	7,721	2,887	2,958	3,555	4,279	5,861	9,586	36,847
1991	6,667	2,487	2,804	3,066	3,789	5,327	8,290	32,430
1992	6,489	2,146	2,463	3,049	3,713	4,963	8,018	30,841
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

Note: Some incidents occur close to midnight, with the result that, for example, the arrest and criminal offense occurs prior to midnight on one day, while the civil law violation occurs just after midnight, the following day. In these cases, the date of the incident is assigned to the earlier of the two days.

TABLE 1.04

ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS WHO INCURRED IMPAIRED DRIVING INCIDENTS, 1998 - 2004

Year	.00 - -.04	.05- -.07	.08- -.09	.10- -.14	.15- -.19	.20- -.24	.25- -.29	.30- -.34	.35 +	Average A.C.	Total Tests	Not Tested	Total Inci-dents
1998													
First	1	13	37	7,233	6,035	2,286	488	89	13	.157	16,195	2,033	18,228
Repeat	2	8	44	3,456	4,239	2,317	679	156	51	.173	10,952	3,242	14,194
All	3	21	81	10,689	10,274	4,603	1,167	245	64	.164	27,147	5,275	32,422
1999													
First	2	10	46	7,916	6,604	2,422	472	100	25	.157	17,597	2,079	19,676
Repeat	1	8	47	3,639	4,517	2,379	743	185	52	.173	11,571	3,328	14,899
All	3	18	93	11,555	11,121	4,801	1,215	285	77	.163	29,168	5,407	34,575
2000													
First	2	15	46	8,459	6,686	2,261	475	95	37	.155	18,076	2,220	20,296
Repeat	2	12	47	3,936	4,263	2,338	648	164	34	.170	11,444	3,294	14,738
All	4	27	93	12,395	10,949	4,599	1,123	259	71	.161	29,520	5,514	35,034
2001													
First	1	14	48	8,070	6,377	2,068	464	93	16	.155	17,151	2,315	19,466
Repeat	0	4	37	3,747	4,162	2,043	646	152	36	.170	10,827	3,239	14,066
All	1	18	85	11,817	10,539	4,111	1,110	245	52	.161	27,978	5,554	33,532
2002													
First	1	6	46	8,083	6,373	2,166	459	100	19	.155	17,253	2,321	19,574
Repeat	0	5	49	3,563	3,979	1,981	626	156	44	.170	10,403	3,186	13,589
All	1	11	95	11,646	10,352	4,147	1,085	256	63	.161	27,656	5,507	33,163
2003													
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
2004													
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

Note:
(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 1.05

IMPAIRED DRIVING INCIDENTS BY GENDER OF VIOLATOR, 1990 - 2004

Year	Male	Female	Not Stated	Total
1990	29,353	6,146	1,348	36,847
1991	25,795	5,430	1,205	32,430
1992	24,771	5,583	487	30,841
1993	24,141	5,473	474	30,088
1994	23,174	5,305	1,269	29,748
1995	23,321	5,447	1,634	30,402
1996	23,858	5,444	1,621	30,923
1997	23,978	5,812	1,590	31,380
1998	24,497	6,125	1,800	32,422
1999	25,932	6,504	2,139	34,575
2000	25,864	6,788	2,382	35,034
2001	24,566	6,539	2,427	33,532
2002	23,954	6,568	2,641	33,163
2003	23,004	6,515	2,747	32,266
2004	24,117	7,147	2,938	34,202

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 merely takes advantage of current information to categorize the gender of persons arrested in prior years.

TABLE 1.06

IMPAIRED DRIVING INCIDENTS AMONG UNDER-21 DRIVERS, BY AGE, 1990 - 2004

Year	0-14	15	16	17	18	19	20	Total under 21
1990	4	19	183	454	986	1,342	1,480	4,468
1991	9	13	141	324	750	1,028	1,256	3,521
1992	3	13	112	290	595	824	1,036	2,873
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

TABLE1.07

IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1990 - 2004

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
1990	4	2,984	8,280	8,543	6,406	4,073	2,627	1,489	993	591	422	239	126	70	0	36,837
1991	9	2,256	7,163	7,043	6,085	3,977	2,575	1,292	815	484	359	215	92	65	0	32,430
1992	3	1,834	6,933	6,288	5,869	3,915	2,499	1,479	830	511	360	172	100	48	0	30,841
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

TABLE 1.08

IMPAIRED DRIVNG INCIDENTS IN TWIN CITIES METRO AND NON-METRO AREAS, 1990 - 2004

	Twin Cities Metro Area		Non-Metro Area		Total	
Year	number	percent	number	percent	number	percent
1990	20,685	56.1	16,162	43.9	36,847	100.0
1991	17,570	54.2	14,860	45.8	32,430	100.0
1992	16,311	52.9	14,530	47.1	30,841	100.0
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

TABLE 1.09

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 1990, 1995 - 2004

County	1990	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Aitkin	59	106	88	121	204	205	222	233	245	199	159
Anoka	2,454	1,660	1,590	1,522	1,661	2,080	2,172	1,867	1,711	1,708	1,942
Becker	266	375	341	336	349	412	541	418	465	334	342
Beltrami	377	342	277	295	340	337	383	403	447	432	434
Benton	158	185	191	183	176	249	259	242	266	273	255
Big Stone	23	20	27	21	23	19	15	31	40	40	33
Blue Earth	456	322	412	467	501	464	552	592	596	595	544
Brown	173	122	131	120	106	151	168	139	151	192	219
Carlton	178	235	266	284	263	237	271	301	307	312	344
Carver	379	312	311	276	315	289	255	308	337	341	409
Cass	146	160	181	195	230	266	250	235	245	193	256
Chippewa	41	41	38	31	47	70	68	80	97	107	102
Chisago	353	225	275	318	321	353	312	367	301	321	391
Clay	618	657	608	506	547	528	608	534	564	615	785
Clearwater	84	91	88	105	133	145	101	85	72	66	67
Cook	40	53	66	38	64	72	74	72	64	62	44
Cottonwood	68	46	40	46	42	56	53	41	61	57	74
Crow Wing	496	509	541	514	525	466	519	468	414	431	529
Dakota	2,744	2,184	2,264	2,297	2,646	2,543	2,635	2,756	2,775	2,522	2,415
Dodge	93	62	107	72	80	88	120	168	149	98	103
Douglas	202	199	230	209	185	219	254	254	231	213	222
Faribault	91	45	57	69	108	107	109	100	106	67	59
Fillmore	175	137	110	131	123	127	141	142	145	103	121
Freeborn	300	218	269	265	293	300	285	303	279	224	223
Goodhue	515	341	318	322	235	314	350	344	298	298	285
Grant	48	24	26	23	28	28	27	22	32	46	27
Hennepin	9,608	7,317	7,281	7,399	7,207	7,332	6,857	6,439	6,669	7,086	7,355
Houston	214	122	111	114	103	174	181	208	162	136	134
Hubbard	134	75	107	95	113	158	154	121	142	139	108
Isanti	168	209	205	190	180	276	194	172	162	158	237
Itasca	301	290	297	334	326	359	366	293	272	236	314
Jackson	53	63	58	54	49	64	69	63	47	43	46
Kanabec	145	105	121	94	84	108	170	112	103	101	103
Kandiyohi	414	236	283	281	229	264	274	275	286	245	290
Kittson	44	26	25	20	33	34	21	11	11	21	23
Koochiching	218	94	97	98	131	127	106	87	124	96	81
Lac Qui Parle	22	7	6	14	10	25	33	18	32	27	18
Lake	50	40	35	56	49	55	66	40	49	43	63
Lake of the Woods	29	30	23	20	29	52	30	32	26	75	64
Le Sueur	132	138	102	123	110	141	176	141	156	133	168
Lincoln	15	17	14	14	36	23	11	10	13	8	15
Lyon	231	213	210	169	157	217	186	233	174	182	159
McLeod	296	316	284	346	271	286	265	276	256	268	233
Mahnomen	83	81	77	137	136	150	122	121	129	108	118
Marshall	34	32	27	29	33	29	33	34	36	38	41

TABLE 1.09, Continued

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 1990 and 1995-2004

County	1990	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Martin	111	96	101	127	131	130	150	135	150	142	135
Meeker	182	156	143	144	161	172	131	91	115	86	110
Mille Lacs	161	229	301	257	256	320	411	354	302	251	285
Morrison	251	197	191	206	212	204	249	219	195	182	165
Mower	219	208	197	225	304	384	376	352	344	345	294
Murray	90	47	44	61	67	43	29	35	41	39	25
Nicollet	143	145	159	177	175	206	263	307	351	287	281
Nobles	143	206	161	161	141	153	186	150	182	183	162
Norman	49	48	52	29	41	47	26	27	49	23	20
Olmsted	753	502	448	569	667	831	855	828	802	695	772
Otter Tail	301	288	342	296	270	349	321	343	322	342	404
Pennington	110	131	129	127	98	103	118	116	117	89	120
Pine	141	220	295	327	245	207	253	283	234	250	324
Pipestone	109	64	69	58	87	59	74	71	46	42	50
Polk	325	299	306	301	342	330	316	310	298	309	324
Pope	74	70	67	49	46	83	79	95	79	67	65
Ramsey	3,364	2,377	2,451	2,734	2,791	2,656	2,867	2,856	2,659	2,330	2,394
Red Lake	37	15	8	23	23	34	36	46	43	41	34
Redwood	84	71	105	69	82	85	79	72	83	79	110
Renville	76	172	139	112	106	114	87	83	101	108	127
Rice	476	363	372	400	430	460	532	451	415	418	405
Rock	41	29	47	35	31	39	45	27	42	59	46
Roseau	154	96	98	92	100	88	129	111	128	115	158
St. Louis	1,067	1,258	1,225	1,333	1,446	1,659	1,661	1,465	1,447	1,330	1,488
Scott	769	531	539	542	604	776	698	745	664	683	903
Sherburne	461	473	418	391	424	448	471	372	396	386	466
Sibley	70	112	127	108	118	123	107	136	121	100	133
Stearns	1,006	807	874	832	763	802	1,033	893	773	937	986
Steele	191	177	163	212	214	282	251	220	175	191	224
Stevens	66	45	31	36	30	30	40	31	37	52	50
Swift	49	49	53	70	83	61	48	53	44	59	42
Todd	180	159	151	188	184	149	158	144	153	112	134
Traverse	16	22	26	19	27	20	24	35	33	19	24
Wabasha	141	110	131	162	165	207	216	151	163	186	137
Wadena	76	62	72	85	84	88	81	90	71	105	81
Waseca	149	117	126	130	107	148	116	129	123	143	110
Washington	1,367	1,335	1,516	1,383	1,498	1,468	1,337	1,376	1,393	1,330	1,316
Watonwan	79	94	124	95	87	70	52	98	87	76	75
Wilkin	37	52	40	59	29	68	66	80	71	71	61
Winona	337	343	321	305	325	409	385	329	406	360	492
Wright	600	443	452	415	507	563	525	545	580	570	643
Yellow Medicine	64	102	94	83	90	108	95	87	81	82	73
Total	36,847	30,402	30,923	31,380	32,422	34,575	35,034	33,532	33,163	32,266	34,202

TABLE 1.10

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part I: 1990 - 1997

	1990		1991		1992		1993		1994		1995		1996		1997	
Total Number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	20,967	56.9	17,910	55.2	16,640	54.0	16,089	53.5	15,931	53.6	16,512	54.3	16,858	54.5	17,258	55.0
2	7,793	21.1	6,984	21.5	6,734	21.8	6,487	21.6	6,464	21.7	6,598	21.7	6,550	21.8	6,713	21.4
3	4,085	11.1	3,831	11.8	3,654	11.8	3,584	11.9	3,519	11.8	3,529	11.6	3,657	11.8	3,554	11.3
4	1,926	5.2	1,786	5.5	1,799	5.8	1,882	6.3	1,826	6.1	1,763	5.8	1,750	5.7	1,799	5.7
5	970	2.6	866	2.7	887	2.9	887	2.9	898	3.0	867	2.9	916	3.0	885	2.8
6	455	1.2	450	1.4	480	1.6	473	1.6	467	1.6	474	1.6	498	0.8	470	1.5
7	291	0.8	244	0.8	262	0.8	270	0.9	277	0.9	257	0.8	259	0.6	267	0.9
8	137	0.4	135	0.4	146	0.5	157	0.5	135	0.5	162	0.5	176	0.3	153	0.5
9	101	0.3	88	0.3	99	0.3	111	0.4	73	0.2	85	0.3	93	0.2	108	0.3
10	47	0.1	49	0.2	50	0.2	59	0.2	66	0.2	58	0.2	51	0.1	63	0.2
11	33	0.1	26	0.1	35	0.1	32	0.1	26	0.1	31	0.1	47	*	43	0.1
12	18	*	20	0.1	20	0.1	16	0.1	26	0.1	17	0.1	29	*	18	0.1
13	12	*	18	0.1	12	*	11	*	14	*	12	*	14	*	22	0.1
14	2	*	12	*	10	*	8	*	11	*	10	*	7	*	8	*
15	5	*	4	*	7	*	14	*	6	*	6	*	5	*	6	*
16	2	*	5	*	3	*	5	*	4	*	11	*	2	*	4	*
17	3	*	2	*	1	*	2	*	3	*	5	*	5	*	2	*
18	0	0	0	0	1	*	1	*	2	*	2	*	4	*	3	*
19	0	0	0	0	0	0	0	0	0	0	1	*	2	*	1	*
20	0	0	0	0	1	*	0	0	0	0	1	*	0	0	2	*
21	0	0	0	0	0	0	0	0	0	0	1	*	0	0	1	*
22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	36,847	100	32,430	100	30,841	100	30,089	100	29,748	100	30,402	100	30,923	100	31,380	100

Note: The table above tabulates incidents, not persons. Thus, for example, a single driver who incurred a first incident in January 1992, a second incident in June 1992, and then a third in December 1993, will be counted twice in the 1992 column (once in the first row and once in the second row) and then once in the 1993 column (in the third row). Also note that prior incidents may have been other states.

For example, a person counted in row 5 of the 1990 column incurred an incident in Minnesota in 1990, and that incident was the fifth on his or her record, but the prior four incidents may have been in any state.

An asterisk (*) indicates a percentage value of less than one-tenth of one percent.

TABLE 1.10

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part II: 1998 - 2004

	1998		1999		2000		2001		2002		2003		2004	
Total Number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	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	6,764	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	3,505	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	1,861	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	891	2.7	848	2.5	870	2.5	789	2.4	733	2.2	630	2.0	673	2.0
6	474	1.5	444	1.3	449	1.3	422	1.3	393	1.2	395	1.2	353	1.0
7	274	0.8	252	0.7	241	0.7	246	0.7	235	0.7	218	0.7	213	0.6
8	177	0.5	171	0.5	158	0.5	119	0.4	111	0.3	127	0.4	123	0.4
9	89	0.3	101	0.3	95	0.3	81	0.2	89	0.3	68	0.2	77	0.2
10	57	0.2	57	0.2	60	0.2	70	0.2	46	0.1	33	0.1	54	0.2
11	31	0.1	42	0.1	39	0.1	38	0.1	34	0.1	30	0.1	20	0.1
12	22	0.1	27	0.1	31	0.1	18	0.1	25	0.1	26	0.1	19	0.1
13	5	*	13	*	15	*	19	0.1	23	0.1	9	*	10	*
14	19	0.1	10	*	6	*	12	*	12	*	9	*	7	*
15	6	*	11	*	7	*	6	*	11	*	8	*	2	*
16	6	*	4	*	8	*	5	*	3	*	3	*	4	*
17	3	*	4	*	3	*	3	*	6	*	3	*	3	*
18	2	*	1	*	3	*	2	*	1	*	1	*	1	*
19	1	*	1	*	4	*	0	0	0	0	0	0	2	*
20	1	*	0	0	1	*	3	*	0	0	1	*	1	*
21	1	*	0	0	2	*	0	0	1	*	1	*	2	*
22	1	*	0	0	0	0	0	0	2	*	0	0	0	0
23	0	0	0	0	0	0	1	*	0	0	1	*	1	*
Total	32,422	100	34,575	100	35,034	100	33,532	100	33,163	100	32,266	1000	34,202	100

Note: The table above tabulates incidents, not persons. Thus, for example, a single driver who incurred a first incident in January 2003, a second incident in June 2003, and then a third in December 2004, will be counted twice in the 2003 column (once in the first row and once in the second row) and then once in the 2004 column (in the third row). Also note that prior incidents may have been other states.

For example, a person counted in row 5 of the 2004 column incurred an incident incident in Minnesota in 1990, and that incident was the fifth on his or her record, but the prior four incidents may have been in any state.

An asterisk (*) indicates a percentage value of less than one-

II. IMPAIRED DRIVING CRIMINAL CONVICTION RATES

There are reasons to be cautious in taking the statistics reported in this section at face value. An offense might lead to a conviction but *not be counted* as such. In general, this could be due either to (1) reporting errors, or (2) the conviction having occurred after the date when the data used to compile these statistics were extracted from the state driver license files.

Timing of conviction

To take the second issue first: Conviction rates for 2004 were calculated using data available on October 12, 2005 -- thus, nine and one-half months after the end of the 2004 calendar year. However, it sometimes takes longer than that to adjudicate the criminal charge. This is more true for the more serious charges, such as the higher level impaired driving offenses.

Reporting errors

The second reason a conviction might not get counted is because errors occur. The 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 numerous opportunities for failures throughout the system. 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 get counted

Hypothetically, if a county had 100 incidents committed by second-time violators in 2004 and driving records show that only 75 of the incidents resulted in a conviction for some type of impaired driving offense, then the conviction rate is 75 out of 100, or 75.0%. There was no impaired driving conviction recorded on the driver license files for 25 of the incidents. Imagine that John Smith committed one of those 25 incidents. This means that Smith was stopped. He took and failed, or refused to take, tests for AC or controlled substances, thus incurring an implied consent violation and triggering the impaired driving incident to be posted on his driving record.

Here are some reasons why a conviction might *not* be reported.

(1) Smith got convicted on an impaired driving charge, but not until after the October 12 date on which statistics compiled here are based.

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

(3) 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 DWI gross misdemeanor offense.

(4) Smith failed to make his court appearance. A warrant is issued for his arrest. He has not been convicted, but he almost certainly will be, once he is picked up.

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

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

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

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 any type of impaired driving offense. Two issues require explanation: (1) how prior violations are counted, and (2) the circumstance that the conviction rate is not a measure of how much plea bargaining may be occurring.

* The Department of Public Safety returns incomplete or incorrect reports to the Court Administrator's Office with a request for a completed or corrected report.

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* lookback period,[†] not a *ten-year* lookback period. The current statute MS169A defines impaired driving offense levels in terms of certain aggravating factors. Prior incidents *in the last ten years* is one type of aggravating factor.[‡] (Each prior incident augments the count of aggravating factors.) If a ten-year lookback period had been used, there would have been slightly more incidents counted into the "first-time violators" column and slightly fewer counted into the second- through fourth-or-subsequent-time columns.

2. Not measuring plea-bargaining

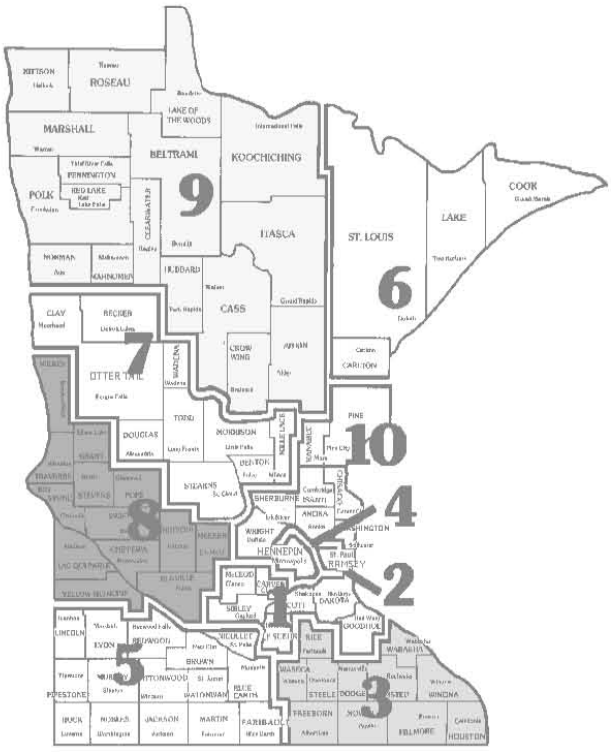
People are concerned with how much plea bargaining takes place in impaired driving cases. The conviction rates are not good measures of plea bargaining, however. Plea bargains take two forms. First, as an example, a prosecutor initially charges the violator with an offense at one level (e.g., first-degree impaired driving) and then accepts a guilty plea to a lesser offense (e.g., second-, third-, or fourth-degree impaired driving, or reckless driving, or speeding, etc.). The second form of bargaining is actually sentence-bargaining: the prosecutor agrees to accept a sentence less than the one normally imposed for the offense on which the violator was convicted. For example, John Smith pleads guilty to gross misdemeanor impaired driving but gets a misdemeanor impaired driving sentence.

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

[†] The term "lifetime" lookback period may be misleading. Currently, if a second impaired driving incident occurs, then all impaired driving incidents are kept on record permanently. A single incident may be deleted from a driving record if fifteen years pass without a second incident. However, driver license records are not systematically purged, causing many one-time incidents to be kept longer than 15 years. (For practical purposes, this means that if a person is in their forties, for example, 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 .20 or higher.

Judicial Districts in Minnesota



Conviction rates vary more by county than by judicial district

The state is divided into ten judicial districts. Ramsey County is District 2, and Hennepin County is District 4. The other 8 districts encompass from 7 to 17 counties that are geographically close together. Conviction rates vary less by district than by county. Across districts, the range in 2004 for incidents at all levels was from 77% (for District 4: Hennepin County) to 88% (for District 7, comprised of 7 counties in West Central Minnesota).

Counties with high conviction rates included several at 90% or higher: Olmsted, Brown, Clay, Otter Tail, Big Stone, Meeker, Stevens, Yellow Medicine, Beltrami, Clearwater, Kittson, Marshall, Norman, Red Lake, and Sherburne. A few counties had rates below 70%, including Jackson, Traverse, Hubbard, and Pine.

TABLE 2.01

CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2004 BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL

District and County	ALL VIOLATORS			1ST-TIME VIOLATORS			2ND-TIME VIOLATORS			3RD-TIME VIOLATORS			4TH+ TIME VIOLATORS		
	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate
Judicial Dist 1															
CARVER	409	341	83.4%	256	212	82.8%	82	73	89.0%	50	40	80.0%	21	16	76.2%
DAKOTA	2,415	1911	79.1%	1466	1,080	73.7%	534	472	88.4%	237	209	88.2%	178	150	84.3%
GOODHUE	285	239	83.9%	173	145	83.8%	71	60	84.5%	16	12	75.0%	25	22	88.0%
LESUEUR	168	132	78.6%	87	67	77.0%	30	26	86.7%	29	22	75.9%	22	17	77.3%
MCLEOD	233	197	84.5%	132	103	78.0%	55	48	87.3%	24	24	100%	22	22	100%
SCOTT	903	760	84.2%	533	432	81.1%	210	186	88.6%	86	80	93.0%	74	62	83.8%
SIBLEY	133	112	84.2%	69	60	87.0%	36	28	77.8%	12	11	91.7%	16	13	81.3%
SUBTOTAL	4,546	3,692	81.2%	2,716	2,099	77.3%	1,018	893	87.7%	454	398	87.7%	358	302	84.4%
Judicial Dist 2															
RAMSEY	2,394	1,884	78.7%	1,492	1,094	73.3%	521	453	86.9%	202	179	88.6%	179	158	88.3%
Judicial Dist 3															
DODGE	103	83	80.6%	57	49	86.0%	21	14	66.7%	13	13	100%	12	7	58.3%
FILLMORE	121	100	82.6%	61	45	73.8%	36	33	91.7%	16	14	87.5%	8	8	100%
FREEBORN	223	168	75.3%	137	103	75.2%	49	34	69.4%	18	16	88.9%	19	15	78.9%
HOUSTON	134	107	79.9%	88	67	76.1%	29	24	82.8%	7	7	100%	10	9	90.0%
MOWER	294	244	83.0%	178	148	83.1%	67	56	83.6%	30	25	83.3%	19	15	78.9%
OLMSTED	772	696	90.2%	479	440	91.9%	159	140	88.1%	69	61	88.4%	65	55	84.6%
RICE	405	349	86.2%	228	189	82.9%	104	89	85.6%	41	39	95.1%	32	32	100%
STEELE	224	181	80.8%	119	95	79.8%	55	47	85.5%	31	22	71.0%	19	17	89.5%
WABASHA	137	113	82.5%	78	63	80.8%	31	27	87.1%	12	11	91.7%	16	12	75.0%
WASECA	110	92	83.6%	73	61	83.6%	21	17	81.0%	10	9	90.0%	6	5	83.3%
WINONA	492	417	84.8%	337	281	83.4%	83	77	92.8%	41	35	85.4%	31	24	77.4%
SUBTOTAL	3,015	2,550	84.6%	1,835	1,541	84.0%	655	558	85.2%	288	252	87.5%	237	199	84.0%
Judicial Dist 4															
HENEPIN	7,355	5,683	77.3%	4,641	3,329	71.7%	1,538	1,353	88.0%	671	593	88.4%	505	408	80.8%
Judicial Dist 5															
BLUE EARTH	544	457	84.0%	333	270	81.1%	116	104	89.7%	47	42	89.4%	48	41	85.4%
BROWN	219	200	91.3%	132	122	92.4%	48	45	93.8%	22	19	86.4%	17	14	82.4%
COTTONWOOD	74	60	81.1%	48	38	79.2%	14	12	85.7%	7	6	85.7%	5	4	80.0%
FARIBAULT	59	42	71.2%	36	25	69.4%	14	9	64.3%	5	4	80.0%	4	4	100%
JACKSON	46	28	60.9%	30	17	56.7%	7	4	57.1%	4	3	75.0%	5	4	80.0%
LINCOLN	15	13	86.7%	7	6	85.7%	3	3	100%	4	3	75.0%	1	1	100%
LYON	159	135	84.9%	108	90	83.3%	29	25	86.2%	9	9	100%	13	11	84.6%
MARTIN	135	110	81.5%	71	59	83.1%	25	19	76.0%	20	18	90.0%	19	14	73.7%
MURRAY	25	22	88.0%	14	12	85.7%	9	8	88.9%	0	0	.	2	2	100%
NICOLLET	281	208	74.0%	185	128	69.2%	45	39	86.7%	26	20	76.9%	25	21	84.0%
NOBLES	162	124	76.5%	114	84	73.7%	33	29	87.9%	8	6	75.0%	7	5	71.4%
PIPESTONE	50	36	72.0%	30	24	80.0%	10	5	50.0%	4	3	75.0%	6	4	66.7%
REDWOOD	110	95	86.4%	59	51	86.4%	28	25	89.3%	9	6	66.7%	14	13	92.9%
ROCK	46	40	87.0%	34	30	88.2%	6	5	83.3%	4	3	75.0%	2	2	100%
WATONWAN	75	67	89.3%	44	39	88.6%	15	14	93.3%	13	12	92.3%	3	2	66.7%
SUBTOTAL	2,000	1,637	81.9%	1,245	995	79.9%	402	346	86.1%	182	154	84.6%	171	142	83.0%

TABLE 2.01, Continued

CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2004 BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL

District and County	ALL VIOLATORS			1ST-TIME VIOLATORS			2ND-TIME VIOLATORS			3RD-TIME VIOLATORS			4TH+ TIME VIOLATORS		
	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate
Judicial Dist 6															
CARLTON	344	253	73.5%	182	145	79.7%	88	62	70.5%	37	25	67.6%	37	21	56.8%
COOK	44	38	86.4%	32	26	81.3%	7	7	100%	1	1	100%	4	4	100%
LAKE	63	54	85.7%	30	23	76.7%	21	19	90.5%	5	5	100%	7	7	100%
ST. LOUIS	1,488	1,290	86.7%	813	698	85.9%	353	319	90.4%	162	134	82.7%	160	139	86.9%
SUBTOTAL	1,939	1,635	84.3%	1,057	892	84.4%	469	407	86.8%	205	165	80.5%	208	171	82.2%
Judicial Dist 7															
BECKER	342	296	86.5%	176	155	88.1%	76	65	85.5%	29	27	93.1%	61	49	80.3%
BENTON	255	213	83.5%	135	118	87.4%	60	46	76.7%	24	21	87.5%	36	28	77.8%
CLAY	785	725	92.4%	566	525	92.8%	131	123	93.9%	43	40	93.0%	45	37	82.2%
DOUGLAS	222	204	91.9%	122	114	93.4%	55	48	87.3%	25	23	92.0%	20	19	95.0%
MILLE LACS	285	223	78.2%	121	97	80.2%	70	50	71.4%	34	28	82.4%	60	48	80.0%
MORRISON	165	141	85.5%	91	82	90.1%	35	28	80.0%	22	19	86.4%	17	12	70.6%
OTTER TAIL	404	368	91.1%	224	207	92.4%	95	87	91.6%	37	33	89.2%	48	41	85.4%
STEARNS	986	864	87.6%	591	516	87.3%	225	200	88.9%	78	67	85.9%	92	81	88.0%
TODD	134	117	87.3%	74	66	89.2%	30	25	83.3%	15	13	86.7%	15	13	86.7%
WADENA	81	72	88.9%	44	41	93.2%	20	18	90.0%	9	6	66.7%	8	7	87.5%
SUBTOTAL	3,659	3,223	88.1%	2,144	1921	89.6%	797	690	86.6%	316	277	87.7%	402	335	83.3%
Judicial Dist 8															
BIG STONE	33	30	90.9%	20	17	85.0%	6	6	100%	5	5	100%	2	2	100%
CHIPPEWA	102	86	84.3%	61	49	80.3%	20	19	95.0%	10	8	80.0%	11	10	90.9%
GRANT	27	23	85.2%	16	13	81.3%	4	3	75.0%	4	4	100%	3	3	100%
KANDIYOHI	290	243	83.8%	176	146	83.0%	68	58	85.3%	29	25	86.2%	17	14	82.4%
LAC QUI PARLE	18	14	77.8%	7	5	71.4%	6	5	83.3%	3	3	100%	2	1	50.0%
MEEKER	110	100	90.9%	68	63	92.6%	17	17	100%	10	8	80.0%	15	12	80.0%
POPE	65	54	83.1%	40	32	80.0%	14	11	78.6%	7	7	100%	4	4	100%
RENVILLE	127	94	74.0%	75	51	68.0%	24	20	83.3%	16	13	81.3%	12	10	83.3%
STEVENS	50	45	90.0%	32	29	90.6%	9	8	88.9%	6	5	83.3%	3	3	100%
SWIFT	42	33	78.6%	21	16	76.2%	7	6	85.7%	7	7	100%	7	4	57.1%
TRAVERSE	24	16	66.7%	18	10	55.6%	5	5	100%	1	1	100%	0	0	.
WILKIN	61	54	88.5%	36	34	94.4%	11	10	90.9%	8	6	75.0%	6	4	66.7%
YELLOW MED	73	66	90.4%	42	38	90.5%	20	18	90.0%	6	6	100%	5	4	80.0%
SUBTOTAL	1,022	858	84.0%	612	503	82.2%	211	186	88.2%	112	98	87.5%	87	71	81.6%
Judicial Dist 9															
AITKIN	159	130	81.8%	81	66	81.5%	39	32	82.1%	18	14	77.8%	21	18	85.7%
BELTRAMI	434	407	93.8%	242	227	93.8%	104	96	92.3%	44	42	95.5%	44	42	95.5%
CASS	256	222	86.7%	107	89	83.2%	59	54	91.5%	33	28	84.8%	57	51	89.5%
CLEARWATER	67	61	91.0%	28	25	89.3%	19	17	89.5%	7	7	100%	13	12	92.3%
CROW WING	529	426	80.5%	299	243	81.3%	107	83	77.6%	58	51	87.9%	65	49	75.4%
HUBBARD	108	65	60.2%	47	34	72.3%	31	14	45.2%	14	5	35.7%	16	12	75.0%
ITASCA	314	280	89.2%	170	149	87.6%	64	58	90.6%	39	37	94.9%	41	36	87.8%
KITTSON	23	22	95.7%	16	15	93.8%	4	4	100%	2	2	100%	1	1	100%
KOOCHICHING	81	61	75.3%	46	38	82.6%	20	14	70.0%	7	5	71.4%	8	4	50.0%

TABLE 2.01 (Continued)

CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2004 BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL

District and County	ALL VIOLATORS			1ST-TIME VIOLATORS			2ND-TIME VIOLATORS			3RD-TIME VIOLATORS			4TH+ TIME VIOLATORS		
	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate	All Incidents	Convictions	Convict. Rate
Judicial Dist 9 (Continued)															
LAKE OF WDS	64	53	82.8%	37	29	78.4%	18	16	88.9%	3	3	100%	6	5	83.3%
MAHNOMEN	118	95	80.5%	49	34	69.4%	26	23	88.5%	14	12	85.7%	29	26	89.7%
MARSHALL	41	38	92.7%	29	26	89.7%	7	7	100%	2	2	100%	3	3	100%
NORMAN	20	20	100%	10	10	100%	5	5	100%	2	2	100%	3	3	100%
PENNINGTON	120	99	82.5%	66	55	83.3%	26	22	84.6%	8	6	75.0%	20	16	80.0%
POLK	324	278	85.8%	195	161	82.6%	64	59	92.2%	29	28	96.6%	36	30	83.3%
RED LAKE	34	31	91.2%	23	21	91.3%	9	8	88.9%	0	0	.	2	2	100%
ROSEAU	158	135	85.4%	81	66	81.5%	36	33	91.7%	21	18	85.7%	20	18	90.0%
SUBTOTAL	2,850	2,423	85.0%	1,526	1,288	84.4%	638	545	85.4%	301	262	87.0%	385	328	85.2%
Judicial Dist 10															
ANOKA	1942	1,648	84.9%	1,103	883	80.1%	464	422	90.9%	210	196	93.3%	165	147	89.1%
CHISAGO	391	274	70.1%	227	167	73.6%	68	45	66.2%	43	33	76.7%	53	29	54.7%
ISANTI	237	179	75.5%	125	96	76.8%	53	44	83.0%	28	18	64.3%	31	21	67.7%
KANABEC	103	89	86.4%	51	45	88.2%	15	14	93.3%	20	17	85.0%	17	13	76.5%
PINE	324	199	61.4%	159	112	70.4%	78	40	51.3%	44	25	56.8%	43	22	51.2%
SHERBURNE	466	422	90.6%	259	238	91.9%	106	97	91.5%	59	54	91.5%	42	33	78.6%
WASHINGTON	1,316	976	74.2%	808	557	68.9%	272	226	83.1%	121	97	80.2%	115	96	83.5%
WRIGHT	643	535	83.2%	399	327	82.0%	125	105	84.0%	57	52	91.2%	62	51	82.3%
SUBTOTAL	5,422	4,322	79.7%	3,131	2,425	77.5%	1,181	993	84.1%	582	492	84.5%	528	412	78.0%
Total for Minnesota	34,202	27,907	81.6%	20,399	16,087	78.9%	7,430	6424	86.5%	3,313	2,870	86.6%	3060	2526	82.5%

NOTE:

(1) There is no restriction on the "lookback" 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 October 12, 2005. However, new information is constantly added to driver license records. Also, as offense level increases, violators face stiffer penalties and have more incentive to fight conviction through legal procedures. The conviction rates will therefore increase as time passes.

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 record.

A single incident may be deleted after 15 years

Currently, if a person incurs a second incident while a first is still on record, then all incidents are kept permanently on record. Thus, if a person had one and only one incident, that incident might have been purged from the record. The rules for when it could be purged have changed over time. The current practice is to keep a single incident for at least 15 years. The practical effect of the purging process is that the number of persons 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 people who incurred a single incident when they were young, but never incurred a second one, and at some point the single incident was purged from their driving record.

Baby boom and baby-boom echo effects

Persons in their twenties are the most likely to drink and drive. The large baby boom generation is now well beyond this high-offender age group: In 2000, Minnesota had 14% fewer 20-to-34 year-olds, but 43% more 40-to-54 year-olds, than in 1990. However, the children of the baby boom generation (the baby-boom echo) are entering the high-risk age group. There were almost 84,000 (28%) more 15-to-19 year-olds in 2000 than in 1990. Thus, the demographic structure of the population makes an increase in the number of young, first-time impaired driving offenders predictable.

1 in 10 drivers have an incident on record

In all, 447,289 Minnesota residents have one or more impaired driving incidents on their driving record. On average, that's 1 in 12 (8.6%) of the state's residents (using the State Demographer's projected 2005 population). Many residents are too young to drive, of course. Out of the population of persons on whom there is a driving record, 1 in 9 (11.6%) have one or more incidents on record; 1 in 20 (5.0%) have two or more, and 1 in 42 (2.3%) have three or more.

In addition to Minnesota residents, there are 72,743 non-residents who have incurred one or more incidents in Minnesota.

Counties vary

As noted, 8.6% of the population have an incident on record. There is variation by county. The ten counties with the highest percentages are: Aitkin, Becker, Beltrami, Cass, Clearwater, Kanabec, Mahnomen, Mille Lacs, Pennington, and Polk -- mostly north and west of the Twin Cities. The ten counties with the lowest percentages are Big Stone, Carver, Cottonwood, Lac Qui Parle, Lincoln, Murray, Olmsted, Rock, Stevens, and Washington -- mostly south and west of the Twin Cities. 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.

Most offenders have one incident

There is a perception that so much of the drinking-driving problem is concentrated in a fairly small subset of the population whose members are chemically dependent and who drink and drive over and over again. There is definitely evidence to support such a perception. Forty-three percent of the 447,289 people in the state with incidents on record have two or more incidents on record. Some have an amazing number of incidents: 1,034 people have ten or more. The record is now 23 incidents. Still, it is possible the perception distracts attention from the reality that most violators do not have prior incidents on record. Fifty-seven percent have only one incident. (As noted earlier, this understates the true number since a single incident might have been purged from the driver's license record.)

TABLE 3.01

POPULATION OF MINNESOTA BY AGE AND GENDER

	1990 Census			2000 Census			2005 Projected		
Age	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**	**Male**	**Female**	**Total**
0-4	172,055	164,745	336,800	168,829	160,765	329,594	172,800	165,100	337,900
5-9	177,049	168,791	345,840	182,912	172,982	355,894	179,600	171,100	350,700
10-14	160,702	152,595	313,297	192,118	182,877	374,995	189,500	179,400	368,900
15-19	151,359	146,250	297,609	191,534	182,828	374,362	195,700	186,400	382,100
20-24	157,244	158,802	316,046	164,038	158,445	322,483	190,900	187,400	378,300
25-29	190,480	191,279	381,759	162,132	157,694	319,826	179,400	171,100	350,500
30-34	199,447	198,537	397,984	178,502	174,810	353,312	175,300	167,600	342,900
35-39	182,163	179,111	361,274	207,962	204,528	412,490	185,800	180,200	366,000
40-44	152,870	151,940	304,810	207,355	204,337	411,692	210,700	205,900	416,600
45-49	118,342	118,708	237,050	183,801	180,446	364,247	206,500	204,000	410,500
50-54	94,635	96,775	191,410	150,750	150,699	301,449	181,400	179,100	360,500
55-59	85,014	88,052	173,066	112,203	114,654	226,857	147,200	147,700	294,900
60-64	82,224	88,996	171,220	86,648	91,364	178,012	106,500	110,400	216,900
65-69	74,123	85,913	160,036	72,707	80,462	153,169	79,300	86,900	166,200
70-74	58,161	76,325	134,486	64,646	78,010	142,656	63,900	74,900	138,800
75-79	43,312	65,121	108,433	51,709	70,968	122,677	53,100	69,800	122,900
80-84	26,525	48,619	75,144	33,477	56,686	90,163	37,700	59,300	97,000
85+	19,478	49,357	68,835	24,308	61,293	85,601	28,100	67,300	95,400
Total	2,145,183	2,229,916	4,375,099	2,435,631	2,483,848	4,919,479	2,583,400	2,613,600	5,197,000

Source: United State Census and Office of Minnesota State Demographer (for 2005 projected population).

TABLE 3.02

MINNESOTA LICENSED DRIVERS* UNDER 21, BY AGE, 1990 - 2004

Year	15	16	17	18	19	20	Total under 21
1990	15,075	43,708	51,161	51,293	53,876	57,902	273,015
1991	16,626	45,744	50,796	54,442	53,307	54,591	275,506
1992	18,047	47,600	51,688	53,894	55,417	53,645	280,291
1993	16,031	48,754	54,960	55,472	55,793	56,765	287,775
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

TABLE 3.03

MINNESOTA LICENSED DRIVERS,* BY AGE, 1990 -- 2004

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
1990	214,513	316,504	372,178	398,645	364,385	316,265	234,494	189,266	164,023	159,799	148,161	122,965	177,293	3,178,491
1991	215,113	312,463	357,464	402,273	371,856	324,986	252,944	197,122	165,779	158,552	148,934	126,115	189,553	3,223,154
1992	220,915	307,139	345,255	404,717	383,109	335,328	266,872	210,453	169,769	157,248	149,867	128,653	194,632	3,273,957
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

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

TABLE 3.04

MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AGE AT DATE OF LAST INCIDENT AND AGE AT END OF YEAR 2004

	Age at Date of Last Incident				Age at End of Year 2004			
Age Group	Female	Male	Not Stated	Total	Female	Male	Not Stated	Total
0-14	13	20	16	49	0	0	6	6
15-19	5,978	19,866	740	26,584	494	1,698	184	2,376
20-24	19,643	75,934	2,435	98,012	5,216	17,926	1,275	24,417
25-29	15,776	65,204	2,001	82,981	8,282	31,670	1,787	41,739
30-34	14,115	51,515	1,449	67,079	10,167	38,195	1,619	49,981
35-39	12,410	42,715	1,113	56,238	14,269	47,751	1,319	63,339
40-44	9,456	33,399	786	43,641	18,080	59,691	1,232	79,003
45-49	5,656	23,115	427	29,198	13,360	49,832	856	64,048
50-54	2,935	15,004	217	18,156	7,800	34,905	524	43,229
55-59	1,549	9,522	107	11,178	4,709	23,011	274	27,994
60-64	897	6,045	74	7,016	2,769	14,454	155	17,378
65-69	424	3,548	35	4,007	1,672	9,610	81	11,363
70-74	220	1,782	16	2,018	1,008	6,969	50	8,027
75-79	75	731	5	811	666	5,475	35	6,176
80-84	21	248	4	273	396	3,671	16	4,083
85 +	5	37	3	45	285	3,828	17	4,130
Unknown	0	1	2	3				
Total	89,173	348,686	9,430	447,289	89,173	348,686	9,430	447,289

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 AS OF END OF 2004, BY COUNTY

	Population		Residents with Impaired Driving Incidents on Record							
			1 or more Inc.		1 Incident		2 Incidents		3 or more Inc.	
County	2000 Census	2004 Estimate	Number	as % of 2004 Est	Number	as % of 2004 Est	Number	as % of 2004 Est	Number	as % of 2004 Est
Aitkin	15,301	16,085	1,805	11.2	960	6.0	412	2.6	433	2.7
Anoka	298,084	316,830	29,732	9.4	16,269	5.1	6,895	2.2	6,568	2.1
Becker	30,000	31,813	3,733	11.7	1,894	6.0	858	2.7	981	3.1
Beltrami	39,650	42,271	4,683	11.1	2,523	6.0	1,124	2.7	1,036	2.5
Benton	34,226	38,018	3,379	8.9	1,916	5.0	736	1.9	727	1.9
Big Stone	5,820	5,603	386	6.9	221	3.9	99	1.8	66	1.2
Blue Earth	55,941	58,118	5,259	9.0	2,938	5.1	1,267	2.2	1,054	1.8
Brown	26,911	26,905	2,196	8.2	1,276	4.7	495	1.8	425	1.6
Carlton	31,671	33,748	3,375	10.0	1,832	5.4	790	2.3	753	2.2
Carver	70,205	81,618	6,048	7.4	3,618	4.4	1,360	1.7	1,070	1.3
Cass	27,150	28,453	3,242	11.4	1,714	6.0	747	2.6	781	2.7
Chippewa	13,088	12,694	1,070	8.4	628	4.9	230	1.8	212	1.7
Chisago	41,101	48,424	5,099	10.5	2,817	5.8	1,213	2.5	1,069	2.2
Clay	51,229	52,994	4,961	9.4	2,916	5.5	1,144	2.2	901	1.7
Clearwater	8,423	8,456	1,050	12.4	499	5.9	241	2.9	310	3.7
Cook	5,168	5,316	534	10.0	299	5.6	127	2.4	108	2.0
Cottonwood	12,167	11,935	845	7.1	494	4.1	211	1.8	140	1.2
Crow Wing	55,099	59,395	5,763	9.7	3,231	5.4	1,320	2.2	1,212	2.0
Dakota	355,904	383,076	30,605	8.0	18,120	4.7	6,866	1.8	5,619	1.5
Dodge	17,731	19,355	1,694	8.8	953	4.9	369	1.9	372	1.9
Douglas	32,821	34,590	2,931	8.5	1,630	4.7	658	1.9	643	1.9
Faribault	16,181	15,618	1,370	8.8	788	5.0	303	1.9	279	1.8
Fillmore	21,122	21,359	1,833	8.6	1,013	4.7	443	2.1	377	1.8
Freeborn	32,584	31,997	3,290	10.3	1,791	5.6	784	2.5	715	2.2
Goodhue	44,127	45,679	4,235	9.3	2,360	5.2	1,044	2.3	831	1.8
Grant	6,289	6,182	553	8.9	309	5.0	141	2.3	103	1.7
Hennepin	1,116,200	1,144,037	97,774	8.5	57,229	5.0	21,401	1.9	19,144	1.7
Houston	19,718	19,945	1,793	9.0	1,061	5.3	391	2.0	341	1.7
Hubbard	18,376	18,856	1,680	8.9	909	4.8	402	2.1	369	2.0
Isanti	31,287	36,512	3,459	9.5	1,792	4.9	874	2.4	793	2.2
Itasca	43,992	44,242	4,642	10.5	2,464	5.6	1,111	2.5	1,067	2.4
Jackson	11,268	11,214	864	7.7	505	4.5	204	1.8	155	1.4
Kanabec	14,996	16,054	1,769	11.0	875	5.5	411	2.6	483	3.0
Kandiyohi	41,203	41,398	3,762	9.1	2,099	5.1	898	2.2	765	1.8
Kittson	5,285	4,856	390	8.0	200	4.1	98	2.0	92	1.9
Koochiching	14,355	13,832	1,371	9.9	730	5.3	351	2.5	290	2.1
Lac Qui Parle	8,067	7,754	544	7.0	301	3.9	144	1.9	99	1.3
Lake	11,058	11,229	863	7.7	478	4.3	232	2.1	153	1.4
Lake of the Woods	4,522	4,411	449	10.2	230	5.2	118	2.7	101	2.3
LeSeuer	25,426	27,454	2,770	10.1	1,565	5.7	605	2.2	600	2.2
Lincoln	6,429	6,179	392	6.3	232	3.8	90	1.5	70	1.1
Lyon	25,425	25,038	2,147	8.6	1,291	5.2	459	1.8	397	1.6
McLeod	34,898	36,198	3,465	9.6	1,979	5.5	796	2.2	690	1.9
Mahnomen	5,190	5,079	855	16.8	399	7.9	200	3.9	256	5.0
Marshall	10,155	9,996	823	8.2	448	4.5	196	2.0	179	1.8

TABLE 3.05 (Continued)

POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD AS OF END OF 2004, BY COUNTY

			Residents with Impaired Driving Incidents on Record							
	Population		1 or more Inc.		1 Incident		2 Incidents		3 or more Inc.	
County	2000 Census	2004 Estimate	Number	as % of 2004 Est	Number	as % of 2004 Est	Number	as % of 2004 Est	Number	as % of 2004 Est
Martin	21,802	21,077	1,855	8.8	1,041	4.9	425	2.0	389	1.8
Meeker	22,644	23,267	2,169	9.3	1,129	4.9	520	2.2	520	2.2
Mille Lacs	22,330	25,018	3,048	12.2	1,526	6.1	732	2.9	790	3.2
Morrison	31,712	32,822	3,082	9.4	1,692	5.2	711	2.2	679	2.1
Mower	38,603	38,984	3,663	9.4	1,973	5.1	907	2.3	783	2.0
Murray	9,165	8,992	623	6.9	384	4.3	130	1.4	109	1.2
Nicollet	29,771	31,147	2,532	8.1	1,481	4.8	590	1.9	461	1.5
Nobles	20,832	20,543	1,879	9.1	1,254	6.1	388	1.9	237	1.2
Norman	7,442	7,128	662	9.3	373	5.2	155	2.2	134	1.9
Olmsted	124,277	134,282	9,732	7.2	5,637	4.2	2,166	1.6	1,929	1.4
Otter Tail	57,159	58,658	5,059	8.6	2,714	4.6	1,236	2.1	1,109	1.9
Pennington	13,584	13,559	1,504	11.1	772	5.7	356	2.6	376	2.8
Pine	26,530	28,071	3,051	10.9	1,577	5.6	747	2.7	727	2.6
Pipestone	9,895	9,589	787	8.2	428	4.5	200	2.1	159	1.7
Polk	31,369	31,092	3,409	11.0	1,772	5.7	815	2.6	822	2.6
Pope	11,236	11,221	973	8.7	525	4.7	236	2.1	212	1.9
Ramsey	511,035	515,411	40,311	7.8	23,395	4.5	8,883	1.7	8,033	1.6
Red Lake	4,299	4,298	396	9.2	209	4.9	93	2.2	94	2.2
Redwood	16,815	16,245	1,282	7.9	758	4.7	279	1.7	245	1.5
Renville	17,154	16,838	1,607	9.5	922	5.5	384	2.3	301	1.8
Rice	56,665	60,576	5,441	9.0	3,060	5.1	1,227	2.0	1,154	1.9
Rock	9,721	9,590	567	5.9	361	3.8	119	1.2	87	0.9
Roseau	16,338	16,303	1,518	9.3	811	5.0	380	2.3	327	2.0
St. Louis	200,528	198,262	18,736	9.5	10,408	5.2	4,431	2.2	3,897	2.0
Scott	89,498	112,623	9,438	8.4	5,615	5.0	2,078	1.8	1,745	1.5
Sherburne	64,417	79,030	6,870	8.7	3,938	5.0	1,632	2.1	1,300	1.6
Sibley	15,356	15,320	1,450	9.5	820	5.4	338	2.2	292	1.9
Stearns	133,166	140,841	11,615	8.2	6,826	4.8	2,539	1.8	2,250	1.6
Steele	33,680	35,166	3,023	8.6	1,647	4.7	737	2.1	639	1.8
Stevens	10,053	9,874	545	5.5	311	3.1	127	1.3	107	1.1
Swift	11,956	11,599	937	8.1	507	4.4	230	2.0	200	1.7
Todd	24,426	24,657	2,134	8.7	1,180	4.8	523	2.1	431	1.7
Traverse	4,134	3,866	339	8.8	204	5.3	84	2.2	51	1.3
Wabasha	21,610	22,232	2,056	9.2	1,175	5.3	485	2.2	396	1.8
Wadena	13,713	13,600	1,237	9.1	655	4.8	304	2.2	278	2.0
Waseca	19,526	19,450	1,719	8.8	987	5.1	404	2.1	328	1.7
Washington	201,130	217,435	16,011	7.4	9,543	4.4	3,612	1.7	2,856	1.3
Watonwan	11,876	11,570	1,071	9.3	604	5.2	260	2.2	207	1.8
Wilkin	7,138	6,837	619	9.1	359	5.3	158	2.3	102	1.5
Winona	49,985	49,827	3,922	7.9	2,398	4.8	889	1.8	635	1.3
Wright	89,986	106,734	9,950	9.3	5,541	5.2	2,334	2.2	2,075	1.9
Yellow Med	11,080	10,656	984	9.2	551	5.2	233	2.2	200	1.9
Minnesota	4,919,479	5,145,106	447,289	8.7	254,859	5.0	101,935	2.0	90,495	1.8

TABLE 3.06

PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2004

No. of Inc. on Record	Minnesota Residents									Non-Minnesota Residents				Total
	Twin CityMetro Area				Non- Metro Area				Total					
	Fe-male	Male	Not Stated	Sub total	Fe-male	Male	Not Stated	Sub total		Fe-male	Male	Not Stated	Total	
1	35,441	94,275	4,073	133,789	27,737	89,300	4,033	121,070	254,859	7,932	27,353	17,961	53,246	308,105
2	9,275	41,431	389	51,095	7,562	42,743	535	50,840	101,935	1,548	8,868	1,627	12,043	113,978
3	3,288	21,077	97	24,462	2,662	21,917	139	24,718	49,180	427	3,720	339	4,486	53,666
4	1,151	9,785	30	10,966	987	10,213	51	11,251	22,217	114	1,488	106	1,708	23,925
5	368	4,308	13	4,689	309	4,336	27	4,672	9,361	35	605	29	669	10,030
6	144	2,047	5	2,196	102	2,120	9	2,231	4,427	19	245	18	282	4,709
7	52	1,117	1	1,170	37	1,098	8	1,143	2,313	4	128	6	138	2,451
8	18	614	3	635	13	592	5	610	1,245	1	63	4	68	1,313
9	7	358	2	367	10	338	3	351	718	0	41	2	43	761
10	2	216	2	220	2	173	3	178	398	1	17	3	21	419
11	2	117	0	119	1	110	0	111	230	0	12	1	13	243
12	1	81	0	82	1	63	0	64	146	1	12	0	13	159
13	0	46	0	46	1	36	0	37	83	0	5	1	6	89
14	0	27	0	27	0	30	1	31	58	0	1	0	1	59
15	0	20	0	20	0	19	0	19	39	0	4	0	4	43
16	0	14	1	15	0	11	0	11	26	0	0	1	1	27
17	0	10	0	10	0	16	0	16	26	0	0	0	0	26
18	0	5	0	5	0	8	0	8	13	0	0	0	0	13
19	0	1	0	1	0	3	0	3	4	0	1	0	1	5
20	0	1	0	1	0	1	0	1	2	0	0	0	0	2
21	0	2	0	2	0	4	0	4	6	0	0	0	0	6
22	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	0	2	0	2	0	1	0	1	3	0	0	0	0	3
Total	49,749	175,554	4,616	229,919	39,424	173,132	4,814	217,370	447,289	10,082	42,563	20,098	72,743	520,032

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: 24% of violators in their twenties have prior incidents, compared to 38% of those in their thirties, 49% of those in their forties, 51% of those in their fifties, and 53% of those 60 and older.

Currently, there is 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 to 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 "lookback 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 6,295 fewer total incidents in 2004 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 lookback period and a nine-to-ten-year lookback period.* The *total* numbers (of incidents or of persons) are the same, but there are higher numbers and percentages of *first-time* incidents (in Table 4.02) and of *first-time* violators (in Table 4.03) when only a nine-to-ten-year lookback period is used, compared to when a lifetime lookback 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. Table 4.03 counts *persons* who incurred incidents. In this table, Smith is counted once, based on his last incident, in row 4.

Depending on the definitions used, recidivists committed 30% to 40% of violations in 2004.

If a person arrested for a second or subsequent offense is a defined as a recidivist, then, depending on other definitions, recidivists accounted for 30% to 40% of the 2004 incidents. Under the broader definition and using a lifetime look-back period,

*As an example of using a "nine-to-ten-year lookback period," the records of all violators who incurred incidents in 2004 were examined for the period from 1-1-1995 through 12-31-2004. Thus, the lookback period could be as short as 9 years and 1 day for a violator who incurred an incident on 1-1-2004, or as long as 10 years for a violator who incurred an incident on 12-31-2004.

recidivists committed 40% of the incidents (and first-time violators 60%). Under the narrower definition, and using the nine-to-ten-year lookback period, recidivists committed 30% of the incidents (and first-time violators 70%).

Taking a step back, one could say that first-time violators accounted for well over half the impaired driving violations in 2004. 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.

RECIDIVISM MEASURED PROSPECTIVELY AMONG VIOLATOR COHORTS

Recidivism among 1990 violators over 14 years

Among 17,510 first-time violators from 1990, 41% incurred a second violation within 168 months (14 years) of their first. The recidivism rate is greatest in the first months after the first incident, then gradually trails off as years go by: 8% incurred a second incident within the first 12 months of their first, another 7% recidivated in the second 12 months, another 5% in the third 12 months, and another 4% in the fourth 12 months. Cumulatively, 23% recidivated by four years out, 34% by eight years out, 40% by 12 years out, and 41% by 14 years out.[†]

Among the cohort of 6,942 violators who incurred a second incident in 1990, 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: 11% incurred a third incident within the first 12 months of their second, another 8% recidivated in the second 12 months, another 7% in the third 12 months, and another 6% in the fourth 12 months. Cumulatively, 32% recidivated by four years out, 46% by eight years out, 52% by 12 years out, and 54% by 14 years out.

Recidivism may be declining since 1990

First-, second-, and third-time violators from each year 1990-2000 (making up 33 violator cohorts, three for each of eleven years) were followed forward in time for up to 48 months. Recidivism appears to be decreasing since 1990, and to be decreasing faster among higher-level offenders.

Twenty-three percent of 1990 first-time violators recidivated within 48 months, compared to 21% of year 2000 first-time violators--a two percentage-point drop. Thirty-two percent of 1990 second time violators recidivated within 48 months, compared to 25% of year 2000 second-time violators--a seven percentage-point drop. Finally, 31% of 1990 third-time violators recidivated within 48 months, compared to 23% of year 2000 third-time violators -- an eight percentage-point drop.

An alternative explanation: perhaps violators are just older now

Much effort is invested to change drinking-and-driving attitudes and behavior. Perhaps this constant effort has partially succeeded and is responsible for the decline since 1990 in the cumulative proportion of violators who recidivate.

However, another explanation can not be ruled out: From 1990 to 2000, the average age of the cohorts increased from 30 to 31 among first-timers, from 31 to 33 among second-timers, and from 33 to 36 among third-timers. People become more responsible, or burn out, with age. Thus, it's hard to know definitively how much of the reduction in recidivism since 1990 reflects program efforts and how much is due to the influence of the age factor. (This can be studied more in the future.)

[†] 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 DRIVNG INCIDENTS ON RECORD, BY TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2004

Total Incidents on Record	Age at End of 2004											
	0-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-69	70 +	Total
1	2,218	19,927	30,331	32,725	37,903	41,363	31,265	21,204	13,764	13,993	10,166	254,859
2	154	3,730	8,325	10,831	13,955	18,473	15,542	10,347	6,845	7,168	6,565	101,935
3	9	663	2,448	4,262	6,704	10,133	8,779	5,759	3,667	3,739	3,017	49,180
4	1	76	482	1,428	2,830	4,783	4,359	3,058	1,856	1,935	1,409	22,217
5	0	13	111	453	1,032	2,094	1,953	1,361	853	874	617	9,361
6	0	5	32	172	466	982	958	667	436	415	294	4,427
7	0	3	8	68	209	500	542	352	229	247	155	2,313
8	0	0	0	17	118	300	257	196	134	141	82	1,245
9	0	0	0	13	52	162	157	115	87	87	45	718
10	0	0	1	8	28	93	90	62	43	53	20	398
11	0	0	1	1	14	54	54	36	25	27	18	230
12	0	0	0	1	16	25	35	27	19	15	8	146
13	0	0	0	1	7	9	19	16	12	15	4	83
14	0	0	0	1	1	12	14	11	4	12	3	58
15	0	0	0	0	1	8	11	6	7	4	2	39
16	0	0	0	0	0	2	6	6	2	6	4	26
17	0	0	0	0	1	6	3	3	4	3	6	26
18	0	0	0	0	1	1	2	2	2	4	1	13
19	0	0	0	0	0	1	1	1	1	0	0	4
20	0	0	0	0	0	0	0	0	1	1	0	2
21	0	0	0	0	1	1	0	0	3	1	0	6
22	0	0	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	1	1	0	0	1	0	3
Total Persons	2,382	24,417	41,739	49,981	63,339	79,003	64,048	43,229	27,994	28,741	22,416	447,289

TABLE 4.02

INCIDENTS THAT OCCURRED IN MINNESTOA IN 2004 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 1-1-95--12-31-2004)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1-1-95--12-31-2004)	
Number of Incidents on Record	number of incidents in 2004	Percent	number of incidents in 2004	Per cent	number of incidents in 2004	Percent	number of incidents in 2004	Percent
1	17,347	62.2	19,571	70.1	20,399	59.6	23,275	68.1
2	6,009	21.5	6,032	21.6	7,430	21.7	7,631	22.3
3	2,556	9.2	1,742	6.2	3,313	9.7	2,392	7.0
4	1,009	3.6	421	1.5	1,495	4.4	635	1.9
5	472	1.7	96	0.3	673	2.0	180	0.5
6	216	0.8	33	0.1	353	1.0	60	0.2
7	112	0.4	8	*	213	0.6	19	0.1
8	77	0.3	3	*	123	0.4	7	*
9	54	0.2	1	*	77	0.2	0	0
10	23	0.1			54	0.2	2	*
11	12	*			20	0.1	1	*
12	7	*			19	0.1		
13	1	*			10	*		
14	3	*			7	*		
15	2	*			2	*		
16	3	*			4	*		
17	1	*			3	*		
18	1	*			1	*		
19	2	*			2	*		
20					1	*		
21					2	*		
22					0	0		
23					1	*		
Total incidents	27,907	100.0	27,907	100.0	34,202	100.0	34,202	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 MINNESTOA IN 2004 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 1-1-95-12-31-2004)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1-1-95--12-31-2004)	
Number of Incidents on Record	Persons who Incurred Incidents in 2004	Percent	Persons who Incurred Incidents in 2004	Per cent	Persons who Incurred Incidents in 2004	Percent	Persons who Incurred Incidents in 2004	Percent
1	16,909	62.1	19,072	70.1	19,778	59.7	22,558	68.0
2	5,860	21.5	5,883	21.6	7,211	21.8	7,406	22.3
3	2,504	9.2	1,707	6.3	3,226	9.7	2,321	7.0
4	982	3.6	412	1.5	1,446	4.4	612	1.9
5	458	1.7	96	0.4	640	1.9	172	0.5
6	212	0.8	32	0.1	344	1.0	59	0.2
7	110	0.4	8	*	201	0.6	19	0.1
8	73	0.3	3	*	117	0.4	7	*
9	54	0.2	1	*	73	0.2	0	0
10	22	0.1			53	0.2	2	*
11	12	*			19	0.1	1	*
12	6	*			19	0.1		
13	1	*			9	*		
14	3	*			6	*		
15	2	*			2	*		
16	2	*			4	*		
17	1	*			3	*		
18	1	*			0	0		
19	2	*			2	*		
20					1	*		
21					2	*		
22					0	0		
23					1	*		
Total Persons	27,214	100.0	27,214	100.0	33,157	100.0	33,157	100.0

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

TABLE 4.04

RECIDIVISM OVER 14 YEARS AMONG COHORTS OF FIRST- AND SECOND-TIME VIOLATORS FROM 1990: CUMULATIVE PERCENT OF VIOLATORS WHO INCURRED A SUBSEQUENT (SECOND OR THIRD) VIOLATION.

Months Elapsed	First Timers	Second Timers	Months Elapsed	First Timers	Second Timers	Months Elapsed	First Timers	Second Timers	Months Elapsed	First Timers	Second Timers
1	0.78	1.20	49	23.39	32.15	97	33.81	45.75	145	39.55	52.16
2	1.31	2.26	50	23.71	32.57	98	33.95	45.94	146	39.64	52.28
3	2.08	3.13	51	23.96	33.02	99	34.06	46.07	147	39.71	52.36
4	2.66	3.96	52	24.24	33.38	100	34.18	46.17	148	39.78	52.42
5	3.39	4.93	53	24.55	33.82	101	34.32	46.28	149	39.86	52.49
6	3.97	6.05	54	24.83	34.13	102	34.50	46.51	150	39.90	52.56
7	4.64	6.89	55	25.15	34.43	103	34.67	46.70	151	39.95	52.65
8	5.31	7.65	56	25.45	34.77	104	34.81	46.87	152	40.05	52.68
9	5.98	8.50	57	25.71	35.13	105	35.05	47.03	153	40.11	52.77
10	6.54	9.28	58	26.01	35.48	106	35.22	47.21	154	40.19	52.84
11	7.17	10.03	59	26.26	35.84	107	35.35	47.32	155	40.29	52.91
12	**7.80**	**10.86**	**60**	**26.48**	**36.17**	**108**	**35.55**	**47.51**	**156**	**40.37**	**52.97**
13	8.44	11.67	61	26.78	36.57	109	35.68	47.72	157	40.47	53.05
14	9.05	12.45	62	27.04	36.92	110	35.88	47.85	158	40.53	53.07
15	9.67	13.08	63	27.33	37.17	111	36.04	48.01	159	40.57	53.14
16	10.21	13.81	64	27.65	37.54	112	36.13	48.08	160	40.61	53.20
17	10.76	14.49	65	27.93	37.81	113	36.25	48.18	161	40.71	53.30
18	11.31	15.00	66	28.10	38.09	114	36.34	48.37	162	40.80	53.33
19	11.78	15.74	67	28.36	38.55	115	36.45	48.56	163	40.91	53.44
20	12.35	16.29	68	28.53	38.79	116	36.52	48.72	164	40.98	53.54
21	12.88	16.88	69	28.78	39.15	117	36.64	48.92	165	41.05	53.62
22	13.44	17.60	70	29.01	39.53	118	36.78	49.06	166	41.11	53.66
23	13.91	18.38	71	29.21	39.90	119	36.91	49.25	167	41.17	53.77
24	**14.47**	**19.09**	**72**	**29.41**	**40.07**	**120**	**37.02**	**49.38**	**168**	**41.20**	**53.92**
25	14.94	19.61	73	29.62	40.38	121	37.10	49.57			
26	15.37	20.53	74	29.86	40.61	122	37.25	49.74			
27	15.79	21.23	75	30.09	40.90	123	37.38	49.88			
28	16.25	21.79	76	30.31	41.18	124	37.57	49.99			
29	16.57	22.34	77	30.49	41.46	125	37.69	50.13			
30	16.90	22.67	78	30.72	41.69	126	37.81	50.32			
31	17.29	23.09	79	30.86	41.99	127	37.96	50.48			
32	17.77	23.71	80	31.01	42.19	128	38.07	50.52			
33	18.06	24.34	81	31.19	42.42	129	38.13	50.63			
34	18.45	24.92	82	31.37	42.70	130	38.24	50.75			
35	18.80	25.54	83	31.54	42.88	131	38.33	50.86			
36	**19.20**	**26.16**	**84**	**31.71**	**43.10**	**132**	**38.43**	**50.92**			
37	19.54	26.69	85	31.88	43.42	133	38.54	51.08			
38	19.85	27.24	86	32.07	43.69	134	38.63	51.22			
39	20.18	27.77	87	32.22	43.91	135	38.70	51.34			
40	20.54	28.19	88	32.38	44.11	136	38.79	51.44			
41	20.87	28.52	89	32.55	44.27	137	38.85	51.53			
42	21.14	29.00	90	32.70	44.50	138	38.97	51.64			
43	21.48	29.57	91	32.91	44.68	139	39.05	51.69			
44	21.82	30.01	92	33.07	44.81	140	39.17	51.80			
45	22.07	30.42	93	33.22	44.99	141	39.25	51.87			
46	22.41	30.84	94	33.43	45.22	142	39.33	52.00			
47	22.72	31.33	95	33.55	45.46	143	39.41	52.06			
48	**23.06**	**31.79**	**96**	**33.67**	**45.58**	**144**	**39.50**	**52.07**			

Percentage not recidivating within 14 years:

First-Timers	Second-Timers
58.80	46.08

Number of violators on which percentages are based:

First-Timers	Second-Timers
17,510	6,942

TABLE 4.05

RECIDIVISM AMONG COHORTS OF FIRST-TIME VIOLATORS, 1990 - 2003: CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION

Months Elapsed	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
1	0.78	0.69	0.59	0.65	0.67	0.67	0.67	0.74	0.71	0.70	0.56	0.59	0.54	0.59
2	1.31	1.43	1.12	1.29	1.29	1.34	1.34	1.38	1.35	1.26	1.17	1.20	1.05	1.13
3	2.08	2.05	1.80	1.94	1.90	2.05	1.90	2.10	1.99	1.89	1.75	1.79	1.58	1.80
4	2.66	2.76	2.44	2.48	2.51	2.70	2.52	2.53	2.43	2.44	2.32	2.31	2.13	2.29
5	3.39	3.46	2.97	2.95	3.21	3.24	3.08	3.07	3.05	3.06	2.82	2.91	2.61	2.73
6	3.97	4.10	3.60	3.57	3.77	3.91	3.61	3.67	3.62	3.69	3.34	3.43	3.16	3.29
7	4.64	4.66	4.23	4.13	4.44	4.52	4.18	4.29	4.16	4.31	3.97	3.97	3.77	3.99
8	5.31	5.14	4.93	4.69	4.94	5.10	4.74	4.80	4.69	4.86	4.49	4.53	4.25	4.47
9	5.98	5.73	5.48	5.29	5.58	5.62	5.31	5.34	5.27	5.44	5.05	5.07	4.81	4.97
10	6.54	6.34	6.04	5.93	6.19	6.19	5.90	5.92	5.87	6.14	5.71	5.60	5.32	5.46
11	7.17	6.90	6.71	6.47	6.67	6.75	6.42	6.49	6.43	6.75	6.27	6.09	5.91	6.00
12	**7.80**	**7.56**	**7.23**	**7.08**	**7.26**	**7.32**	**7.07**	**7.06**	**7.02**	**7.35**	**6.88**	**6.51**	**6.41**	**6.39**
13	8.44	8.01	7.72	7.72	7.86	7.85	7.58	7.52	7.63	7.91	7.32	7.02	6.92	
14	9.05	8.54	8.27	8.26	8.44	8.45	8.14	8.11	8.13	8.47	7.87	7.57	7.41	
15	9.67	9.09	8.81	8.76	8.95	8.92	8.66	8.76	8.66	8.96	8.41	8.02	7.85	
16	10.21	9.57	9.29	9.33	9.41	9.44	9.19	9.32	9.20	9.46	8.81	8.52	8.31	
17	10.76	10.06	9.80	9.76	9.78	10.01	9.67	9.83	9.85	10.00	9.39	9.07	8.82	
18	11.31	10.53	10.37	10.24	10.29	10.48	10.20	10.41	10.32	10.57	9.86	9.54	9.29	
19	11.78	11.02	10.85	10.77	10.80	10.98	10.79	10.86	10.85	11.01	10.30	10.02	9.75	
20	12.35	11.51	11.29	11.23	11.27	11.47	11.30	11.28	11.36	11.45	10.69	10.49	10.08	
21	12.88	12.06	11.73	11.69	11.76	11.96	11.73	11.84	11.83	11.86	11.16	10.91	10.59	
22	13.44	12.48	12.24	12.06	12.19	12.37	12.16	12.30	12.35	12.45	11.69	11.27	11.12	
23	13.91	13.03	12.70	12.59	12.64	12.80	12.65	12.68	12.93	13.02	12.27	11.73	11.59	
24	**14.47**	**13.54**	**13.16**	**13.08**	**13.14**	**13.24**	**13.10**	**13.09**	**13.35**	**13.43**	**12.68**	**12.17**	**12.08**	
25	14.94	13.89	13.60	13.57	13.68	13.70	13.48	13.55	13.86	13.90	13.05	12.58		
26	15.37	14.35	14.03	13.94	14.15	14.11	13.93	14.07	14.26	14.38	13.51	13.03		
27	15.79	14.79	14.48	14.35	14.57	14.63	14.35	14.51	14.71	14.78	13.88	13.38		
28	16.25	15.19	14.90	14.72	15.09	15.10	14.75	14.96	15.16	15.15	14.20	13.78		
29	16.57	15.51	15.41	15.15	15.50	15.54	15.19	15.34	15.54	15.58	14.59	14.14		
30	16.90	16.00	15.89	15.54	15.98	15.99	15.64	15.83	16.01	16.01	15.02	14.53		
31	17.29	16.41	16.26	15.88	16.33	16.33	16.02	16.22	16.40	16.35	15.41	14.87		
32	17.77	16.71	16.66	16.32	16.72	16.76	16.44	16.63	16.73	16.69	15.70	15.30		
33	18.06	17.12	16.96	16.71	17.17	17.22	16.76	17.05	17.06	17.05	16.03	15.65		
34	18.45	17.43	17.29	17.13	17.60	17.58	17.13	17.45	17.36	17.38	16.31	16.15		
35	18.80	17.87	17.65	17.53	17.93	18.03	17.60	17.78	17.79	17.73	16.67	16.54		
36	**19.20**	**18.28**	**18.05**	**17.84**	**18.31**	**18.41**	**18.12**	**18.10**	**18.21**	**18.08**	**17.03**	**16.88**		
37	19.54	18.69	18.54	18.16	18.60	18.84	18.54	18.57	18.57	18.46	17.37			
38	19.85	19.04	18.91	18.56	18.95	19.24	18.92	18.93	18.92	18.84	17.62			
39	20.18	19.48	19.29	18.92	19.27	19.56	19.31	19.26	19.28	19.24	17.95			
40	20.54	19.76	19.65	19.27	19.57	19.85	19.67	19.64	19.68	19.62	18.32			
41	20.87	20.05	20.00	19.67	19.84	20.22	20.05	19.99	19.94	19.98	18.68			
42	21.14	20.36	20.32	19.98	20.10	20.59	20.54	20.37	20.24	20.27	19.06			
43	21.48	20.65	20.63	20.31	20.46	20.99	20.88	20.72	20.53	20.53	19.35			
44	21.82	20.91	21.02	20.58	20.72	21.33	21.23	21.03	20.83	20.83	19.59			
45	22.07	21.23	21.28	20.83	20.99	21.64	21.59	21.39	21.14	21.18	19.85			
46	22.41	21.52	21.64	21.12	21.31	21.96	21.85	21.74	21.47	21.50	20.17			
47	22.72	21.90	21.91	21.34	21.66	22.31	22.15	22.07	21.70	21.82	20.46			
48	**23.06**	**22.19**	**22.23**	**21.59**	**22.03**	**22.61**	**22.50**	**22.39**	**21.95**	**22.15**	**20.75**			
Percentage not recidivating within 48 months:														
	76.94	77.81	77.77	78.41	77.97	77.39	77.50	77.61	78.05	77.85	79.25			
Persons in cohort (number on which percents based)														
	17,510	14,994	13,988	13,468	13,503	14,082	14,491	14,971	15,906	17,216	1,065	17,509	17,729	17,573
Average age in cohort														
	29.9	30.4	30.6	31.0	31.4	31.4	31.3	31.6	31.3	30.8	30.9	30.8	30.7	30.3

TABLE 4.06

RECIDIVISM AMONG COHORTS OF SECOND-TIME VIOLATORS, 1990 - 2003: CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION

Months Elapsed	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
1	1.20	1.21	0.93	0.98	1.18	0.99	1.11	1.08	0.67	0.69	0.72	0.52	0.67	0.72
2	2.26	1.98	1.69	1.92	2.00	1.73	2.13	2.18	1.29	1.39	1.43	1.06	1.14	1.22
3	3.13	2.82	2.54	3.01	3.00	2.62	3.18	3.21	1.82	2.00	1.95	1.48	1.62	1.65
4	3.96	3.64	3.27	3.70	3.58	3.60	3.95	3.89	2.41	2.60	2.49	1.85	2.01	2.16
5	4.93	4.49	4.09	4.30	4.38	4.34	4.76	4.56	3.04	3.34	3.12	2.24	2.38	2.58
6	6.05	5.30	4.92	5.06	5.00	5.03	5.53	5.41	3.61	3.90	3.55	2.63	2.82	3.02
7	6.89	6.27	5.45	5.80	5.80	5.75	6.03	6.11	4.16	4.57	4.10	3.16	3.34	3.37
8	7.65	6.93	6.10	6.53	6.31	6.29	6.45	6.74	4.81	5.23	4.47	3.65	3.62	3.71
9	8.50	7.93	6.85	7.43	7.01	6.99	6.90	7.36	5.37	5.81	4.89	4.21	4.15	4.31
10	9.28	8.76	7.76	7.98	7.46	7.80	7.65	8.05	6.06	6.31	5.64	4.68	4.76	4.90
11	10.03	9.47	8.42	8.64	8.10	8.42	8.26	8.52	6.70	6.79	6.22	5.15	5.27	5.47
12	**10.86**	**10.15**	**9.12**	**9.36**	**8.70**	**9.07**	**8.96**	**9.12**	**7.23**	**7.51**	**6.93**	**5.83**	**5.71**	**5.98**
13	11.67	10.91	9.95	10.05	9.42	9.89	9.71	9.82	7.86	8.05	7.79	6.31	6.29	
14	12.45	11.87	10.86	10.76	10.15	10.53	10.31	10.57	8.42	8.54	8.51	6.78	6.86	
15	13.08	12.71	11.49	11.49	10.89	11.13	10.77	11.23	9.22	9.20	9.17	7.29	7.31	
16	13.81	13.37	12.20	12.25	11.45	11.65	11.35	11.63	9.91	9.96	9.71	7.90	7.77	
17	14.49	14.06	12.86	12.83	11.91	12.24	12.09	12.27	10.47	10.65	10.23	8.48	8.31	
18	15.00	14.68	13.49	13.47	12.46	12.93	12.78	12.74	11.17	11.39	10.89	9.08	8.91	
19	15.74	15.43	14.04	14.25	13.17	13.41	13.28	13.38	11.97	11.88	11.55	9.72	9.62	
20	16.29	15.93	14.82	14.98	14.08	14.25	14.02	14.08	12.56	12.68	12.18	10.34	10.23	
21	16.88	16.72	15.43	15.56	14.74	14.89	14.53	14.66	13.14	13.18	12.94	10.72	10.67	
22	17.60	17.17	16.05	16.22	15.36	15.69	15.20	15.36	13.73	13.64	13.50	11.16	11.08	
23	18.38	17.92	16.51	16.70	16.00	16.30	15.74	16.21	14.48	14.08	14.11	11.80	11.67	
24	**19.09**	**18.67**	**17.11**	**17.43**	**16.70**	**16.88**	**16.34**	**16.98**	**15.25**	**14.51**	**14.68**	**12.51**	**12.33**	
25	19.61	19.28	17.74	18.05	17.52	17.59	16.85	17.30	15.87	15.11	15.01	12.98		
26	20.53	19.90	18.42	18.59	18.26	18.09	17.36	17.97	16.48	15.74	15.54	13.53		
27	21.23	20.57	19.13	19.05	18.92	18.70	18.00	18.57	17.14	16.41	15.99	13.97		
28	21.79	21.20	19.56	19.62	19.48	19.30	18.69	19.00	17.65	16.92	16.39	14.43		
29	22.34	21.75	20.06	20.38	19.89	19.79	19.39	19.45	18.09	17.43	16.99	14.97		
30	22.67	22.12	20.60	21.07	20.46	20.47	20.08	19.97	18.67	17.81	17.46	15.51		
31	23.09	22.62	21.33	21.66	20.88	20.82	20.63	20.46	19.20	18.16	17.87	16.02		
32	23.71	23.12	21.80	22.13	21.31	21.24	21.03	20.80	19.66	18.69	18.42	16.46		
33	24.34	23.67	22.21	22.70	21.84	21.70	21.42	21.44	20.17	19.31	18.83	17.01		
34	24.92	24.20	22.81	23.30	22.40	22.45	21.99	21.93	20.68	19.65	19.13	17.35		
35	25.54	24.67	23.29	23.82	23.02	22.99	22.39	22.53	21.21	20.14	19.48	17.88		
36	**26.16**	**25.18**	**23.97**	**24.25**	**23.46**	**23.41**	**22.92**	**23.18**	**21.71**	**20.68**	**19.87**	**18.43**		
37	26.69	25.65	24.47	24.77	23.80	23.96	23.33	23.66	22.22	20.98	20.39			
38	27.24	26.13	24.98	25.32	24.48	24.36	24.05	24.19	22.57	21.37	20.90			
39	27.77	26.53	25.29	25.74	24.94	24.87	24.45	24.54	23.05	21.85	21.30			
40	28.19	27.20	25.82	26.26	25.22	25.30	24.90	24.86	23.50	22.24	21.70			
41	28.52	27.89	26.31	26.71	25.63	25.74	25.33	25.24	24.01	22.76	22.18			
42	29.00	28.36	26.82	27.15	26.19	26.19	25.99	25.77	24.38	23.15	22.56			
43	29.57	28.76	27.33	27.72	26.68	26.71	26.37	26.02	24.81	23.58	22.98			
44	30.01	29.10	27.88	28.23	26.92	27.15	26.79	26.36	25.16	23.94	23.38			
45	30.42	29.56	28.39	28.55	27.50	27.80	27.21	26.65	25.45	24.30	23.74			
46	30.84	30.00	29.04	29.02	28.03	28.14	27.73	27.03	25.67	24.63	24.14			
47	31.33	30.35	29.49	29.30	28.51	28.57	28.11	27.35	26.15	25.02	24.46			
48	**31.79**	**30.72**	**29.90**	**29.73**	**28.97**	**28.96**	**28.58**	**27.78**	**26.49**	**25.26**	**24.76**			
Percentage not recidivating within 48 months:														
	68.21	69.28	70.10	70.27	71.03	71.04	71.42	72.22	73.51	74.74	75.24			
Persons in cohort (number on which percents based)														
	6,942	6,207	6,033	5,789	5,861	5,964	5,972	6,138	6,256	6,955	6,980	6,772	6,676	6,656
Average age in cohort														
	30.6	31.1	31.4	31.9	32.4	32.9	33.2	33.7	33.6	33.5	33.4	33.3	33.6	33.4

TABLE 4.07

RECIDIVISM AMONG COHORTS OF THIRD-TIME VIOLATORS, 1990 - 2003: CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION

Months Elapsed	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
1	1.59	1.30	1.30	1.56	1.36	1.36	1.14	1.48	1.32	0.61	0.77	0.61	0.55	0.66
2	2.83	2.31	2.32	2.62	2.48	2.38	1.87	2.42	1.84	1.33	1.27	1.28	1.19	1.25
3	4.04	3.29	3.23	3.96	3.47	3.65	2.72	3.59	2.67	2.11	1.92	1.98	1.77	1.84
4	5.12	4.21	3.95	4.73	3.81	4.46	3.54	4.32	3.31	2.34	2.60	2.37	2.05	2.20
5	5.87	5.16	4.76	5.52	4.70	4.98	4.27	4.83	3.84	2.77	3.16	2.74	2.54	2.63
6	6.46	5.77	5.52	6.53	5.35	5.60	4.74	5.23	4.45	3.15	3.66	2.98	3.08	2.99
7	7.14	6.61	6.24	7.23	5.88	6.34	5.41	5.74	5.03	3.53	4.28	3.32	3.34	3.25
8	7.92	7.24	6.87	8.05	6.31	6.87	5.99	6.34	5.46	4.08	4.64	3.93	3.72	3.68
9	8.65	7.82	7.63	8.39	6.84	7.37	6.61	7.10	5.95	4.48	5.23	4.41	4.21	4.21
10	9.64	8.62	8.17	9.18	7.52	7.95	7.08	7.91	6.41	4.97	5.85	4.78	4.56	4.53
11	10.23	9.46	8.74	9.94	8.29	8.54	7.72	8.37	6.93	5.55	6.29	5.20	4.91	4.80
12	**10.75**	**10.35**	**9.38**	**10.64**	**8.94**	**9.07**	**8.48**	**9.00**	**7.46**	**6.04**	**6.86**	**5.84**	**5.14**	**5.09**
13	11.31	10.79	10.04	11.25	9.59	9.56	8.98	9.60	7.89	6.50	7.42	6.24	5.52	
14	12.09	11.42	10.61	11.83	10.27	10.31	9.62	10.06	8.59	6.88	7.92	6.66	5.84	
15	12.63	12.03	11.37	12.66	10.71	10.77	10.20	10.78	9.02	7.46	8.36	7.36	6.48	
16	13.47	12.49	11.91	13.45	11.26	11.39	10.85	11.24	9.42	7.92	8.87	7.97	6.84	
17	14.46	13.24	12.57	14.12	11.70	11.92	11.52	11.90	9.91	8.35	9.49	8.19	7.45	
18	15.22	13.99	13.26	14.67	12.25	12.53	11.99	12.32	10.49	9.02	10.02	8.64	7.96	
19	15.78	14.62	13.96	15.49	12.84	13.43	12.66	12.96	10.95	9.54	10.55	9.04	8.44	
20	16.19	15.20	14.59	15.98	13.37	14.14	13.16	13.62	11.41	10.09	11.08	9.74	9.15	
21	16.83	16.15	15.28	16.44	14.05	14.55	13.71	14.26	11.94	10.78	11.64	10.10	9.50	
22	17.26	16.96	15.89	16.86	14.57	14.95	14.65	14.92	12.58	11.39	12.26	10.38	9.98	
23	17.94	17.62	16.43	17.51	15.07	15.69	15.09	15.40	12.95	11.88	12.94	10.77	10.59	
24	**18.50**	**18.06**	**17.09**	**17.99**	**15.53**	**16.09**	**15.53**	**15.95**	**13.47**	**12.51**	**13.36**	**11.02**	**10.98**	
25	19.31	18.60	17.70	18.45	16.12	16.71	16.05	16.55	13.93	13.06	13.80	11.47		
26	20.17	19.41	18.12	18.82	16.83	17.46	16.49	17.00	14.42	13.55	14.15	11.84		
27	20.79	20.02	18.93	19.34	17.36	18.01	16.96	17.58	14.79	14.08	14.48	12.42		
28	21.36	20.51	19.60	19.88	17.79	18.42	17.34	18.30	15.22	14.48	15.01	12.99		
29	21.79	21.00	19.96	20.31	18.47	18.72	17.78	18.79	15.96	15.17	15.40	13.39		
30	22.65	21.52	20.62	21.07	18.94	19.31	18.39	19.21	16.32	15.64	15.75	13.85		
31	22.87	21.89	20.89	21.53	19.59	19.93	19.18	19.69	16.72	16.13	16.19	14.24		
32	23.46	22.24	21.22	22.02	20.17	20.43	19.44	20.36	17.40	16.65	16.37	14.70		
33	24.05	22.82	21.68	22.66	20.64	20.92	20.09	20.72	17.86	17.02	16.96	15.03		
34	24.51	23.19	22.07	23.06	21.07	21.42	20.44	21.17	18.17	17.54	17.35	15.61		
35	25.02	23.77	22.70	23.45	21.66	21.97	21.08	21.69	18.78	18.01	17.85	16.01		
36	**25.42**	**24.26**	**23.27**	**23.85**	**22.28**	**22.44**	**21.43**	**22.26**	**19.15**	**18.24**	**18.14**	**16.28**		
37	25.91	24.69	23.76	24.40	22.52	22.87	21.81	22.68	19.58	18.79	18.53			
38	26.47	25.47	24.15	24.86	22.90	23.34	22.25	23.10	19.88	19.54	18.91			
39	26.96	25.81	24.75	25.22	23.36	23.83	22.60	23.59	20.16	20.06	19.36			
40	27.50	26.16	25.23	25.80	23.67	24.42	23.07	23.92	20.62	20.46	19.86			
41	27.96	26.74	25.90	26.35	24.20	24.95	23.57	24.43	21.26	20.81	20.30			
42	28.31	27.23	26.29	26.78	24.75	25.47	24.01	24.77	21.76	21.27	20.72			
43	28.82	27.75	26.98	27.11	25.12	25.78	24.47	25.19	22.09	21.71	20.95			
44	29.54	28.24	27.43	27.54	25.68	26.12	24.88	25.88	22.46	21.97	21.25			
45	29.89	28.44	27.83	28.06	26.05	26.68	25.18	26.22	22.58	22.43	21.63			
46	30.22	28.76	28.22	28.45	26.36	27.30	25.70	26.88	22.98	22.66	22.02			
47	30.49	29.22	28.67	29.06	26.55	27.70	25.96	27.15	23.29	22.86	22.46			
48	**30.86**	**29.48**	**29.03**	**29.55**	**27.04**	**28.10**	**26.23**	**27.51**	**23.75**	**23.24**	**22.75**			
Percentage not recidivating within 48 months:														
	69.14	70.52	70.97	70.45	72.96	71.90	73.77	72.49	76.25	76.76	77.25			
Persons in cohort (number on which percents based)														
	3,713	3.467	3,317	3,279	3,232	3,231	3,420	3,311	3,259	3,460	3,384	3,286	3,115	3,043
Average age in cohort														
	32.8	32.6	33.2	33.6	34.4	34.7	34.9	35.6	35.9	36.3	36.2	36.4	36.8	36.9

V. ALCOHOL-RELATED CRASH STATISTICS BY COUNTY

A century of impaired driving and traffic deaths

The automobile was invented around 1900, and the dangerousness of drinking and driving were recognized almost immediately. The earliest available statistics report 23 traffic deaths in Minnesota in 1910. The state enacted its first DWI law in 1911. Studies in the 1950s and 1960s suggested that half or more of all traffic deaths were due to drinking and driving. That percentage probably increased even more during the 1960s and 1970s, as the baby-boom generation entered driving age. 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 $50.00 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,[*] 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.

"Known" versus "estimated" alcohol-related deaths

State law requires a medical examiner to measure the AC 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 who may have been tested.

Clearly, if a state tests a smaller percentage of drivers, then fewer crashes will be classified as alcohol-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 less good programs.

To compensate for this, the National Highway Traffic Safety Administration developed a sophisticated technique for imputing likely AC test values to a driver when the actual AC is unknown. Though such a procedure might at first seem questionable, tests show that it is accurate to within about plus or minus one percentage point.[†] Thus, Table 5.02 has a column (11) showing "Known Number" of alcohol-related deaths, using actual test results and officers' reported perceptions, and a column (12) citing the "NHTSA Estimate" for Minnesota. The "estimated" number is usually 10 to 20 deaths higher than the "known" number.

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[*] 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 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.

[†] One method of testing the procedure was to apply it against datasets from which AC test results had been removed, and then compare results against actual statistics based on the removed data. The total number of deaths classified as alcohol-related, based on the imputation procedure, was within a percentage point or two of the number based on actual AC test results.

Alcohol involvement in non-fatal crashes is known to be understated

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 2004 were classified as alcohol-related or not using both techniques. Using officer perception alone, 106 (19%) of the 567 fatalities were classified as alcohol-related. Using officer perception and test results together, 177 (31%) of the 567 fatalities were classified as alcohol-related.[‡]

Crash numbers have stable magnitudes

The number of crashes that get reported has been fairly stable -- basically, between about 90,000 and 100,000 -- since 1980. About one-half of one percent (i.e., 500 to 600) 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.

As crash severity increases, impairment is more likely to have played a role

Even allowing that alcohol involvement is underestimated in the less severe crashes, there is still a strong relationship between crash severity and impairment. In 2004, 4% of property damage crashes, 9% of injury crashes, and 32% of fatal crashes were classified as alcohol-related.

County variation

On average for the whole state in 2004, 5.3% of all crashes were alcohol-related. Counties with much lower or much higher percentages than the state as a whole were not particularly concentrated in areas of the state, but appeared more spread out. Those with the lowest percentages include Freeborn, Hennepin, Jackson, McLeod, Nobles, Norman, Olmsted, Ramsey, Rock and Roseau. Those with the highest percentages of all crashes being alcohol-related include Big Stone, Cass, Chippewa, Clearwater, Grant, Lac Qui Parle, Le Seuer, Mahnomen, Murray, and Wilkin.

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."[§]

Using this approach, for example, the National Safety Council estimates costs for the 2003 calendar year as follows:

Death	$1,120,000
Incapacitating (severe) injury	$55,500
Non-incapacitating (moderate) injury	$18,200
Possible (minor) injury	$10,300
Property damage crash	$8,200

The other approach estimates the "comprehensive costs" and attempts to include "a measure of the value of lost quality of life associated with the deaths and injuries, that is, what society is willing to pay to prevent them."[**] Using that approach yields the following cost estimates for the 2003 year:

Death	$3,610,000
Incapacitating (severe) injury	$181,000
Non-incapacitating (moderate) injury	$46,200
Possible (minor) injury	$22,000

As noted, 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.

For the 2004 calendar year, the total estimated cost of the crashes classified as alcohol-related was $287,802,000.

[‡] 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.

[§] National Safety Council, 2002*: Injury Facts, 2003 Edition*: page 91.

[**] Ibid

TABLE 5.01

MINNESOTA TRAFFIC FATALITIES, 1910 - 2004

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

Figure 5.01
Minnesota Traffic Fatalities, 1910 - 2004, and
Fatality Rate Per 100 Million Vehicle Miles Traveled, 1961 - 2004

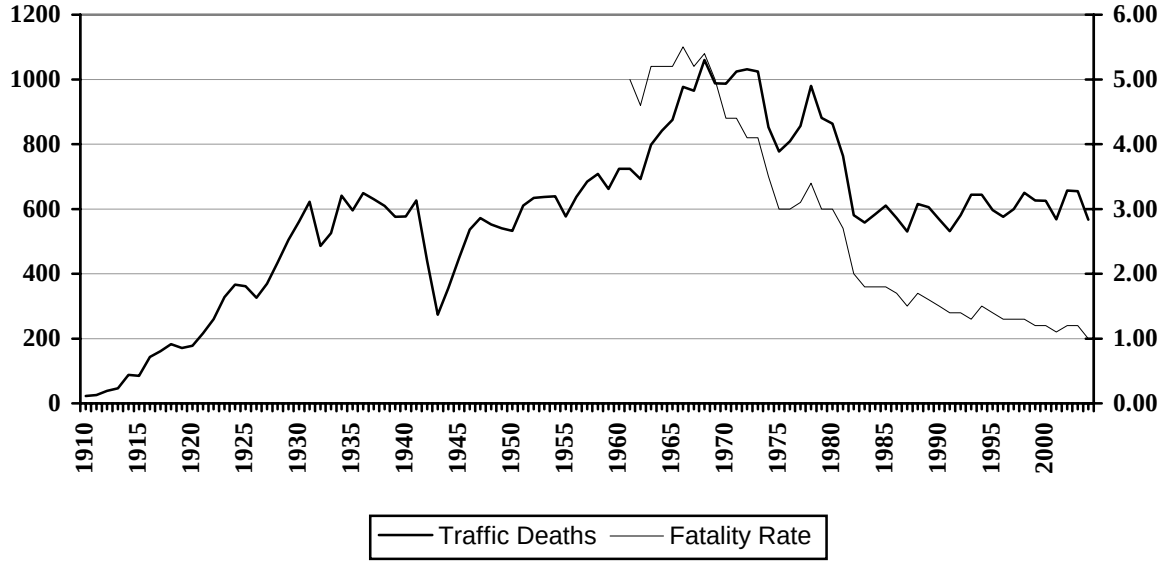

TABLE 5.02

OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1962 - 2004

Year	Total Crashes	Total Deaths	Drivers (million)	Vehicles (million)	State Popu-lation	Miles Traveled (billion)	Fatality Rate	DWI Arrests	Impaired Driving Incidents	Alcohol-Related Deaths		
										Known Number	As % of Total	NHTSA-Estimate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1962	77,646	692	1.81	1.65	3,493,000	15.1	4.6					
1963	73,567	798	1.83	1.72	3,507,000	15.3	5.2					
1964	74,289	841	1.84	1.78	3,529,000	16.2	5.2					
1965	83,329	875	1.85	1.86	3,565,000	16.8	5.2					
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				322
1983	97,371	558	2.90	3.03	4,145,667	30.5	1.83	32,155				314
1984	93,741	584	2.91	3.13	4,161,464	32.2	1.81	36,638		305	52	332
1985	99,168	610	3.04	3.22	4,192,973	33.1	1.84	35,383		261	43	287
1986	95,460	572	3.07	3.25	4,214,013	34.2	1.67	36,390		264	46	284
1987	94,095	530	3.10	3.31	4,245,870	35.1	1.51	34,664		224	42	248
1988	102,094	615	3.13	3.39	4,306,550	36.4	1.69	32,827		277	45	294
1989	105,996	605	3.16	3.46	4,353,000	37.6	1.61	34,562		275	45	289
1990	99,236	568	3.18	3.52	4,375,099	38.8	1.47		36,487	235	41	258
1991	101,419	531	3.22	3.51	4,432,000	39.3	1.35		32,430	212	40	233
1992	96,808	581	3.27	3.55	4,480,034	41.3	1.41		30,841	229	39	240
1993	100,907	538	3.28	3.48	4,517,416	42.3	1.27		30,088	196	36	216
1994	99,701	644	3.34	3.67	4,567,267	43.4	1.48		29,748	226	35	250
1995	96,022	597	3.39	3.68	4,609,548	44.1	1.35		30,402	246	41	269
1996	105,332	576	3.46	3.70	4,657,800	45.9	1.27		30,923	205	36	222
1997	98,626	600	3.49	3.77	4,685,549	46.9	1.28		31,380	178	30	197
1998	92,926	650	3.53	3.90	4,735,830	48.5	1.34		32,422	273	42	285
1999	96,813	626	3.54	3.92	4,775,508	50.7	1.24		34,575	195	31	206
2000	103,591	625	3.65	4.20	4,919,479	52.4	1.19		35,034	245	39	258
2001	98,984	568	3.69	4.38	4,977,976	53.2	1.07		33,532	211	37	226
2002	94,969	657	3.76	4.49	5,033,661	54.4	1.21		33,163	239	36	255
2003	NA	655	3.79	4.56	5,088,006	55.4	1.18		32,266	255	39	267
2004	91,274	567	3.85	4.63	5,145,097	56.5	1.00		34,202	177	31	184

TABLE 5.03

TRAFFIC CRASHES, FATALITIES, AND INJURIES -- TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2004

COUNTY	TRAFFIC CRASHES												PERSONS KILLED OR INJURED					
	FATAL CRASHES			INJURY CRASHES			PROPERTY DAMAGE ONLY CRASHES			TOTAL CRASHES			KILLED			INJURED		
	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Aitkin	10	1	10.0	90	21	23.3	197	8	4.1	297	30	10.1	10	1	10.0	145	27	18.6
Anoka	27	8	29.6	1,522	99	6.5	2,726	109	4.0	4,275	216	5.1	28	8	28.6	2,191	150	6.8
Becker	4	4	100	168	22	13.1	215	7	3.3	387	33	8.5	4	4	100	272	46	16.9
Beltrami	6	3	50.0	232	41	17.7	507	16	3.2	745	60	8.1	7	3	42.9	370	69	18.6
Benton	5	2	40.0	203	22	10.8	370	15	4.1	578	39	6.7	5	2	40.0	302	30	9.9
Big Stone	2	2	100	32	9	28.1	51	3	5.9	85	14	16.5	4	4	100	52	16	30.8
Blue Earth	6	0	0.0	373	34	9.1	945	33	3.5	1,324	67	5.1	7	0	0.0	547	47	8.6
Brown	3	1	33.3	120	21	17.5	255	7	2.7	378	29	7.7	4	1	25.0	176	31	17.6
Carlton	6	1	16.7	141	15	10.6	248	12	4.8	395	28	7.1	7	1	14.3	207	17	8.2
Carver	4	2	50.0	382	28	7.3	848	32	3.8	1,234	62	5.0	4	2	50.0	560	36	6.4
Cass	6	3	50.0	151	36	23.8	237	12	5.1	394	51	12.9	7	3	42.9	231	58	25.1
Chippewa	2	1	50.0	70	9	12.9	63	8	12.7	135	18	13.3	3	1	33.3	108	9	8.3
Chisago	4	1	25.0	307	30	9.8	556	15	2.7	867	46	5.3	4	1	25.0	447	41	9.2
Clay	6	1	16.7	225	19	8.4	631	30	4.8	862	50	5.8	7	1	14.3	324	34	10.5
Clearwater	2	2	100	33	5	15.2	39	1	2.6	74	8	10.8	2	2	100	48	9	18.8
Cook	0	0	0.0	28	4	14.3	88	5	5.7	116	9	7.8	0	0	0.0	37	7	18.9
Cottonwood	3	0	0.0	40	4	10.0	85	2	2.4	128	6	4.7	3	0	0.0	66	6	9.1
Crow Wing	6	2	33.3	372	40	10.8	781	25	3.2	1,159	67	5.8	6	2	33.3	533	63	11.8
Dakota	29	6	20.7	1,791	123	6.9	3,678	137	3.7	5,498	266	4.8	33	8	24.2	2,557	175	6.8
Dodge	4	1	25.0	83	10	12.0	139	3	2.2	226	14	6.2	4	1	25.0	138	16	11.6
Douglas	9	4	44.4	230	23	10.0	521	24	4.6	760	51	6.7	11	5	45.5	346	41	11.8
Faribault	0	0	0.0	73	13	17.8	118	3	2.5	191	16	8.4	0	0	0.0	132	20	15.2
Fillmore	3	1	33.3	88	15	17.0	207	13	6.3	298	29	9.7	4	2	50.0	121	17	14.0
Freeborn	9	4	44.4	194	12	6.2	506	14	2.8	709	30	4.2	9	4	44.4	292	20	6.8
Goodhue	4	2	50.0	275	22	8.0	710	31	4.4	989	55	5.6	4	2	50.0	381	30	7.9
Grant	2	0	0.0	32	7	21.9	45	2	4.4	79	9	11.4	2	0	0.0	38	8	21.1
Hennepin	48	18	37.5	7,585	535	7.1	17,607	563	3.2	25,240	1,116	4.4	48	18	37.5	10,448	750	7.2
Houston	4	1	25.0	89	19	21.3	237	11	4.6	330	31	9.4	4	1	25.0	122	25	20.5
Hubbard	6	2	33.3	80	8	10.0	162	8	4.9	248	18	7.3	6	2	33.3	123	18	14.6
Isanti	4	3	75.0	184	17	9.2	393	8	2.0	581	28	4.8	4	3	75.0	271	26	9.6
Itasca	8	1	12.5	263	34	12.9	458	24	5.2	729	59	8.1	10	1	10.0	406	52	12.8
Jackson	0	0	0.0	66	3	4.5	111	4	3.6	177	7	4.0	0	0	0.0	96	3	3.1
Kanabec	4	2	50.0	75	9	12.0	122	3	2.5	201	14	7.0	4	2	50.0	131	18	13.7
Kandiyohi	12	3	25.0	239	29	12.1	486	15	3.1	737	47	6.4	14	3	21.4	366	48	13.1
Kittson	1	0	0.0	12	2	16.7	30	1	3.3	43	3	7.0	1	0	0.0	16	3	18.8
Koochiching	2	1	50.0	57	9	15.8	115	3	2.6	174	13	7.5	3	1	33.3	84	16	19.0
Lac Qui Parle	2	1	50.0	19	4	21.1	39	3	7.7	60	8	13.3	2	1	50.0	30	6	20.0
Lake	2	1	50.0	55	6	10.9	141	5	3.5	198	12	6.1	3	2	66.7	77	7	9.1
Lake of the Wds	0	0	0.0	16	4	25.0	52	2	3.8	68	6	8.8	0	0	0.0	22	7	31.8
Le Sueur	3	1	33.3	149	31	20.8	321	21	6.5	473	53	11.2	3	1	33.3	216	47	21.8
Lincoln	1	1	100	24	6	25.0	68	0	0.0	93	7	7.5	1	1	100	31	9	29.0
Lyon	4	0	0.0	101	14	13.9	247	7	2.8	352	21	6.0	6	0	0.0	144	15	10.4
McLeod	2	0	0.0	171	8	4.7	427	12	2.8	600	20	3.3	2	0	0.0	267	17	6.4
Mahnomen	1	1	100	20	4	20.0	42	5	11.9	63	10	15.9	1	1	100	37	5	13.5
Marshall	0	0	0.0	28	3	10.7	35	1	2.9	63	4	6.3	0	0	0.0	43	3	7.0

TABLE 5.03 (Continued)

TRAFFIC CRASHES, FATALITIES, AND INJURIES -- TOTAL AND ALCOHOL-RELATED

BY COUNTY IN MINNESOTA, 2004

	TRAFFIC CRASHES												PERSONS KILLED OR INJURED					
	FATAL CRASHES			INJURY CRASHES			PROPERTY DAMAGE ONLY CRASHES			TOTAL CRASHES			KILLED			INJURED		
COUNTY	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc	All	Alco-hol	% Alc
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Martin	5	2	40.0	100	10	10.0	199	6	3.0	304	18	5.9	5	2	40.0	147	13	8.8
Meeker	4	1	25.0	104	15	14.4	186	5	2.7	294	21	7.1	4	1	25.0	156	17	10.9
Mille Lacs	6	5	83.3	156	20	12.8	263	16	6.1	425	41	9.6	7	6	85.7	240	30	12.5
Morrison	12	4	33.3	120	9	7.5	289	22	7.6	421	35	8.3	13	4	30.8	187	18	9.6
Mower	1	0	0.0	178	15	8.4	491	17	3.5	670	32	4.8	1	0	0.0	238	22	9.2
Murray	2	1	50.0	33	7	21.2	58	2	3.4	93	10	10.8	2	1	50.0	47	11	23.4
Nicollet	0	0	0.0	129	16	12.4	332	16	4.8	461	32	6.9	0	0	0.0	172	20	11.6
Nobles	3	1	33.3	91	4	4.4	238	3	1.3	332	8	2.4	4	1	25.0	130	4	3.1
Norman	2	0	0.0	27	2	7.4	63	1	1.6	92	3	3.3	2	0	0.0	51	2	3.9
Olmsted	15	6	40.0	873	42	4.8	1,611	57	3.5	2,499	105	4.2	15	6	40.0	1,215	66	5.4
Otter Tail	8	4	50.0	291	37	12.7	525	17	3.2	824	58	7.0	9	4	44.4	430	54	12.6
Pennington	4	0	0.0	63	8	12.7	121	7	5.8	188	15	8.0	4	0	0.0	92	15	16.3
Pine	5	2	40.0	167	22	13.2	240	9	3.8	412	33	8.0	7	2	28.6	259	33	12.7
Pipestone	4	1	25.0	39	6	15.4	51	0	0.0	94	7	7.4	4	1	25.0	68	7	10.3
Polk	3	2	66.7	127	13	10.2	274	14	5.1	404	29	7.2	7	4	57.1	183	16	8.7
Pope	3	1	33.3	44	5	11.4	66	4	6.1	113	10	8.8	3	1	33.3	68	8	11.8
Ramsey	21	9	42.9	3,216	239	7.4	9,824	286	2.9	13,061	534	4.1	22	10	45.5	4,420	324	7.3
Red Lake	1	1	100	14	1	7.1	31	1	3.2	46	3	6.5	1	1	100	19	2	10.5
Redwood	0	0	0.0	80	10	12.5	120	3	2.5	200	13	6.5	0	0	0.0	121	17	14.0
Renville	4	2	50.0	59	4	6.8	92	10	10.9	155	16	10.3	4	2	50.0	99	6	6.1
Rice	8	2	25.0	318	33	10.4	662	19	2.9	988	54	5.5	9	2	22.2	439	44	10.0
Rock	2	0	0.0	48	6	12.5	149	2	1.3	199	8	4.0	2	0	0.0	71	12	16.9
Roseau	2	0	0.0	45	3	6.7	113	4	3.5	160	7	4.4	2	0	0.0	70	3	4.3
St. Louis	20	6	30.0	944	112	11.9	1,589	65	4.1	2,553	183	7.2	21	6	28.6	1,384	154	11.1
Scott	17	3	17.6	468	53	11.3	901	36	4.0	1,386	92	6.6	19	3	15.8	718	89	12.4
Sherburne	14	3	21.4	396	56	14.1	932	30	3.2	1,342	89	6.6	14	3	21.4	612	86	14.1
Sibley	1	0	0.0	66	8	12.1	129	7	5.4	196	15	7.7	1	0	0.0	89	10	11.2
Stearns	18	5	27.8	861	61	7.1	1,407	54	3.8	2,286	120	5.2	20	6	30.0	1,214	81	6.7
Steele	10	0	0.0	173	17	9.8	593	20	3.4	776	37	4.8	12	0	0.0	271	24	8.9
Stevens	1	0	0.0	23	2	8.7	74	4	5.4	98	6	6.1	1	0	0.0	36	3	8.3
Swift	1	0	0.0	34	6	17.6	60	0	0.0	95	6	6.3	1	0	0.0	45	6	13.3
Todd	9	4	44.4	115	13	11.3	192	3	1.6	316	20	6.3	11	5	45.5	184	20	10.9
Traverse	0	0	0.0	7	2	28.6	17	0	0.0	24	2	8.3	0	0	0.0	9	3	33.3
Wabasha	2	1	50.0	111	11	9.9	227	6	2.6	340	18	5.3	2	1	50.0	155	12	7.7
Wadena	1	0	0.0	64	12	18.8	104	3	2.9	169	15	8.9	1	0	0.0	79	15	19.0
Waseca	1	0	0.0	89	9	10.1	153	5	3.3	243	14	5.8	1	0	0.0	123	12	9.8
Washington	18	7	38.9	956	72	7.5	2,392	74	3.1	3,366	153	4.5	18	7	38.9	1,321	106	8.0
Watonwan	4	0	0.0	32	11	34.4	109	2	1.8	145	13	9.0	4	0	0.0	45	13	28.9
Wilkin	1	0	0.0	39	13	33.3	94	2	2.1	134	15	11.2	1	0	0.0	52	14	26.9
Winona	6	0	0.0	275	28	10.2	757	22	2.9	1,038	50	4.8	6	0	0.0	369	33	8.9
Wright	14	3	21.4	555	59	10.6	1,021	47	4.6	1,590	109	6.9	15	3	20.0	814	86	10.6
Yellow Med	1	0	0.0	43	8	18.6	72	3	4.2	116	11	9.5	1	0	0.0	68	12	17.6
Unknown	0	0	0.0	5	1	20.0	8	0	0.0	13	1	7.7	0	0	0.0	12	1	8.3
Minnesota	520	164	31.5	28,066	2510	8.9	62,688	2,167	3.5	91,274	4,841	5.3	567	177	31.2	40,073	3,622	9.0

TABLE 5.04

COST OF ALCOHOL-RELATED TRAFFIC CRASHES, FATALITIES, AND INJURIES, BY COUNTY, 2004

Aitkin	$ 1,778,800	Itasca	2,262,300	Pope	1,341,400
Anoka	13,024,300	Jackson	124,700	Ramsey	19,222,400
Becker	5,411,000	Kanabec	2,701,900	Red Lake	1,156,700
Beltrami	4,847,900	Kandiyohi	4,561,500	Redwood	420,000
Benton	2,955,500	Kittson	92,200	Renville	2,452,700
Big Stone	4,740,500	Koochiching	1,529,700	Rice	3,248,800
Blue Earth	1,372,600	Lac Qui Parle	1,365,700	Rock	285,700
Brown	1,900,000	Lake	2,422,000	Roseau	63,700
Carlton	1,682,700	Lake of the Woods	112,200	St. Louis	10,274,700
Carver	3,305,900	Le Sueur	2,199,800	Scott	5,241,600
Cass	4,738,200	Lincoln	1,379,900	Sherburne	5,250,600
Chippewa	1,347,200	Lyon	357,600	Sibley	364,900
Chisago	1,972,500	McLeod	403,400	Stearns	9,113,100
Clay	2,209,900	Mahnomen	1,236,200	Steele	519,600
Clearwater	2,470,800	Marshall	54,900	Stevens	124,700
Cook	309,700	Martin	2,537,200	Swift	109,200
Cottonwood	131,300	Meeker	1,558,600	Todd	6,074,600
Crow Wing	3,639,400	Mille Lacs	7,451,600	Traverse	38,800
Dakota	13,301,200	Morrison	5,262,700	Wabasha	1,356,000
Dodge	1,545,500	Mower	490,200	Wadena	370,000
Douglas	6,593,000	Murray	1,395,400	Waseca	384,900
Faribault	384,200	Nicollet	498,700	Washington	10,508,900
Fillmore	2,757,800	Nobles	1,201,600	Watonwan	264,400
Freeborn	5,113,700	Norman	44,600	Wilkin	223,800
Goodhue	3,081,000	Olmsted	8,518,900	Winona	949,500
Grant	199,300	Otter Tail	5,561,800	Wright	5,420,700
Hennepin	38,303,700	Pennington	288,700	Yellow Medicine	413,700
Houston	1,741,100	Pine	3,133,800	Unknown	10,300
Hubbard	2,727,100	Pipestone	1,268,900		
Isanti	4,059,400	Polk	4,934,700	Minnesota	$ 287,802,000

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

APPENDIX

CHRONOLOGY OF MINNESOTA IMPAIRED DRIVNG 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.

Year passed	Reference number	Description of Amendment
1911	**1**	**Driving while in an intoxicated condition is defined to be a misdemeanor.**
1917	**1**	Three-month forfeiture of driver's license upon conviction for DWI.
	2	Violation of license forfeiture is defined to be a misdemeanor.
1925	**1**	**A second or subsequent DWI is raised to gross misdemeanor status.**
	2	Criminal penalty for repeat offenders shall include license revocation for three months to one year.
1927	**1**	**First DWI offense raised to gross misdemeanor status.**
	2	**Prison for all offenders.** Penalty for all offenders: prison 10 days to 1 year, plus fine of not more than $1,000, plus license revocation for not longer than two years.
1937	**1**	**All DWI offenses reduced to misdemeanor status.**
	2	**Criminal penalties reduced.** Penalty for first offense: Prison 10 to 90 days *or* fine of $10 to $100, or both. License revocation. Penalty for repeat offenders: Prison 30 to 90 days *or* fine of $25 to $100, or both. License revocation.
1939	**1**	Commissioner shall revoke offenders' driver's licenses in accordance with recommendation of the court.
1941	**1**	**90 day license revocation.** All offenders shall have driver's license revoked for not less than 90 days.
1955	**1**	**Blood alcohol concentration ("BAC") levels defined for use as evidence.** Results of chemical test for level of alcohol in the blood as measured from blood, breath, urine, or saliva specimen taken from defendant within two hours of arrest, is admissible as evidence. ▪ BAC of .000 to .049 is *prima facie* evidence of innocence. ▪ BAC of .050 to .149 is relevant, but not *prima facie*, evidence of intoxication. ▪ BAC of .150 or greater is *prima facie* evidence of intoxication.
1957	**1**	Two-hour time limit (see 1955:1) changed from two hours from time of arrest to two hours from time of offense.
	2	**License revocation reduced.** License revocation for first offenders reduced from 90 days to not less than 30 days. Penalty for a repeat offense within three years increased to prison for 10 to 90 days, *plus* license revocation for not less than 90 days.
	3	**Offense causing injury or death.** Penalty for offenders causing grievous injury or death: prison 60 to 90 days, *plus* license revocation for not less than 90 days.

1959 **1** **Open Bottle Law.**
It is a misdemeanor to have an open container of alcohol in the passenger compartment of a vehicle.

1961 **1** **Implied Consent Law.**
Under civil law, a person who drives a motor vehicle on a public roadway is deemed to have given consent to a test for blood alcohol concentration by means of testing a blood, breath, urine, or saliva specimen.

2 **Commissioner to revoke driver's license for 6 months for test refusal.**
Under the rationale provided by the new civil Implied Consent law, Commissioner shall impose a 6-month license revocation on persons who refuse to submit to evidentiary BAC test.

The Commissioner shall issue a twenty-day temporary license to give the person time to appeal, and the license revocation shall take effect at the end of twenty days, barring appeal.

3 Refusal to submit to evidentiary test shall *not* 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 "*prima facie"* evidence of intoxication (see 1955:1) shall be increased by 20%.

1967 **1** Elimination of use of saliva test to determine BAC.

2 Two-hour time limit on collection of evidence removed.

3 **BAC level of 0.10% is *prima facie* evidence of intoxication.**

- A BAC of 0.000--0.049 shall be considered *prima facie* evidence of innocence.
- A BAC of 0.055--0.099 shall be considered as relevant, but not *prima faci*e, evidence of intoxication.
- A BAC of 0.100 or greater shall be considered *prima facie* evidence of intoxication.

4 When BAC is measured by test of breath or urine, the BAC levels defined as "relevant" and "*prima facie"* evidence of intoxication (see 1967:3) shall be increased by 10%.

Late 1960s **1** **The "B-Card" restriction**
Commissioner initiates administrative policy (under authority of MS 171.04, in effect since 1957, or before) that the driver's license of a person convicted of DWI a third or subsequent time 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.

1971 **1** **Criminal *per se* law enacted.**
A BAC of .10% is defined to be illegal *per se* (in itself): If an evidentiary chemical test to determine BAC shows that one-tenth of one percent (1 part per thousand) of the driver's blood is alcohol, then the driver has committed a misdemeanor. It is not necessary to prove that the driver was "intoxicated" or impaired. The BAC of 0.10% or greater is itself a misdemeanor.

This landmark law facilitated prosecution; however, it had the unintended effect of causing the BAC level, instead of actual impairment, to become the standard for proving guilt. Drivers might be very impaired at lower BAC levels, but a BAC below 0.10% would make prosecution difficult.

2 **Preliminary breath test**.
Officer may utilize preliminary breath test to help determine if there are probable grounds for arrest and for request for the evidentiary test.

3 Test at scene of accident, upon probable cause.
When a person is involved in a traffic crash causing property damage, injury, or death, officer may, upon probable cause to suspect a violation, request preliminary and evidentiary BAC tests of person (under penalty of license revocation for refusal).

4 The *per se* illegal BAC level of 0.10% no longer has to be increased by 10% (see 1967:4) when BAC is measured through test of breath or urine specimen.

1973 **1** Maximum fine for a first offense increased to $300.00.

2 Penalty for offenders causing grievous injury or death *reduced* to prison for 60 to 90 days, *or* fine of not more than $300, or both, plus license revocation for not less than 90 days. (Prison is no longer mandated; see 1957:3.)

1976 **1** **"Administrative *per se*" law enacted.**
Important landmark: Though the District of Columbia had a similar ordinance, Minnesota is the first state to enact the now almost universal "administrative *per se*" law.

The Commissioner of Public Safety automatically imposes a 90-day license revocation on drivers found to have a BAC of 0.10% or higher. The Commissioner first issues a 20-day temporary license, during which time the driver may request a judicial hearing on the administrative revocation. (Test refusal continues to trigger a six-month license revocation; see 1961:1.)

A request for a hearing stays imposition of the revocation.

2 Commissioner may issue limited licenses to persons whose licenses were revoked under the "administrative *per se"* law.

3 **Alcohol safety programs in counties**
Counties of more than 10,000 population shall establish "Alcohol Safety Programs" to conduct alcohol problem assessments on DWI (and other) offenders. Results of assessments to be reported to the court.

The court may stay criminal penalties and require the offender to get treatment. The court may do this on the basis of the "alcohol problem assessment" report; a medical examination of the offender is no longer required.

4 If a first-time offender complies with treatment program, the commissioner may terminate the administrative *per se* revocation after 60 days.

1978 **1** **Administrative revocation expedited.**
Arresting officer shall serve as "agent of the commissioner" and shall confiscate the person's driver's license, forward it to the Commissioner, and shall a issue temporary license, valid for 30 days, to the person.

2 Person has 30 days to request a judicial hearing on the administrative revocation for test failure or test refusal. A request for a hearing stays imposition of the revocation.

3 **Concept of BAC changed to AC (alcohol concentration).**
Per se illegal levels are separately defined for alcohol concentrations in blood, breath, and urine.

4 Criminal penalties explicitly defined.

- For first offense: prison for not more than 90 days, or fine of not more than $500, or both, plus license revocation for not less than 30 days.
- Offense within 3 years of a prior offense: prison for not more than 90 days, or fine of not more than $500 (raised from $300), or both, plus revocation of not less than 90 days.
- For offenders causing bodily harm or death: prison for not more than 90 days, or fine of not more than $500, or both, plus license revocation for not less than 90 days.

5 **"Aggravated violations" raised to gross misdemeanor status.**
(An aggravated violation is the act of driving while under the influence while already under revocation for driving while under the influence.)

6 Jurisdiction for prosecuting aggravated violations transferred from county court to district court.

7 Upon conviction, court shall act for commissioner by taking person's driver's license and sending it to the commissioner, if the license has not already been taken by officer at time of arrest

8 Court shall give due consideration to alcohol problem assessment report.

9 **"B-Card restriction" upon third implied consent violation.**
Commissioner shall cancel and deny driver's license of persons having a third or subsequent *implied consent* violation until completion of rehabilitation requirements specified by the commissioner. (Licenses reinstated will include "B-card restriction." Formerly, cancellation and denial of license, and the B-card restriction upon reinstatement, was only instituted upon a third criminal conviction. See entry under "late 1960s.")

1980 **1** A request for testimony of person who performed laboratory analysis must be received at least ten days in advance of judicial hearing on administrative revocation, and, also, at least ten days in advance of trial.

1981 **1** Court may not stay imposition of the license revocation under criminal law (but may still order a limited license to be issued).

1982 **1** At a crash scene, upon probable cause, officer may arrest a person for driving while under the influence, without warrant, regardless of whether officer witnessed violation.

2 Officer no longer required to offer blood test.

3 Temporary license issued by officer at time of arrest is valid for 7 days (reduced from 30).

4 **Request for judicial hearing no longer stays revocation from taking effect.**
Defense attorneys had used the mechanism of requesting a judicial hearing on the administrative revocation as a tactic to delay and weaken the state's case.

This landmark change, whereby the hearing request no longer stays imposition of the revocation, caused hearing requests filed with Attorney General's Office to decrease from about 1,000 per month to about 100 per month.

5 Judicial hearing procedure expedited.

"The hearing shall be held at the earliest practicable data, and in any event no later than 60 days following the filing of the petition for review."

6 Administrative review of the Implied Consent revocation.
Establishes procedure, independent of judicial hearing, for administrative review (by commissioner) of administrative revocation. A request for administrative review shall not stay imposition of revocation.

7 A request for testimony of person who drew blood must be received at least ten days in advance of judicial hearing on administrative revocation, and, also, at least ten days in advance of trial.

8 Alcohol concentration test result on specimen taken within two hours of offense is deemed to be alcohol concentration at time of offense. (Ruled unconstitutional; see 1984:4)

9 Absence of alcohol concentration test shall be admissible as evidence. (Compare with 1961:3 and 1983:2.)

10 Repeat offender definition expanded.
Definition of second offender expanded to include those who had a prior conviction within 5 (increased from 3) years of current incident.

11 **Repeat offenses raised to gross misdemeanor status.**
Second offense within 5 years, and third-or-subsequent offense within ten years, raised to gross misdemeanor status.

12 Longer revocation lengths, under criminal law, upon conviction for third and subsequent 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 **Administrative revocation for test refusal increased from 6 months to 1 year.**

3 Longer revocation for juveniles.
Juveniles who refuse to take, or who take and fail, the evidentiary test shall experience the normal administrative revocation, or revocation until 18 years of age, whichever is longer.
Also, adults who had adjudications for impaired driving as juveniles may be subject to the gross misdemeanor penalties provided for repeat offenders.

4 Alcohol concentration of 0.10% or greater, as measured within 2 hours of offense, is made a criminal offense *per se*. (See 1982:8.)

1987 **1** County alcohol safety program expanded.
All counties (not just those over 10,000 population) must establish an Alcohol Safety Program (see 1976:3) for the purpose of conducting alcohol problem screenings, and for conducting comprehensive chemical use assessments on persons whom screenings show as having a possible problem. (Effective 8/1/87)

2 Violators to pay chemical use assessment fee.
All violators shall pay a $75 chemical use assessment fee. Money collected to be credited to newly created "Drinking and Driving Repeat Offense Prevention Account." (8/1/87)

3 Snowmobile operation while impaired and ATV operation while impaired made comparable to normal motor vehicle operation while impaired. (8/1/87)

1988 **1** **Mandatory License Plate Impoundment Law.**
Courts mandated to order certain repeat violators to surrender license plates for all vehicles which they own or lease. The following shall be subject to mandatory license plate impoundment:
1. A person who incurs a violation within 5 years of three prior incidents.
2. A person who incurs a violation within 10 years or four or more prior incidents.
(8/1/88)

2 Special series license plates.
"Special Series" license plates for vehicles may be issued if the violator obtains a limited license or if others in violator's household have a need to operate the vehicle whose plates have been impounded. (8/1/88)
(The "special series" plates are recognizable by officers, but not by the general public, as signifying a vehicle whose normal license plates have been impounded.)

3 Mandatory minimum criminal sentences.
Mandatory minimum sentences established for certain repeat violators (a person who incurs an offence within 5 years of a prior incident, or who incurs an offence within 10 years of two or more prior incidents): 30 days imprisonment, or 8 hours of community service for each day less than 30 days served. (8/1/88)

1989 **1** **Test refusal by repeat violators criminalized.**
It is a gross misdemeanor to refuse an alcohol test if the person has one prior incident within 5 years or two or more prior incidents within 10 years of the current incident. (8/1/89)

2 Commercial Driver License "disqualification" introduced.
The Commissioner of Public Safety shall disqualify a person from operating a commercial motor vehicle (CMV) if the person refuses an alcohol concentration test, or takes the test and has an AC of 0.04% or greater. Length of disqualification to be as follows:
First violation: 1 year.
If violation involved hazardous materials: 3 years.
If violation is a second or subsequent violation on record: 10 years.
(1/1/90)

1990 **1** **Administrative license plate impoundment law.**
Mandatory license plate impoundment (see 1988:1) changed from judicial implementation to administrative implementation (by Commissioner of Public Safety), and arresting officer shall act as agent of commissioner and impound license plates at time of arrest. (1/1/91)

2 Procedure established for administrative review of plate impoundment action. (1/1/91)

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
1. death.
2. great bodily harm.
3. substantial bodily harm (new).
4. death to an unborn child.
5. injury to an unborn child.

(8/1/90)

1991 **1** Establishes 1-year pilot program to test efficacy of ignition interlock devices. (8/1/91)

2 Counties authorized to channel offenders "considered to be of high risk to the community" into a pilot program of intensively supervised probation. (8/1/91)

1992 **1** **Any test refusal is defined to be a crime** (1/1/93).
(Previously, test refusal by a repeat violator was a crime. See 1989:1).

2 Violations triggering mandatory license plate impoundment (see 1988:1) expanded to also include:
1. any "aggravated violation" (see 1978:5).
2. any violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety. (See entry under "late 1960s.")

(1/1/93)

3 Chemical dependency assessment fee (see 1987:2), required of all violators except those determined indigent, raised from $76 to $125. (7/1/92)

4 **Vehicle Forfeiture law.**
If a person is convicted of
1. impaired driving within 5 years of 3 prior incidents, or
2. impaired driving within 10 years of four or more prior incidents, or
3. aggravated impaired driving, or
4. any violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety,

then the vehicle used in the offense is subject to impoundment and forfeiture. (1/1/93)

5 **"Hard revocation" periods established.**
A person shall not be eligible to obtain a "limited license" for a certain length of time (-- the "hard" period of the revocation). The hard periods are as follows:

- for a first incident: 15 days.
- for a subsequent incident: 90 days.
- for a test refusal: 180 days.

(1/1/93)

6 Recidivism problem study commission established.
"Commission on Confinement and Treatment of DWI Recidivists." (1/1/93)

7 Test may be compelled in event of CVO.
Test for alcohol and/or controlled substances may be compelled (by force if necessary) if there is probable cause to suspect criminal vehicular operation.

Since 1961, an officer may "require" a test, but a person might refuse (triggering license revocation). Now, in the event of suspected CVO, officer may require, and compel by force if necessary, the test. (1/1/93)

1993 **1** **"Not-a-Drop" law enacted.**
Upon notification by a court that a person under the age of 21 has been found to have any quantity whatsoever of alcohol or of a controlled substance, the Commissioner of Public Safety shall revoke the driver's license of the under-age person. (6/1/93)

2 **Child Endangerment law enacted.**
It is a gross misdemeanor for a person to drive while impaired and there is a child in the vehicle who is under the age of 16 and who is more than 36 months younger than the offender. (8/1/93)

3 Length of "hard revocation" (see 1992:4) increased to 1 year if the violation includes a conviction for criminal vehicular operation. (1/1/94)

1994 **1** "Habitual Offender" penalties established.
A person who incurs 6 or more incidents in 10 years, or 8 or more in 15 years, must be sentenced to a minimum of 1 year incarceration or to a program of intensively supervised probation. (8/1/94)

1996 **1** **Not-a-drop violation raised to misdemeanor status.**
In addition to license revocation by the commissioner of Public Safety, the "not-a-drop" violation (see 1993:1) is defined to be a misdemeanor offense. (8/1/96)

2 Additional test for controlled substances permitted.
Arresting officer is explicitly authorized to require a blood or urine specimen, even after a breath test has been performed, if the officer has reason to believe the person was impaired by a substance not susceptible to analysis by means of a breath test. (8/1/97)

3 Criminal Vehicular Operation expanded.
A new level (fourth in the list below) of criminal vehicular operation (CVO) offenses is added. The categories now are: Criminal Vehicular Operation resulting in

1. a fatality.
2. great bodily harm.
3. substantial bodily harm.
4. bodily harm (new).
5. death to an unborn child.
6. injury to an unborn child.

(8/1/96)

1997 **1** **Special provisions for high-AC (0.20% or higher) offenders established.**
Driving while having an Alcohol Concentration of 0.20% or higher is defined to be a gross misdemeanor.

Length of Commissioner's administrative revocation is doubled from that imposed on violators who test below 0.20%. Revocation lengths therefore are:

	BAC less then 0.20	BAC 0.20+
First incident	90 days	180 days
Second incident within 5 years	180 days	360 days
Incident by violator under 21	6 months	one year

(1/1/98)

2 New offense category, "Enhanced Gross Misdemeanor," with stricter criminal penalties, established.
The following violations are defined to be "enhanced gross misdemeanors:"

1. Driving while impaired within 10 years of two prior incidents.
2. Driving with an AC of 0.20% or higher within ten years of a prior incident.
3. Child Endangerment (see 1993:2) within 10 years of a prior incident.
4. Driving while impaired and not stopping at a railroad crossing within 10 years of a prior incident.

(1/1/98)

3 Officer authorized to stop vehicle bearing special plates.
Officer is explicitly authorized to stop a vehicle bearing "special series" plates (see 1988:2) to determine if the driver "is operating the vehicle lawfully." (1/1/98)

4 **Procedure established for "administrative forfeiture" of violator's vehicle.**
Prior to this, vehicle forfeiture was conducted through a judicial forfeiture procedure. Now, law enforcement agencies may impound a vehicle and institute forfeiture procedures. The following violations will cause the vehicle used in the violation to be subject to administrative forfeiture:

1. a violation within 5 years of 2 prior incidents.
2. a violation within 15 years of 3 prior incidents.
3. a violation that includes child endangerment within 5 years of 1 prior incident.
4. a violation that includes child endangerment within 15 years of 2 prior incidents.
5. a violation that includes a high AC within 5 years of 1 prior incident.
6. a violation that includes a high AC within 15 years of 2 prior incidents.

(1/1/98)

5 Violations that trigger license plate impoundment (see 1988:1 and 1992:2) are greatly expanded to include:

1. a violation within 5 years of a prior incident.
2. a violation within 15 years of two or more prior incidents.
3. an "aggravated violation" (see 1978:6).
4. a violation that includes a high AC (.20% or higher).
5. a violation that causes the Commissioner to cancel and deny the person's driver's license on the grounds that operation of a vehicle by the person would be inimical to public safety.

(1/1/98)

1998 **1** Program to use "remote [home] electronic alcohol monitoring" established.
Judges who sentence offenders to a program of intensively supervised probation (see 1991:2) are authorized to require violators to submit to a program of remote electronic alcohol monitoring. Unless determined indigent, offenders to pay the per-diem cost of the program. (8/1/98)

2 Increased fee for special series plates.
Fee for issuing "special series" license plates to violators whose normal license plates have been impounded is increased from $25 (for an unspecified number of vehicles) to $50 for each vehicle for which special series plates are issued. (8/1/98)

1999 **1** Enhanced gross misdemeanor repealed.
Use of the term "enhanced gross misdemeanor" as a new category of offense (see 1997:2) is repealed, but the expanded penalty provisions for the offenses that had been identified as "enhanced gross misdemeanors" are retained.

Also, courts are explicitly authorized to substitute a program of intensively supervised probation, with electronic home alcohol monitoring, in place of the mandatory incarceration periods. (5/25/99)

2 Prior violations involving snowmobile, ATV, or motorboat to be counted.
Makes explicit that violations triggering the revocation of snowmobile, all-terrain vehicle, or motorboat operating privileges are to be included among the types of prior violations counted in determining the charge (misdemeanor or gross misdemeanor) made for a current incident. (8/1/99)

2000 **1** **All existing impaired-driving statutes are repealed.**
All provisions of impaired-driving law, with some amendments, are recodified as Minnesota Statute 169A, which provides that "this chapter may be cited as the Minnesota Impaired Driving Code."
Chief among the statutes repealed are:

1. MS 168.042, the license plate impoundment law.
   (incorporated into 169A.60).
2. MS 169.121, the main criminal impaired driving law.
   (incorporated into 169A.20 to 169A.48).
3. MS169.1211, alcohol-related driving by commercial vehicle operators.
   (incorporated into 169A.20, 169A.31, and 169A.50 to 169A.53).
4. MS 169.122, the "open-bottle law."
   (incorporated into 169A.35).
5. MS 169.123, the main civil ("Implied Consent") impaired driving law.
   (incorporated into 169A.50 to 169A.53).
6. MS 169.124 through MS 169.126, mandating counties to provide Alcohol Safety Programs to conduct chemical use assessments on persons convicted of an offense (when the arrest that led to the conviction was for an impaired driving offense).
   (incorporated into 169A.70).
7. MS 169.1265, authorizing use of intensively supervised probation programs in lieu of incarceration.
   (incorporated into 169A.73 and 169A.74).
8. MS 169.1217, providing for vehicle forfeiture, administrative and judicial procedures.
   (incorporated into 169A.63).
9. MS 169.126 defining an "aggravated violation."
   Concept of "aggravated" violations is re-defined in terms of "aggravating factors."
   (incorporated into 169A.20 through 169A.275).

The Not-A-Drop law for underage divers is incorporated into 169A.33.
(1/1/01)

2 **First-, Second-, and Third-Degree Impaired Driving offenses introduced, determined by number of "aggravating factors."**

Concept of aggravating factors introduced. Aggravating factors are defined to be:

1. Child endangerment (see 1993:2).
2. Having a high (0.20% or higher) alcohol-concentration (see 1997:1).
3. Each prior incident within ten years counts as 1 aggravating factor.

- A *first-degree* impaired driving offense is an impaired driving offense with two or more aggravating factors, and is a gross misdemeanor.
- A *second-degree* impaired driving offense is an impaired driving offense with one aggravating factor, and is a gross misdemeanor.
- A *third-degree* impaired driving offense is an impaired driving offense with no aggravating factors, and is a misdemeanor.

(1/1/98)

3 Custodial arrest for first-degree impaired driving.

Officer is mandated to make a custodial arrest (the person must be taken into custody) if the officer has reason to believe the person committed a first-degree impaired driving offense. (1/1/01)

4 Mandatory license plate impoundment violations (see 1988:1 and 1997:5) further expanded to also include:

1. any violation involving child endangerment (see 1993:2).
2. an incident within 10 years of a prior incident.
3. a commercial vehicle driver license disqualification (see 1989:2) within ten years of a prior such disqualification.

(1/1/01)

5 Court is authorized to increase maximum fine by $1,000 if offender has high AC (0.20% or higher). (1/1/01)

6 A "working group on DWI Felony" law is established and the Commissioner of Corrections is to develop a plan for how felony level offenders may be processed.

2001 **1** **Felony DWI law enacted.**

A felony impaired driving offense is an impaired driving offense within ten years of 3 or more prior incidents. The felony penalty is stipulated: "The court shall sentence [the offender]... to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than $14,000." (Maximum prison penalty is stipulated as "not more than 7 years".)

The new categorization of offense levels is as follows:

1. First-degree impaired driving offense: felony.
2. Second-degree impaired driving offense (two or more aggravating factors): gross misdemeanor.
3. Third-degree impaired driving offense (1 aggravating factor): gross misdemeanor.
4. Fourth-degree impaired driving offense (no aggravating factors): misdemeanor.

(8/1/02)

2 Driver license reinstatement fees increased.

The total fee had been $250.00 with a $40 surcharge (total $290). That total is increased to:

1. $395 ($250 fee and $145 surcharge) effective July 1, 2002.
2. $630 ($250 fee and $380 surcharge) effective July 1, 2003.

3 Custodial arrest for first- and second-degree impaired driving.

Officer is mandated to make a custodial arrest (the person must be taken into custody) if the officer has reason to believe the person committed a first-degree or a second-degree impaired driving offense. (See 2000:3.) (8-1-02)

4 Two new misdemeanor crimes are defined.

1. It is a misdemeanor for a person whose vehicles has had its license plates impounded to drive any vehicle.
2. It is a misdemeanor for a person who purchases a vehicle, the plates for which have been impounded, to allow the violator to drive the vehicle.

(8/1/02)

2003 **1** Two inadequate breath samples constitute refusal.
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)

2 **Test refusal increased to gross misdemeanor offense.**
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)

3 Prior not-a-drop violations not counted in determining degree.
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)

2004 **1** **The *per se* illegal alcohol concentration level is reduced from 0.10% to 0.08%.**
The new 0.08% illegal *per se* 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 *per se* 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)

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 James Cleary and Rebecca Pirius, reprinted on pages 5-12, for a complete and accurate description of current law and practice.) Though this is a modest initial effort, the Office of Traffic Safety hopes that important threads in the development of impaired driving law in Minnesota are accurately traced over time. However, persons with expertise in this area are encouraged to notify us of any errors they observe. For example, some important amendments may have been overlooked. Constructive criticism helping us to correct any errors and enhance the usefulness of this chronology is encouraged and will be appreciated.

nother vehicle that was attempting to make a left turn at an intersection. D. Elliott, 2, of Centerville, died on I-35 in Pine County. Elliott was traveling at a high rate of peed, went off the road and rolled over. On May 28, J. Quincy, 27, of Brainerd, was killed n Hw r's vehicle crossed the cente d h noth rior, Wis., was riding a mot Hw 3 in e road and was thrown from Bau ied ston County, A. Cross, 19, of died hen e vehicle, entered a ditch a over. ross ed. On Hwy. 41 in Carver Cou ember

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1, S. Benton, 61, was killed when the driver's vehicle went through a red light and w truck by another vehicle. On November 29 on Hwy. 70 in Kanabec County a vehicle driv y J. Davies, 34, of Eden Prairie, rear-ended a combine, killing Davies. L. Harkes, 90, of akdale, was killed in Hubbard County on Hwy. 64 when the driver's vehicle was struck by nother that failed to yield at an intersection. L. Stewart, 37, of Renville, was killed n Hwy. 7 in Kandiyohi County when the driver was broadsided by another vehicle. On Hwy. 10 in Morrison County, G. Buchholz, 20, of Motely, died when the driver's vehicle r ff the road, over-corrected, crossed all lanes and rolled over in the median. Buchho as not wearing a seat belt and ejected. On September 29 on I-494 in Hennepin Count . Jackson, 23, of Chaska, was killed when the rider lost control of a motorcycle on an ntrance ramp and hit the guardrail. On July 28, two people were killed on Hwy. 53 in t. Louis County when a vehicle driven by D. Opat, 63, of St. Williams, Canada, crossed the enter line, struck another vehicle, sideswiped another vehicle then spun sideways a as broadsided. Opat and a passenger, L. Ogline, 58, of St. Williams, died on the scen . Daniels, 24, of Slayton, was ejected from the rear seat of a vehicle and killed on Hwy. 62 near Fulda after the occupant's vehicle swerved to avoid a deer, entered a ditch nd rolled over. Daniels was not wearing a seat belt. T. Tyler, 50, of Plymouth, died after he driver lost control of the vehicle on Hwy. 55, rolled over and was ejected. Tyler w ot wearing a seat belt. L. Sanders, 90, of Garvin, was killed when the driver's vehic as hit head-on by another vehicle that had crossed over the center line of Hwy. 23 i Pipestone County. Sanders died at the scene. A triple-fatal crash occurred on Hwy. 50 in akota County on October 10 killing M. Barnes, 20, J. Barnes, 16, and J. Barnes, 17, all of ampton. Their vehicle was hit head-on by an impaired driver that was attempting to pa nother vehicle. B. Jones, 38, of Sauk Rapids, was traveling on Hwy. 10 in Benton Cou n August 26 when the driver's vehicle left the roadway and rolled over multiple tim ones and was ejected and killed. T. Wagner, 18, of Eagle Grove, Iowa, was killed when t edestrian was hit by a vehicle while standing outside a car on I-35 in Freeborn County. . Hanes, 66, of New London, was killed in Blue Earth County when the driver's semitrailer as struck by a train on August 10. B. Pensler, 36, of Staples, was killed on Hwy. 210 in ass County on November 22 when the driver was passing another vehicle, lost control, we nto a ditch and rolled over. In Carlton County on Hwy. 23 on November 7, B. Krane, as ejected and killed when the occupant's vehicle was struck as it attempted to turn i ront of another vehicle. On May 19, S. Troxel, 26, of Hudson, Wis., was driving impaired nd attempted to take an exit ramp late. Troxel rolled over on the ramp, was ejected and illed. Troxel was not belted. On April 30, J. O'Brien, 23, of Fairmont, died when the ccupant's vehicle was northbound on Albion St., lost control and hit a tree. D. Taylor, f Willmar, was killed on Hwy. 13 in Dakota County on December 20 when the drive ehicle was hit head-on by another car traveling in the opposite direction that had lost ontrol, went through the median and struck Taylor. On June 25 on Hwy. 200 in Cass County, . Utchen, 48, of Walker, died when the driver over-corrected the pick-up truck after running off the edge of the road, crossed the median, rolled over and was ejected. Utch as not belted and was driving impaired. C. Halverson, 51, of Coon Rapids, was killed -694 in Washington County when the driver's vehicle was cut off by a merging vehicl Halverson lost control, hit the center median and was broadsided by a semitrailer.