

MINNESOTA

IMPAIRED DRIVING FACTS

2014

Produced by:

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- The Office of Traffic Safety is pleased that Jim Cleary and Rebecca Pirius of the Minnesota House of Representative Research Department permitted the reproduction here of their 2008 article, “An Overview of Minnesota’s DWI Laws” (see Appendix D). Minnesota’s DWI law is notably complex, but this article provides a concise overview.

Note:

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Imagine waking up to a knock on your door from a law enforcement officer waiting to tell you your husband, wife or child was killed by a drunk driver. That was the case for 88 families in 2014.

Any alcohol-related traffic death is preventable, but too many people continue to make poor choices and get behind the wheel after drinking. The *2014 Minnesota Motor Vehicle Impaired Driving Facts* report is a year's worth of data representing lives forever changed by impaired driving.

The report shows drunk driving-related fatalities have decreased by 25 percent in the past five years (2010 – 2014), yet with 88 deaths caused by a drunk driver in 2014, there is much more work to be done. While we are also encouraged by the continued drop in DWIs, the 25,258 motorists arrested for DWI last year is unacceptable.

Highlights from the *2014 Minnesota Motor Vehicle Impaired Driving Facts* report include:

- Of the 361 people who died in traffic crashes, 111 (31 percent) were alcohol-related (Any evidence of alcohol detected in a driver, pedestrian or bicyclist.)
- 88 (24 percent) were drunk driving-related (driver alcohol concentration .08 percent or greater).
- 2,040 people suffered injuries in alcohol-related crashes.
- 25,258 motorists were arrested for DWI (an average of 70 per day).
- The average blood alcohol concentration (BAC) for drivers with a DWI was .15, with the average BAC for a drunk driver involved in a fatal crash being .19.
- One out of every seven licensed Minnesota drivers has at least one DWI.

Through enhanced DWI enforcement and education, we have made significant progress over the years in reducing alcohol-related traffic deaths. Law enforcement cannot do it alone; we need everyone to be part of the solution. Plan for a sober ride and speak up if you see an impaired person about to get behind the wheel. Together we can make Minnesota roads safer for all.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna Berger".

Donna Berger
Director, Office of Traffic Safety

TABLE OF CONTENTS

I. IMPAIRED DRIVING INCIDENTS ON RECORD	1
TABLE 1.01	
OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1995 - 2014	2
TABLE 1.02	
“IMPLIED CONSENTS” VERSUS CRIMINAL CONVICTIONS, VERSUS BOTH, UNDER THREE ARREST SCENARIOS, 1995 - 2014	3
TABLE 1.03	
IMPAIRED DRIVING INCIDENTS BY MONTH, 1995 – 2014	4
TABLE 1.04	
IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1995 – 2014	4
TABLE 1.05	
ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2005 - 2014	5
TABLE 1.06	
IMPAIRED DRIVING INCIDENTS BY GENDER OF VIOLATOR, 1995 – 2014	6
TABLE 1.07	
IMPAIRED DRIVING INCIDENTS AMONG UNDER-21 DRIVERS, BY AGE, 1995 – 2014	6
TABLE 1.08	
IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1995 - 2014	7
TABLE 1.09	
IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO AND NON-METRO AREAS, 1995 - 2014	7
TABLE 1.10	
IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2003 - 2014	8
TABLE 1.11	
IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR’S RECORD: PART I: 1999-2006	10
TABLE 1.11	
IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR’S RECORD: PART II: 2007-2014	11
II. IMPAIRED DRIVING CRIMINAL CONVICTION RATES	12
TABLE 2.01	
CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2014 BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL	15
III. PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD	18
TABLE 3.01	
POPULATION OF MINNESOTA BY AGE-GROUP AND GENDER	19
TABLE 3.02	
MINNESOTA LICENSED DRIVERS UNDER 21, BY AGE, 1995 – 2014	20
TABLE 3.03	
MINNESOTA LICENSED DRIVERS, BY AGE-GROUP, 1995 – 2014	20
TABLE 3.04	
MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AGE AT DATE OF LAST INCIDENT AND BY AGE AT END OF 2014	21
TABLE 3.05	
POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD AT END OF 2014, BY COUNTY	22

TABLE 3.06	
PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2014	24
IV. IMPAIRED DRIVING RECIDIVISM IN MINNESOTA	25
TABLE 4.01	
MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2014	27
TABLE 4.02	
INCIDENTS THAT OCCURRED IN MINNESOTA IN 2014 BASED ON NUMBER OF INCIDENTS ON VIOLATOR'S RECORD	28
TABLE 4.03	
PERSONS WHO INCURRED INCIDENTS IN MINNESOTA IN 2014 BASED ON NUMBER OF INCIDENTS ON VIOLATOR'S RECORD	29
TABLE 4.04	
RECIDIVISM OVER 15 YEARS AMONG COHORTS OF FIRST- AND SECOND-TIME VIOLATORS FROM 1999: CUMULATIVE PERCENT OF VIOLATORS WHO INCURRED A SUBSEQUENT (SECOND OR THIRD) VIOLATION.	30
TABLE 4.05	
RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 1999 - 2013: CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION	31
TABLE 4.06	
RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 1999 - 2013: CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION	32
TABLE 4.07	
RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 1999 - 2013: CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION	33
V. ALCOHOL-RELATED CRASH STATISTICS BY COUNTY	34
TABLE 5.01	
MINNESOTA TRAFFIC FATALITIES, 1910 - 2014	36
FIGURE 5.01	
MINNESOTA TRAFFIC FATALITIES, 1910-2014, AND FATALITY RATE PER 100 MILLION VEHICLE MILES TRAVELED, 1961-2014	36
TABLE 5.02	
OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1966 - 2014	37
TABLE 5.03	
TRAFFIC CRASHES, FATALITIES, AND INJURIES — TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2014	38
TABLE 5.04	
COST OF ALCOHOL-RELATED TRAFFIC CRASHES, IMPAIRED-RELATED FATALITIES, AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2014	40
APPENDIX A	
TERMS DESCRIBING IMPAIRED DRIVING INCIDENT IN MINNESOTA	41
APPENDIX B	
DEFINITIONS	43
APPENDIX C	
CHRONOLOGY OF MINNESOTA IMPAIRED DRIVING LEGISLATION SINCE 1911	45
AN OVERVIEW OF MINNESOTA'S DWI LAWS	59

I. IMPAIRED DRIVING INCIDENTS ON RECORD

Summary

There were 25,258 impaired driving incidents that occurred in Minnesota in 2014 and were entered onto people's driving records, which is a 3% decrease from the previous year. Eighty-five percent of the incidents involved taking a test for alcohol or drugs;* 15% involved a test refusal.† A few incidents (two, less than 1%) involved both a test failure and a test refusal (for example, an alcohol test refusal and a drug test failure). A small number of the total incidents included a conviction for "criminal vehicular operation" resulting in a fatality (5 such incidents) or injury (87 such incidents). However, these totals will increase as court cases are settled. **

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

Two types of incidents are reported in Table 1.01 but not otherwise considered as "impaired driving incidents" in this report. First, there are "not-a-drop" violations. (The Not-A-Drop law was passed in 1993 and applies to persons under age 21, making it illegal for them to drive while having any amount of alcohol in their blood.) The number of such violations rose steadily from 1,350, in 1995, to nearly 3,400 in 1999, but then dropped rather sharply in the past decade to 541 in 2014.

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 (AC) of .04%, but less than .08%, which disqualifies a driver from operating a commercial vehicle. These incidents are somewhat rare — there were only 8 in 2014. (Note that if the commercial driver has an AC over the *per se* illegal level, then the incident will be counted as a DWI incident; it will still trigger the disqualification, but it will not be counted here as a "disqual.")

When do incidents occur?

There is high consistency year after year with respect to the days of the week when drinking and driving occurs and 2014 was similar to past years: Mondays through Thursdays had comparatively few incidents. Fridays

accounted for 15%, Sundays for 24%, and Saturdays for 26% of all incidents.

Alcohol concentration levels remain steady

In 1997, the Legislature adopted special sanction provisions effective in January 1998 for high-AC offenders (0.20% or higher), and alcohol test results began to be available starting in 1998. The number of high-scoring violators have declined ever since; there were 6,079 in the over 0.20% category in 1998, then 3,880 in 2014. This represents a 36% decline. (Note that the Legislature adopted special sanction provisions effective in July 2011 for high-AC offenders (0.16% or higher)). Average alcohol level among first-time violators was 0.157% in 1998 and 0.148% in 2014. Second-or-subsequent violators averaged 0.173% in 1998 and 0.165% in 2014. These lower alcohol concentration levels are to be expected in some degree due to the lower .08% *per se* level that went into effect August 1st, 2005.

Who are the violators?

Driver's license files provide only limited data on who impaired drivers are. However, there is a strong relationship between age and impaired driving. Twenty-to-thirty-four-year-olds accounted for 54% of the impaired driving incidents in 2014. In addition, there were 1,316 impaired driving incidents among underage drivers (it is illegal to drink in Minnesota if you are less than 21 years of age).

There is an exceedingly strong relationship between gender, age and impaired driving. Most succinctly put, the problem is concentrated in the young adult male population. In 2014, males committed 73% of the impaired incidents for which gender of the violator was reported.

Recidivism: 40% of violators were recidivists

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

* The tests are usually for alcohol, but they might be for controlled substances. In 2014, there were 1,342 incidents (involving either an implied consent violation or a criminal conviction, or both) for driving while impaired by controlled substances.

**All of the historic data was updated on June 1, 2015 to reflect changes that may have occurred as court cases were settled. This provides the most accurate data available at the time of publication.

† Test refusals used to be higher. For example in 1995, 18% of all incidents involved a test refusal.

TABLE 1.01

OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1995 - 2014

Year	Impaired Driving Incidents (“DWIs”)							Related Incidents			
	Total	Implied Consent	Criminal Conviction	Tests Taken	Tests Refused	Both Taken & Ref.	Criminal Vehicular Operation		Drugs	Not A Drop	Commercial Vehicle
							Fatality	Injury			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1995	30,415	29,265	25,174	24,880	5,508	27	41	86	26	1,350	17
1996	30,929	29,698	25,754	25,522	5,399	8	42	145	50	1,875	19
1997	31,386	29,956	26,310	26,333	5,027	26	22	208	128	2,563	16
1998	32,431	30,900	27,190	27,493	4,750	188	40	213	218	2,924	21
1999	34,572	32,817	29,380	29,578	4,854	140	27	251	207	3,378	13
2000	35,023	33,332	29,376	29,997	4,853	173	40	252	334	3,391	18
2001	33,549	32,074	28,152	28,628	4,835	86	21	166	399	3,157	16
2002	33,163	31,898	27,738	28,305	4,767	91	34	220	403	3,077	15
2003	32,356	30,970	26,938	27,684	4,482	190	37	317	543	2,735	10
2004	34,369	32,783	29,116	29,667	4,471	231	27	282	695	2,744	8
2005	37,084	35,194	31,785	32,315	4,623	146	34	301	840	2,477	16
2006	42,016	40,401	35,879	36,955	4,936	125	26	302	724	2,462	16
2007	38,769	37,220	33,409	34,048	4,662	59	45	268	659	2,134	28
2008	35,871	34,457	30,670	31,564	4,297	10	35	242	642	1,704	12
2009	32,998	31,620	27,669	29,088	3,897	13	39	270	822	1,430	9
2010	30,112	28,827	25,516	26,564	3,539	9	40	259	926	1,231	16
2011	29,525	28,151	25,265	25,985	3,525	15	29	248	982	1,141	15
2012	28,666	27,451	24,277	24,976	3,683	7	18	230	1,099	928	8
2013	26,012	24,740	21,769	22,164	3,835	13	27	192	1,200	718	8
2014	25,258	24,357	18,841	21,381	3,875	2	5	87	1,342	541	8

Column Notes:

- (1) Column 1 counts the total number of impaired driving incidents in Minnesota. Columns 2 through 9 are subsets of column 1.
- (2) Almost all incidents include the civil-law “implied consent” violation either of (i) taking and “failing” the test for alcohol or controlled substances (“drugs”), or (ii) refusing to take the test.
- (3) In 2014, 75% of all incidents were known to involve a criminal conviction for driving while impaired by alcohol or drugs (as of June 01, 2015—the date on which statistics for this report were compiled). This percentage is understated. As judicial outcomes are decided well into the future, the criminal conviction percentage will increase to approximately 85%.
- (4-6) An incident may involve taking of a test, and a test refusal. For example, a person may take a test for alcohol, and refuse a test for drugs.
- (7-8) Criminal vehicular operation (CVO) offenses are divided into CVO resulting in a fatality (column 7) or CVO resulting in any type of bodily injury, all collapsed into (column 8). Amounts for 2014 in columns (7) through (11) will all increase as court cases are settled.
- (9) Incidents counted in (9) involved an implied consent violation or a criminal conviction, or both, for driving while impaired by a controlled substance (“drugs”). See additional detail in Table 1.02.
- (10) The “not-a-drop” law, making it illegal for persons under age 21 to drive while having any amount of alcohol whatsoever (as opposed to being over the *per-se* illegal level) took effect June 1, 1993.
- (11) Commercial vehicle drivers found to have an alcohol concentration of .04% or higher, but less than the *per se* illegal level, are disqualified from operating a commercial vehicle.

TABLE 1.02

**“IMPLIED CONSENTS” VERSUS CRIMINAL CONVICTIONS,
VERSUS BOTH, UNDER THREE ARREST SCENARIOS, 1995 - 2014**

Year	Incidents Involving a Test for Alcohol				Incidents Involving a Test for Drugs				Incidents Involving Refusal of Test for Alcohol or Drugs				All Episodes			
	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N	IC only %	CC only %	IC + CC %	Total N
1995	18%	4%	78%	24,855	0%	100%	0%	25	16%	1%	83%	5,535	17%	4%	79%	30,415
1996	17%	5%	78%	25,478	0%	100%	0%	44	14%	1%	85%	5,407	17%	4%	79%	30,929
1997	17%	5%	78%	26,210	18%	64%	18%	123	14%	1%	85%	5,053	16%	5%	79%	31,386
1998	16%	5%	79%	27,283	30%	39%	31%	210	15%	1%	84%	4,938	16%	5%	79%	32,431
1999	15%	6%	79%	29,378	34%	38%	29%	200	14%	1%	85%	4,994	15%	5%	80%	34,572
2000	16%	5%	79%	29,672	32%	43%	24%	325	15%	1%	84%	5,026	16%	5%	79%	35,023
2001	16%	5%	79%	28,238	36%	21%	43%	390	14%	1%	86%	4,921	16%	4%	80%	33,549
2002	17%	4%	79%	27,916	34%	21%	45%	389	14%	1%	85%	4,858	16%	4%	80%	33,163
2003	17%	5%	79%	27,152	36%	19%	45%	532	14%	1%	85%	4,672	17%	4%	79%	32,356
2004	15%	5%	80%	28,994	35%	17%	47%	673	12%	1%	87%	4,702	15%	5%	80%	34,369
2005	14%	5%	80%	31,491	29%	16%	55%	824	12%	2%	87%	4,769	14%	5%	81%	37,084
2006	15%	4%	81%	36,250	30%	16%	54%	705	12%	1%	88%	5,061	15%	4%	82%	42,016
2007	14%	4%	82%	33,408	28%	23%	49%	640	11%	1%	89%	4,721	14%	4%	82%	38,769
2008	15%	4%	81%	30,949	29%	22%	49%	615	12%	1%	87%	4,307	15%	4%	82%	35,871
2009	16%	4%	80%	28,304	28%	20%	52%	784	12%	2%	87%	3,910	16%	4%	80%	32,998
2010	16%	4%	80%	25,668	27%	20%	53%	896	10%	2%	88%	3,548	15%	4%	80%	30,112
2011	15%	4%	81%	25,044	26%	26%	48%	941	10%	2%	88%	3,540	14%	5%	81%	29,525
2012	16%	4%	81%	23,925	27%	22%	52%	1,051	11%	1%	88%	3,690	15%	4%	81%	28,666
2013	16%	5%	79%	21,013	28%	20%	52%	1,151	13%	1%	86%	3,848	16%	5%	79%	26,012
2014	24%	3%	72%	20,084	46%	14%	40%	1,297	24%	1%	75%	3,877	25%	4%	71%	25,258

Note: 2014 numbers will change as court cases are settled.

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

In United States law, the term “conviction” refers to a finding of guilt—either because a person pled guilty or was found guilty—for an offense under criminal law. Minnesota first defined driving while intoxicated to be a crime in 1911. Minnesota first passed the civil Implied Consent law in 1961:

By driving, a person implies consent to a test for alcohol, if required to take a test by an officer who has probable cause to suspect impairment. As amended over the years, the Implied Consent law now instructs the Commissioner of Public Safety to withdraw a person’s driver’s license if the person refuses to take a test for alcohol, or for controlled substances (“drugs”), or if the person takes the test and ‘fails’ it by testing over a defined *per-se* illegal level (in the case of alcohol, set, since August 1, 2005, at .08%). Additionally, in 1992, Minnesota defined test refusal to be a crime, effective January 1, 1993.

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

TABLE 1.03

IMPAIRED DRIVING INCIDENTS BY MONTH, 1995 – 2014

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1995	2,179	2,189	2,440	2,747	2,581	2,396	2,732	2,649	2,817	2,581	2,212	2,892	30,415
1996	2,122	2,210	2,622	2,449	2,875	2,775	2,754	2,907	2,632	2,581	2,420	2,582	30,929
1997	2,289	2,438	2,655	2,586	2,950	2,608	2,736	3,036	2,351	2,454	2,609	2,674	31,386
1998	2,434	2,396	2,447	2,499	2,998	2,659	2,938	2,954	2,782	2,856	2,663	2,805	32,431
1999	2,618	2,499	2,777	2,744	3,195	2,765	3,030	2,933	2,973	3,131	2,801	3,106	34,572
2000	2,879	2,721	3,014	2,920	2,958	2,905	3,184	2,836	2,995	2,994	2,561	3,056	35,023
2001	2,822	2,430	2,988	2,601	2,869	2,797	2,891	2,797	2,805	2,794	2,623	3,132	33,549
2002	2,724	2,464	2,796	2,581	2,814	2,806	2,908	3,044	2,735	2,648	2,695	2,948	33,163
2003	2,467	2,319	2,749	2,470	2,657	2,716	3,121	2,933	2,642	2,876	2,763	2,643	32,356
2004	2,795	2,707	2,915	2,714	2,973	2,775	3,143	3,182	2,838	2,940	2,615	2,772	34,369
2005	2,595	2,869	2,846	3,066	3,024	2,829	3,381	3,508	3,217	3,334	2,982	3,433	37,084
2006	3,470	3,186	3,602	3,475	3,498	3,576	3,732	3,754	3,669	3,152	3,237	3,665	42,016
2007	3,023	2,731	3,408	3,091	3,332	3,375	3,395	3,458	3,407	2,976	3,090	3,483	38,769
2008	3,066	2,916	3,169	2,710	3,186	2,967	3,447	3,037	2,652	2,914	3,045	2,762	35,871
2009	2,879	2,542	2,883	2,711	2,994	2,590	2,849	3,027	2,708	2,538	2,654	2,623	32,998
2010	2,538	2,507	2,702	2,472	2,666	2,366	2,644	2,667	2,418	2,600	2,129	2,403	30,112
2011	2,372	2,345	2,490	2,467	2,528	2,459	2,709	2,614	2,340	2,480	2,105	2,616	29,525
2012	2,153	2,229	2,529	2,293	2,472	2,433	2,480	2,649	2,419	2,301	2,183	2,525	28,666
2013	2,035	2,043	2,483	2,072	2,135	2,165	2,215	2,416	2,066	2,027	2,184	2,171	26,012
2014	1,855	1,794	2,280	2,105	2,278	2,133	2,192	2,410	2,088	2,017	1,972	2,134	25,258

TABLE 1.04

IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1995 – 2014

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
1995	6,603	2,274	2,477	2,719	3,440	4,977	7,925	30,415
1996	6,418	2,491	2,506	2,797	3,571	5,135	8,011	30,929
1997	6,488	2,332	2,435	3,107	3,429	5,345	8,250	31,386
1998	6,909	2,382	2,489	2,944	3,963	5,398	8,346	32,431
1999	7,465	2,443	2,536	3,114	3,995	6,018	9,001	34,572
2000	7,637	2,375	2,623	3,137	3,869	5,777	9,605	35,023
2001	7,318	2,565	2,569	3,001	3,897	5,560	8,639	33,549
2002	7,090	2,447	2,737	3,118	3,916	5,493	8,362	33,163
2003	6,809	2,397	2,577	3,317	3,629	5,342	8,285	32,356
2004	7,586	2,393	2,599	3,229	4,109	5,499	8,954	34,369
2005	8,123	2,691	2,844	3,258	4,171	6,143	9,854	37,084
2006	9,563	2,854	3,248	3,742	4,696	6,771	11,142	42,016
2007	8,679	2,949	2,858	3,626	4,344	6,186	10,127	38,769
2008	7,993	2,486	2,920	3,126	3,922	5,852	9,572	35,871
2009	7,531	2,292	2,550	3,000	3,883	5,094	8,648	32,998
2010	6,863	2,137	2,257	2,637	3,389	5,110	7,719	30,112
2011	6,729	2,249	2,123	2,507	3,222	4,746	7,949	29,525
2012	6,691	2,127	2,149	2,563	3,144	4,410	7,582	28,666
2013	6,183	1,966	2,119	2,328	2,809	3,904	6,703	26,012
2014	5,981	2,002	2,031	2,390	2,617	3,717	6,520	25,258

TABLE 1.05
ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS
WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2005 - 2014

Year	.01 - .04	.05- .07	.08- .09	.10- .14	.15- .19	.20- .24	.25- .29	.30- .34	.35 +	Average AC	Total Tests	Not Tested	Total Incidents
2005													
First	0	12	1,084	9,106	6,843	2,210	454	82	21	.150	19,812	2,696	22,508
Repeat	1	6	434	3,849	4,088	2,064	636	156	35	.166	11,269	3,307	14,576
All	1	18	1,518	12,955	10,931	4,274	1,090	238	56	.156	31,081	6,003	37,084
2006													
First	2	15	3,048	9,959	7,043	2,392	471	99	27	.144	23,056	2,917	25,973
Repeat	0	10	1,096	4,336	4,183	2,106	636	148	27	.160	12,542	3,501	16,043
All	2	25	4,144	14,295	11,226	4,498	1,107	247	54	.149	35,598	6,418	42,016
2007													
First	2	9	2,511	8,986	6,437	2,203	436	82	8	.145	20,674	2,950	23,624
Repeat	2	5	982	4,023	3,942	2,072	604	161	28	.161	11,819	3,326	15,145
All	4	14	3,493	13,009	10,379	4,275	1,040	243	36	.151	32,493	6,276	38,769
2008													
First	1	8	2,157	8,034	5,969	2,080	474	84	21	.146	18,828	2,554	21,382
Repeat	0	4	879	3,778	3,790	1,979	618	138	36	.162	11,222	3,267	14,489
All	1	12	3,036	11,812	9,759	4,059	1,092	222	57	.152	30,050	5,821	35,871
2009													
First	1	7	2,040	7,102	5,324	1,922	425	95	18	.147	16,934	2,439	19,373
Repeat	0	2	831	3,472	3,498	1,897	597	157	43	.164	10,497	3,128	13,625
All	1	9	2,871	10,574	8,822	3,819	1,022	252	61	.153	27,431	5,567	32,998
2010													
First	1	4	1,729	6,321	4,684	1,848	446	110	21	.148	15,164	2,381	17,545
Repeat	0	0	713	3,139	3,276	1,811	599	128	43	.165	9,709	2,858	12,567
All	1	4	2,442	9,460	7,970	3,659	1,045	238	64	.155	24,873	5,239	30,112
2011													
First	2	8	1,733	6,166	4,587	1,705	408	93	26	.148	14,728	2,530	17,258
Repeat	0	0	730	3,012	3,202	1,747	591	155	44	.166	9,481	2,786	12,267
All	2	8	2,463	9,178	7,789	3,452	999	248	70	.155	24,209	5,316	29,525
2012													
First	1	3	1,735	5,963	4,379	1,712	465	95	30	.148	14,383	2,666	17,049
Repeat	0	1	772	2,797	2,886	1,536	551	175	42	.165	8,760	2,857	11,617
All	1	4	2,507	8,760	7,265	3,248	1,016	270	82	.154	23,143	5,523	28,666
2013													
First	0	5	1,527	5,119	3,884	1,495	394	81	23	.148	12,528	2,849	15,377
Repeat	0	2	602	2,523	2,492	1,387	471	153	39	.165	7,669	2,966	10,635
All	0	7	2,129	7,642	6,376	2,882	865	234	62	.154	20,197	5,815	26,012
2014													
First	0	2	1,546	4,935	3,674	1,389	367	106	20	.148	12,039	2,835	14,874
Repeat	0	0	652	2,420	2,379	1,317	492	158	31	.165	7,449	2,935	10,384
All	0	2	2,198	7,355	6,053	2,706	859	264	51	.154	19,488	5,770	25,258

Notes:

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

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

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

TABLE 1.06

IMPAIRED DRIVING INCIDENTS BY GENDER OF VIOLATOR, 1995 – 2014

Year	Male	Female	Not Stated	Total
1995	23,434	5,469	1,512	30,415
1996	23,981	5,466	1,482	30,929
1997	24,111	5,833	1,442	31,386
1998	24,644	6,151	1,636	32,431
1999	26,112	6,549	1,911	34,572
2000	26,069	6,844	2,110	35,023
2001	24,840	6,592	2,117	33,549
2002	24,276	6,653	2,234	33,163
2003	23,455	6,630	2,271	32,356
2004	24,676	7,306	2,387	34,369
2005	26,337	8,162	2,585	37,084
2006	29,355	9,471	3,190	42,016
2007	26,861	8,976	2,932	38,769
2008	24,610	8,588	2,673	35,871
2009	22,582	8,068	2,348	32,998
2010	20,305	7,522	2,185	30,012
2011	20,278	7,419	1,828	29,525
2012	19,368	7,275	2,023	28,666
2013	17,425	6,609	1,978	26,012
2014	16,908	6,189	2,161	25,258

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

TABLE 1.07

IMPAIRED DRIVING INCIDENTS AMONG UNDER-21 DRIVERS, BY AGE, 1995 – 2014

Year	0-14	15	16	17	18	19	20	Under 21
1995	1	20	115	242	521	725	819	2,443
1996	2	13	138	306	615	798	838	2,710
1997	4	18	106	278	639	768	896	2,709
1998	2	18	105	301	679	892	930	2,927
1999	4	18	116	290	744	1,003	1,047	3,222
2000	4	10	127	328	711	991	1,118	3,289
2001	1	16	123	277	645	925	1,045	3,032
2002	7	12	124	308	662	861	1,097	3,071
2003	3	21	118	281	697	920	1,079	3,119
2004	3	13	108	302	685	903	1,018	3,032
2005	5	16	122	344	710	1,036	1,238	3,471
2006	4	24	138	391	870	1,291	1,352	4,070
2007	4	11	126	327	721	1,067	1,218	3,474
2008	4	15	105	269	638	886	1,048	2,965
2009	4	7	75	197	536	805	911	2,535
2010	4	9	57	142	434	676	817	2,139
2011	2	6	56	160	379	591	757	1,951
2012	4	10	44	114	340	629	674	1,815
2013	1	10	42	101	288	444	617	1,503
2014	0	5	23	103	260	392	533	1,316

TABLE 1.08

IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1995 - 2014

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
1995	1	1,623	5,885	5,551	5,850	4,550	3,046	1,740	955	553	324	185	92	60	0	30,415
1996	2	1,870	5,809	5,589	5,463	4,792	3,181	1,929	1,009	595	318	215	97	60	0	30,929
1997	4	1,809	5,825	5,722	5,082	4,969	3,360	2,112	1,172	621	341	206	97	66	0	31,386
1998	2	1,995	6,260	5,598	4,912	5,224	3,631	2,262	1,155	677	340	195	103	77	0	32,431
1999	4	2,171	7,400	5,850	4,913	5,255	3,853	2,372	1,331	672	403	192	96	60	0	34,572
2000	4	2,167	7,782	5,844	4,826	5,122	3,943	2,482	1,400	696	372	194	119	72	0	35,023
2001	1	1,986	7,917	5,454	4,566	4,449	3,911	2,465	1,457	651	339	192	100	61	0	33,549
2002	7	1,987	8,149	5,283	4,372	4,060	3,876	2,498	1,456	752	358	197	105	83	0	33,163
2003	3	2,037	8,249	5,420	4,012	3,643	3,653	2,469	1,382	753	384	188	96	67	0	32,356
2004	3	2,011	8,741	5,926	4,263	3,667	3,850	2,712	1,654	791	425	166	92	68	0	34,369
2005	5	2,228	9,635	6,846	4,383	3,804	3,867	2,938	1,676	923	411	215	92	61	0	37,084
2006	4	2,714	11,057	8,076	4,781	4,162	4,028	3,337	1,984	1,029	449	226	109	59	1	42,016
2007	4	2,252	9,905	7,410	4,493	3,960	3,638	3,173	1,919	1,101	492	263	93	66	0	38,769
2008	4	1,913	8,623	6,908	4,530	3,600	3,282	3,010	1,948	1,104	555	229	101	64	0	35,871
2009	4	1,620	7,638	6,446	4,128	3,385	2,970	2,895	1,900	1,063	538	233	120	57	1	32,998
2010	4	1,318	6,862	5,804	3,972	2,932	2,679	2,579	1,929	1,090	546	237	99	61	0	30,112
2011	2	1,192	6,558	5,881	3,938	2,807	2,688	2,408	1,923	1,084	618	232	121	73	0	29,525
2012	4	1,137	6,456	5,478	3,985	2,657	2,688	2,231	1,844	1,098	614	276	137	61	0	28,666
2013	1	885	5,526	5,076	3,814	2,627	2,269	1,973	1,792	1,056	567	248	109	69	0	26,012
2014	0	783	5,110	4,842	3,592	2,711	2,267	1,864	1,799	1,175	611	318	115	71	0	25,258

TABLE 1.09

IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO* AND NON-METRO AREAS, 1995 - 2014

Year	Twin Cities Metro Area		Non-Metro Area		Total	
	number	percent	number	percent	number	percent
1995	15,713	51.7%	14,702	48.3%	30,415	100.0%
1996	15,948	51.6%	14,981	48.4%	30,929	100.0%
1997	16,149	51.5%	15,237	48.6%	31,386	100.0%
1998	16,719	51.6%	15,712	48.5%	32,431	100.0%
1999	17,139	49.6%	17,433	50.4%	34,572	100.0%
2000	16,818	48.0%	18,205	52.0%	35,023	100.0%
2001	16,353	48.7%	17,196	51.3%	33,549	100.0%
2002	16,212	48.9%	16,951	51.1%	33,163	100.0%
2003	16,041	49.6%	16,315	50.4%	32,356	100.0%
2004	16,782	48.8%	17,587	51.2%	34,369	100.0%
2005	17,877	48.2%	19,207	51.8%	37,084	100.0%
2006	20,539	48.9%	21,477	51.1%	42,016	100.0%
2007	18,800	48.5%	19,969	51.5%	38,769	100.0%
2008	17,823	49.7%	18,048	50.3%	35,871	100.0%
2009	16,347	49.5%	16,651	50.5%	32,998	100.0%
2010	15,219	50.5%	14,893	49.5%	30,112	100.0%
2011	14,978	50.7%	14,547	49.3%	29,525	100.0%
2012	14,770	51.5%	13,896	48.5%	28,666	100.0%
2013	13,423	51.6%	12,589	48.4%	26,012	100.0%
2014	13,234	52.4%	12,024	47.6%	25,258	100.0%

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

TABLE 1.10

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2003 - 2014

County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Aitkin	201	164	215	210	251	159	144	108	139	134	130	79
Anoka	1,711	1,957	2,059	2,162	2,337	2,139	1,926	1,691	1,454	1,392	1,186	1,149
Becker	335	342	439	517	384	327	277	277	257	250	190	228
Beltrami	434	437	356	446	512	536	421	378	434	298	299	290
Benton	275	255	262	344	354	288	240	194	153	127	139	164
Big Stone	40	33	24	47	36	28	19	24	20	42	22	23
Blue Earth	596	544	643	680	614	594	645	472	403	346	386	376
Brown	192	221	149	176	161	149	142	126	119	129	111	93
Carlton	314	344	404	416	253	229	241	262	247	239	177	181
Carver	345	414	422	432	395	376	282	286	331	310	257	303
Cass	196	255	291	397	368	272	249	228	224	212	201	191
Chippewa	107	104	115	144	98	97	48	76	55	57	52	51
Chisago	323	398	380	378	374	317	310	239	216	208	233	178
Clay	614	784	802	844	680	544	576	567	517	523	453	430
Clearwater	66	68	68	59	57	75	81	92	49	37	42	41
Cook	62	44	76	101	62	43	47	38	31	32	52	34
Cottonwood	57	75	56	56	72	76	54	57	70	51	56	59
Crow Wing	432	532	664	717	652	587	517	420	376	358	358	356
Dakota	2,532	2,428	2,658	3,013	2,936	2,538	2,369	2,081	2,060	1,813	1,612	1,588
Dodge	98	103	148	153	162	125	100	83	105	68	73	55
Douglas	213	229	245	259	265	302	267	232	216	162	153	168
Faribault	66	60	72	91	102	80	60	60	65	69	64	53
Fillmore	103	122	111	143	116	102	89	91	89	75	80	72
Freeborn	224	224	241	203	184	168	191	205	200	159	114	149
Goodhue	297	285	386	529	398	445	387	335	349	333	260	303
Grant	46	30	43	54	37	43	41	28	22	21	29	13
Hennepin	7,093	7,350	7,541	8,595	7,783	7,487	6,797	6,329	6,805	6,964	6,474	5,864
Houston	137	137	144	155	170	155	125	108	109	116	125	135
Hubbard	138	109	157	182	164	118	138	111	171	120	98	84
Isanti	159	239	266	367	261	189	163	144	157	160	131	151
Itasca	238	314	486	584	455	341	390	280	314	329	322	291
Jackson	43	46	50	83	97	68	58	67	63	81	54	42
Kanabec	102	107	99	105	150	125	82	106	113	89	88	51
Kandiyohi	246	289	288	319	268	295	273	213	231	242	193	181
Kittson	22	23	24	22	20	24	18	15	22	12	18	10
Koochiching	96	81	65	101	108	97	90	92	83	71	72	70
Lac Qui Parle	27	18	37	45	47	35	38	39	27	28	25	26
Lake	43	65	59	67	71	53	63	73	42	69	53	50
Lake of the Woods	75	64	79	66	41	47	50	39	34	45	33	39
Le Sueur	134	169	152	180	181	149	155	105	106	92	81	88
Lincoln	8	15	29	31	37	25	23	26	22	29	24	18
Lyon	182	159	214	200	167	194	181	173	138	159	151	152
McLeod	269	232	267	366	290	282	229	176	184	149	158	159
Mahnomen	108	118	129	97	113	114	105	100	108	99	73	67
Marshall	39	41	57	50	59	61	36	37	43	49	29	29
Martin	142	140	134	120	180	153	118	129	91	89	81	89
Meeker	86	111	118	149	146	123	95	96	62	48	71	53
Mille Lacs	254	286	302	353	293	237	240	233	191	174	125	90

TABLE 1.10 (Continued)

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2003 - 2014

County	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Morrison	181	164	195	209	213	203	173	187	156	144	168	105
Mower	345	295	324	309	346	414	304	261	275	278	265	310
Murray	39	25	31	35	37	37	25	20	21	25	17	19
Nicollet	288	281	320	360	254	239	186	174	170	167	114	110
Nobles	182	164	191	186	186	176	166	151	118	141	151	129
Norman	23	20	55	55	43	28	39	23	49	39	41	36
Olmsted	702	784	886	837	1,024	999	986	876	966	754	644	674
Otter Tail	342	404	416	429	434	344	302	337	299	267	316	258
Pennington	90	120	125	119	106	96	62	73	66	87	91	89
Pine	252	333	342	351	285	265	206	202	173	176	145	136
Pipestone	42	51	69	60	74	61	45	45	47	36	36	43
Polk	309	322	276	304	282	265	272	253	232	239	247	200
Pope	67	65	84	72	62	57	50	52	40	49	40	42
Ramsey	2,333	2,395	2,629	3,233	2,913	3,005	2,883	2,954	2,672	2,680	2,381	2,626
Red Lake	41	34	47	79	71	53	44	36	30	34	28	23
Redwood	79	110	128	149	152	118	140	97	91	107	83	79
Renville	109	127	134	159	110	100	106	138	126	118	78	115
Rice	420	407	335	349	433	408	367	332	332	264	217	249
Rock	60	47	52	62	55	38	29	36	52	34	53	45
Roseau	115	158	161	141	127	146	148	92	114	116	112	104
St. Louis	1,334	1,491	1,603	1,726	1,564	1,592	1,667	1,318	1,277	1,219	1,076	1,037
Scott	692	914	1,118	1,257	1,076	962	820	764	638	620	586	699
Sherburne	387	468	578	803	689	584	536	472	416	514	471	389
Sibley	101	134	112	123	129	84	66	54	42	49	70	65
Stearns	942	1,005	1,147	1,342	1,309	1,082	1,039	976	965	1,026	872	797
Steele	191	226	258	292	247	212	232	221	194	252	171	187
Stevens	52	49	46	41	44	43	43	27	50	42	31	40
Swift	59	41	42	63	51	57	40	37	65	59	61	51
Todd	112	136	163	240	205	142	150	108	84	103	101	101
Traverse	19	24	21	22	15	15	7	15	8	15	12	6
Wabasha	187	139	155	201	171	179	188	134	134	101	102	105
Wadena	104	81	91	127	112	99	90	71	68	65	67	58
Waseca	142	109	117	151	150	124	89	78	84	86	64	57
Washington	1,335	1,324	1,450	1,847	1,360	1,316	1,270	1,114	1,018	991	927	1,005
Watsonwan	77	76	97	104	86	64	60	37	51	30	42	30
Wilkin	71	60	50	72	78	57	42	52	71	56	61	64
Winona	360	500	422	381	365	399	342	355	337	318	306	310
Wright	571	648	698	883	847	677	515	480	594	621	497	455
Yellow Medicine	81	73	90	134	103	120	79	119	83	85	60	44

Totals: 32,356 34,369 37,084 42,016 38,769 35,871 32,998 30,112 29,525 28,666 26,012 25,258

TABLE 1.11

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part I: 1999 – 2006

Incident Number	1999	%	2000	%	2001	%	2002	%	2003	%	2004	%	2005	%	2006	%
1	19,652	56.8%	20,265	57.9%	19,431	57.9%	19,530	58.9%	19,160	59.2%	20,429	59.4%	22,508	60.7%	25,973	61.8%
2	7,468	21.6%	7,442	21.3%	7,135	21.3%	7,048	21.3%	6,931	21.4%	7,478	21.8%	7,992	21.6%	9,002	21.4%
3	3,665	10.6%	3,582	10.2%	3,450	10.3%	3,262	9.8%	3,165	9.8%	3,356	9.8%	3,491	9.4%	3,888	9.3%
4	1,790	5.2%	1,726	4.9%	1,685	5.0%	1,578	4.8%	1,514	4.7%	1,511	4.4%	1,540	4.2%	1,640	3.9%
5	853	2.5%	872	2.5%	793	2.4%	743	2.2%	636	2.0%	685	2.0%	696	1.9%	711	1.7%
6	441	1.3%	455	1.3%	423	1.3%	394	1.2%	405	1.3%	359	1.0%	357	1.0%	351	0.8%
7	256	0.7%	241	0.7%	250	0.8%	232	0.7%	218	0.7%	212	0.6%	203	0.6%	185	0.4%
8	172	0.5%	163	0.5%	120	0.4%	115	0.4%	125	0.4%	127	0.4%	119	0.3%	98	0.2%
9	102	0.3%	96	0.3%	85	0.3%	93	0.3%	72	0.2%	79	0.2%	72	0.2%	65	0.2%
10	58	0.2%	60	0.2%	69	0.2%	46	0.1%	35	0.1%	61	0.2%	38	0.1%	39	0.1%
11	42	0.1%	40	0.1%	37	0.1%	35	0.1%	30	0.1%	20	0.1%	25	0.1%	23	0.1%
12	26	0.1%	31	0.1%	19	0.1%	27	0.1%	25	0.1%	19	0.1%	11	*	13	*
13	14	*	13	*	20	0.1%	24	0.1%	9	*	10	*	15	*	10	*
14	11	*	7	*	12	*	11	*	10	*	7	*	6	*	8	*
15	11	*	7	*	6	*	12	*	9	*	2	*	5	*	1	*
16	4	*	8	*	5	*	3	*	3	*	4	*	2	*	2	*
17	4	*	2	*	3	*	6	*	3	*	3	*	0	0%	4	*
18	1	*	5	*	2	*	1	*	1	*	1	*	1	*	2	*
19	1	*	4	*	0	0%	0	0%	0	0%	2	*	1	*	1	*
20	1	*	1	*	3	*	0	0%	1	*	1	*	1	*	0	0%
21	0	0%	3	*	0	0%	1	*	1	*	2	*	0	0%	0	0%
22	0	0%	0	0%	0	0%	2	*	1	*	0	0%	1	*	0	0%
23	0	0%	0	0%	0	0%	0	0%	1	*	1	*	0	0%	0	0%
24	0	0%	0	0%	1	*	0	0%	1	*	0	0%	0	0%	0	0%
25	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Totals:	34,572	100%	35,023	100%	33,549	100%	33,163	100%	32,356	100%	34,369	100%	37,084	100%	42,016	100%

*Less than one-half of one percent

Table continues on next page

TABLE 1.11

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part II: 2007 – 2014

Incident Number	2007	%	2008	%	2009	%	2010	%	2011	%	2012	%	2013	%	2014	%
1	23,624	60.9%	21,382	59.6%	19,373	58.7%	17,545	58.3%	17,258	58.5%	17,049	59.5%	15,377	59.1%	14,874	58.9%
2	8,545	22.0%	8,092	22.6%	7,534	22.8%	6,871	22.8%	6,714	22.7%	6,429	22.4%	5,936	22.8%	5,584	22.1%
3	3,598	9.3%	3,527	9.8%	3,406	10.3%	3,174	10.5%	3,163	10.7%	2,889	10.1%	2,591	10.0%	2,644	10.5%
4	1,583	4.1%	1,518	4.2%	1,456	4.4%	1,399	4.7%	1,317	4.5%	1,278	4.5%	1,145	4.4%	1,146	4.5%
5	660	1.7%	633	1.8%	568	1.7%	561	1.9%	467	1.6%	525	1.8%	491	1.9%	509	2.0%
6	331	0.9%	299	0.8%	266	0.8%	229	0.8%	258	0.9%	198	0.7%	209	0.8%	209	0.8%
7	165	0.4%	153	0.4%	149	0.5%	136	0.5%	130	0.4%	127	0.4%	117	0.5%	119	0.5%
8	112	0.3%	95	0.3%	98	0.3%	72	0.2%	78	0.3%	59	0.2%	59	0.2%	68	0.3%
9	57	0.2%	67	0.2%	47	0.1%	47	0.2%	55	0.2%	39	0.1%	38	0.2%	31	0.1%
10	35	0.1%	43	0.1%	35	0.1%	28	0.1%	31	0.1%	27	0.1%	15	0.1%	25	0.1%
11	19	0.1%	25	0.1%	26	0.1%	16	0.1%	19	0.1%	11	*	13	0.1%	25	0.1%
12	13	*	11	*	19	0.1%	17	0.1%	8	*	12	*	6	*	8	*
13	10	*	11	*	5	*	7	*	7	*	10	*	7	*	3	*
14	7	*	6	*	5	*	3	*	12	*	2	*	2	*	3	*
15	1	*	3	*	3	*	3	*	2	*	4	*	2	*	3	*
16	3	*	2	*	2	*	2	*	1	*	2	*	2	*	2	*
17	2	*	1	*	1	*	0	0%	0	0%	2	*	0	0%	1	*
18	1	*	1	*	2	*	1	*	0	0%	1	*	1	*	1	*
19	1	*	2	*	0	0%	0	0%	1	*	0	0%	0	0%	0	0%
20	0	0	0	0	1	*	1	*	2	*	0	0%	0	0%	0	0%
21	1	*	0	0	0	0%	0	0%	0	0%	0	0%	1	*	2	*
22	1	*	0	0	0	0%	0	0%	0	0%	1	*	0	0%	1	*
23	0	0	0	0	1	*	0	0%	2	*	0	0%	0	0%	0	0%
24	0	0	0	0	0	0%	0	0%	0	0%	1	*	0	0%	0	0%
25	0	0	0	0	1	*	0	0%	0	0%	0	0%	0	0%	0	0%
Totals:	38,769	100%	35,871	100%	32,998	100%	30,112	100%	29,525	100%	28,666	100%	26,012	100%	25,258	100%

Table 1.11 counts incidents that occurred in Minnesota, based on the total number of incidents the person has on his or her driving record. That is, incidents counted in row 1 were incurred by first-time violators who had zero prior impaired driving incidents on their driving record. For example, Mr. Smith incurs his first-ever incident anywhere, and that incident occurs in Minneapolis in January, 2001. Mr. Smith incurs a second incident in Iowa in July, 2002, and a

third incident, again in Minneapolis, in August, 2004. In this case, Mr. Smith's first incident contributes a count of one to row 1 of the 2001 column. The second incident is not counted in the above table because it did not occur in Minnesota. The third incident contributes a count of one to the third row of the 2004 column because it did occur in Minnesota and because it is the third on Mr. Smith's driving record.

II. IMPAIRED DRIVING CRIMINAL CONVICTION RATES

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

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

Timing of conviction

Conviction rates for 2014 were calculated using data available on June 1, 2015 – five full months after the end of the 2014 calendar year. However, the criminal charge sometimes takes longer than that to resolve. This is especially true for more serious charges, such as the higher-level impaired driving offenses. A driver is more likely to challenge such charges in the courts.

Reporting errors

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

Examples of why a conviction may not be counted

Hypothetically, if a county had 100 impaired driving incidents committed by first-time violators in 2014 and driver's license records show that only 85 resulted in an impaired driving conviction, then the conviction rate is 85 out of 100, or 85.0%. There was no impaired driving conviction posted on a driver's record for 15 of the incidents. Suppose that John Smith committed one of those 15 incidents. This means that Smith was stopped; he took and failed, or refused to take, tests for alcohol or controlled substances, thus incurring an implied consent violation and triggering the impaired driving incident

to be posted on his record. Here are some reasons why a criminal conviction might *not* be reported for Mr. Smith:

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

(2) Smith was convicted on some type of impaired driving charge, but not until after the June 1, 2015 date on which the statistics compiled here are based.

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

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

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

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

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

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

How the Conviction Rate is Calculated

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

1. Counting prior violations

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

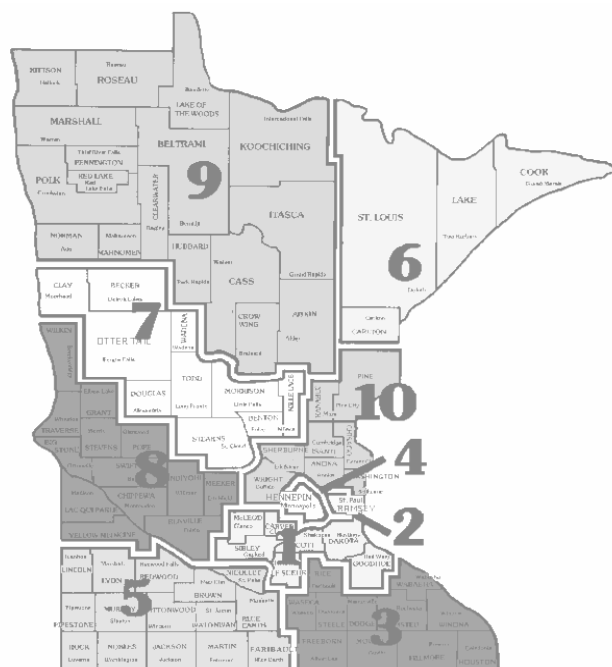
[§] The term “lifetime” look back period may be misleading. Currently, an impaired driving incident remains on the driver’s license forever, and for several decades there has been a rule that a second impaired driving incident causes all incidents to be kept on record forever. However, at different points in the past, there were different rules followed—that a single incident not followed by a second was eligible to be purged from the driver’s record after seven, or ten, or fifteen, years had passed. However, purging of incidents from records was not performed systematically; so even when those rules were in effect, eligibility to be purged did not mean that an incident was purged. For practical purposes, as an example, if a person is now in their forties and had a single impaired driving incident when they were in their teens or twenties, then that incident may or may not have been purged from their driving record.

^{**} The other two aggravating factors are (1) presence of children in the vehicle, and (2) having an alcohol concentration of .16% or higher (as of July 1, 2011).

2. Not measuring plea bargaining

People are concerned with how much plea bargaining takes place in impaired driving cases. The conviction rates are not good measures of plea bargaining, however. Plus, bargaining takes two forms. Plea bargaining occurs when a prosecutor initially charges for one offense (e.g., first-degree impaired driving) and then accepts a plea of guilty to a lesser offense (e.g., second-, third-, or fourth-degree impaired driving, or reckless driving, or speeding, etc.). Second, there is sentence bargaining: The prosecutor agrees to accept a sentence less than the maximum for the offense on which the violator is convicted. For example, Smith pleads guilty to gross misdemeanor impaired driving but gets a misdemeanor impaired driving sentence.

Judicial Districts in Minnesota



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

Conviction rates vary by County and District

The state is divided into ten judicial districts. Ramsey County is District 2, and Hennepin County is District 4. The other eight districts encompass from four to 17 counties that are geographically close together. Conviction rates usually vary by district and by county. Across the Districts in 2014, the range of conviction rates was from 68.4% (District 4: Hennepin County) to 83.6% (for District 9, comprised of 17 counties in Northwest Minnesota).

Some counties had conviction rates at 90% or higher: Traverse (100%), Watonwan (93%), Lyon (91%), Cook (91%) and Beltrami (91%).

Two counties had conviction rates that were 60% or lower: Kittson (60%) and Washington (57%).

Out of 25,258 impaired driving incidents in 2014, the overall conviction rate for Minnesota was 75%. As mentioned previously, the conviction rate for each year will increase to approximately 85% as judicial outcomes are settled.

TABLE 2.01

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2014
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

District and County	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %	All Incidents N	Con- vic- tions N	Con- vict. Rate %
Judicial Dist 1															
CARVER	303	246	81.2	171	139	81.3	75	63	84.0	32	27	84.4	25	17	68.0
DAKOTA	1,588	1,132	71.3	933	637	68.3	381	297	78.0	155	111	71.6	119	87	73.1
GOODHUE	303	227	74.9	168	126	75.0	77	62	80.5	28	22	78.6	30	17	56.7
LE SUEUR	88	73	83.0	51	43	84.3	22	20	90.9	11	8	72.7	4	2	50.0
MCLEOD	159	128	80.5	90	70	77.8	34	31	91.2	24	16	66.7	11	11	100.0
SCOTT	699	530	75.8	399	301	75.4	157	122	77.7	75	58	77.3	68	49	72.1
SIBLEY	65	55	84.6	35	29	82.9	14	13	92.9	7	5	71.4	9	8	88.9
SUBTOTAL:	3,205	2,391	74.6	1,847	1,345	72.8	760	608	80.0	332	247	74.4	266	191	71.8
Judicial Dist 2															
RAMSEY	2,626	1,875	71.4	1,674	1,113	66.5	536	425	79.3	242	197	81.4	174	140	80.5
Judicial Dist 3															
DODGE	55	42	76.4	30	25	83.3	11	8	72.7	6	5	83.3	8	4	50.0
FILLMORE	72	56	77.8	43	34	79.1	15	11	73.3	9	7	77.8	5	4	80.0
FREEBORN	149	115	77.2	85	66	77.6	35	28	80.0	17	13	76.5	12	8	66.7
HOUSTON	135	107	79.3	85	66	77.6	22	19	86.4	19	16	84.2	9	6	66.7
MOWER	310	218	70.3	169	117	69.2	82	59	72.0	35	21	60.0	24	21	87.5
OLMSTED	674	584	86.6	391	350	89.5	157	127	80.9	71	62	87.3	55	45	81.8
RICE	249	191	76.7	133	100	75.2	55	46	83.6	33	27	81.8	28	18	64.3
STEELE	187	147	78.6	99	76	76.8	43	32	74.4	24	22	91.7	21	17	81.0
WABASHA	105	89	84.8	57	50	87.7	18	13	72.2	12	11	91.7	18	15	83.3
WASECA	57	51	89.5	28	26	92.9	13	11	84.6	12	10	83.3	4	4	100.0
WINONA	310	239	77.1	217	163	75.1	54	45	83.3	20	15	75.0	19	16	84.2
SUBTOTAL:	2,303	1,839	79.9	1,337	1,073	80.3	505	399	79.0	258	209	81.0	203	158	77.8
Judicial Dist 4															
HENNEPIN	5,864	4,013	68.4	3,626	2,358	65.0	1,269	954	75.2	595	420	70.6	374	281	75.1
Judicial Dist 5															
BLUE EARTH	376	302	80.3	231	192	83.1	79	59	74.7	32	24	75.0	34	27	79.4
BROWN	93	78	83.9	58	51	87.9	20	15	75.0	9	9	100.0	6	3	50.0
COTTONWOOD	59	43	72.9	39	29	74.4	16	12	75.0	3	2	66.7	1	0	0.0
FARIBAULT	53	41	77.4	30	23	76.7	10	9	90.0	7	4	57.1	6	5	83.3
JACKSON	42	27	64.3	22	14	63.6	13	8	61.5	6	4	66.7	1	1	100.0
LINCOLN	18	14	77.8	9	7	77.8	4	4	100	2	2	100.0	3	1	33.3
LYON	152	138	90.8	98	89	90.8	28	23	82.1	16	16	100.0	10	10	100.0
MARTIN	89	73	82.0	50	44	88.0	24	19	79.2	9	6	66.7	6	4	66.7
MURRAY	19	17	89.5	16	14	87.5	1	1	100	1	1	100.0	1	1	100.0
NICOLLET	110	82	74.5	60	46	76.7	30	23	76.7	10	7	70.0	10	6	60.0
NOBLES	129	87	67.4	96	66	68.8	16	11	68.8	11	8	72.7	6	2	33.3
PIPESTONE	43	35	81.4	29	23	79.3	4	3	75.0	5	4	80.0	5	5	100.0
REDWOOD	79	70	88.6	40	34	85.0	19	18	94.7	11	10	90.9	9	8	88.9
ROCK	45	36	80.0	27	21	77.8	7	5	71.4	4	4	100.0	7	6	85.7
WATONWAN	30	28	93.3	17	17	100.0	9	8	88.9	1	0	0.0	3	3	100.0
SUBTOTAL:	1,337	1,071	80.1	822	670	81.5	280	218	77.9	127	101	79.5	108	82	75.9

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2014
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
District and County	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %
Judicial Dist 6															
CARLTON	181	154	85.1	93	84	90.3	45	36	80.0	20	17	85.0	23	17	73.9
COOK	34	31	91.2	16	14	87.5	9	8	88.9	4	4	100.0	5	5	100.0
LAKE	50	43	86.0	19	15	78.9	21	20	95.2	5	4	80.0	5	4	80.0
ST. LOUIS	1,037	779	75.1	625	461	73.8	206	159	77.2	100	75	75.0	106	84	79.2
SUBTOTAL:	1,302	1,007	77.3	753	574	76.2	281	223	79.4	129	100	77.5	139	110	79.1
Judicial Dist 7															
BECKER	228	188	82.5	122	101	82.8	45	40	88.9	32	25	78.1	29	22	75.9
BENTON	164	129	78.7	88	71	80.7	32	23	71.9	17	13	76.5	27	22	81.5
CLAY	430	356	82.8	270	227	84.1	99	83	83.8	33	24	72.7	28	22	78.6
DOUGLAS	168	141	83.9	96	84	87.5	33	25	75.8	17	14	82.4	22	18	81.8
MILLE LACS	90	75	83.3	43	37	86.0	20	16	80.0	14	13	92.9	13	9	69.2
MORRISON	105	78	74.3	48	37	77.1	25	23	92.0	12	8	66.7	20	10	50.0
OTTER TAIL	258	227	88.0	125	111	88.8	64	55	85.9	36	32	88.9	33	29	87.9
STEARNS	797	621	77.9	479	375	78.3	180	138	76.7	79	61	77.2	59	47	79.7
TODD	101	83	82.2	47	38	80.9	30	26	86.7	14	10	71.4	10	9	90.0
WADENA	58	48	82.8	28	21	75.0	12	12	100.0	9	9	100.0	9	6	66.7
SUBTOTAL:	2,399	1,946	81.1	1,346	1,102	81.9	540	441	81.7	263	209	79.5	250	194	77.6
Judicial Dist 8															
BIG STONE	23	19	82.6	16	14	87.5	5	3	60.0	0	0	0.0	2	2	100.0
CHIPPEWA	51	38	74.5	28	18	64.3	15	13	86.7	6	5	83.3	2	2	100.0
GRANT	13	10	76.9	6	5	83.3	5	4	80.0	1	0	0.0	1	1	100.0
KANDIYOHI	181	157	86.7	110	93	84.5	33	31	93.9	19	18	94.7	19	15	78.9
LAC QUI PARLE	26	23	88.5	17	15	88.2	4	4	100.0	1	1	100.0	4	3	75.0
MEEKER	53	45	84.9	25	21	84.0	18	14	77.8	3	3	100.0	7	7	100.0
POPE	42	34	81.0	25	20	80.0	6	5	83.3	8	7	87.5	3	2	66.7
RENVILLE	115	91	79.1	59	48	81.4	27	20	74.1	16	13	81.3	13	10	76.9
STEVENS	40	34	85.0	28	22	78.6	8	8	100.0	3	3	100.0	1	1	100.0
SWIFT	51	41	80.4	29	23	79.3	12	11	91.7	7	6	85.7	3	1	33.3
TRAVERSE	6	6	100.0	3	3	100.0	2	2	100.0	0	0	0.0	1	1	100.0
WILKIN	64	53	82.8	43	35	81.4	13	10	76.9	5	5	100.0	3	3	100.0
YELLOW MED	44	35	79.5	21	18	85.7	13	11	84.6	5	4	80.0	5	2	40.0
SUBTOTAL:	709	586	82.7	410	335	81.7	161	136	84.5	74	65	87.8	64	50	78.1

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2014
BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL**

	ALL VIOLATORS			1 ST -TIME VIOLATORS			2 ND -TIME VIOLATORS			3 RD -TIME VIOLATORS			4 TH + TIME VIOLATORS		
District and County	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %	All Inci- dents N	Con- vic- tions N	Con- vict. Rate %
Judicial Dist 9															
AITKIN	79	60	75.9	37	31	83.8	17	11	64.7	8	7	87.5	17	11	64.7
BELTRAMI	290	263	90.7	180	165	91.7	60	54	90.0	25	22	88.0	25	22	88.0
CASS	191	160	83.8	99	81	81.8	31	25	80.6	32	29	90.6	29	25	86.2
CLEARWATER	41	35	85.4	17	13	76.5	11	10	90.9	6	6	100.0	7	6	85.7
CROW WING	356	284	79.8	200	153	76.5	69	63	91.3	47	36	76.6	40	32	80.0
HUBBARD	84	73	86.9	44	38	86.4	14	13	92.9	14	10	71.4	12	12	100.0
ITASCA	291	242	83.2	150	119	79.3	63	54	85.7	32	28	87.5	46	41	89.1
KITSON	10	6	60.0	6	4	66.7	1	0	0.0	1	0	0.0	2	2	100.0
KOOCHICHING	70	59	84.3	31	26	83.9	21	17	81.0	8	8	100.0	10	8	80.0
LAKE OF WDS	39	33	84.6	25	20	80.0	7	7	100.0	1	1	100.0	6	5	83.3
MAHNOTEN	67	56	83.6	33	25	75.8	14	14	100.0	6	4	66.7	14	13	92.9
MARSHALL	29	23	79.3	15	10	66.7	8	8	100.0	2	2	100.0	4	3	75.0
NORMAN	36	30	83.3	22	17	77.3	6	6	100.0	3	2	66.7	5	5	100.0
PENNINGTON	89	75	84.3	50	45	90.0	21	14	66.7	11	11	100.0	7	5	71.4
POLK	200	172	86.0	134	119	88.8	29	23	79.3	22	18	81.8	15	12	80.0
RED LAKE	23	18	78.3	13	9	69.2	5	5	100.0	4	3	75.0	1	1	100.0
ROSEAU	104	82	78.8	63	52	82.5	27	20	74.1	10	6	60.0	4	4	100.0
SUBTOTAL:	1,999	1,671	83.6	1,119	927	82.8	404	344	85.1	232	193	83.2	244	207	84.8
Judicial Dist 10															
ANOKA	1,149	874	76.1	619	451	72.9	276	221	80.1	129	108	83.7	125	94	75.2
CHISAGO	178	131	73.6	87	67	77.0	49	35	71.4	25	18	72.0	17	11	64.7
ISANTI	151	107	70.9	76	58	76.3	41	31	75.6	20	12	60.0	14	6	42.9
KANABEC	51	38	74.5	22	17	77.3	15	11	73.3	6	4	66.7	8	6	75.0
PINE	136	94	69.1	67	46	68.7	40	24	60.0	12	9	75.0	17	15	88.2
SHERBURNE	389	299	76.9	216	167	77.3	92	65	70.7	53	43	81.1	28	24	85.7
WASHINGTON	1,005	574	57.1	615	330	53.7	229	145	63.3	84	50	59.5	77	49	63.6
WRIGHT	455	325	71.4	238	167	70.2	106	77	72.6	63	50	79.4	48	31	64.6
SUBTOTAL:	3,514	2,442	69.5	1,940	1,303	67.2	848	609	71.8	392	294	75.0	334	236	70.1
Totals for Minnesota:	25,258	18,841	74.6	14,874	10,800	72.6	5,584	4,357	78.0	2,644	2,035	77.0	2,156	1,649	76.5

NOTE:

- (1) There is no restriction on the “look back” period in counting prior violations. For example, a second-time violator could have incurred his or her first violation 12 years, or 1 week, prior to the second violation.
- (2) Caution regarding interpreting table: The data compiled here reflect convictions received as of June 1, 2015.

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

III. PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD

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

Currently, an impaired driving incident is kept on record permanently

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

11.1% of Minnesota residents have a DWI

In all, 607,885 Minnesota residents have one or more impaired driving incidents on their driving record. That is 11.1% of all people living in Minnesota (using the U.S. Census Bureau's 2014 population estimate for Minnesota).

1 in 7 licensed drivers has an incident on record

Now consider that many residents in Minnesota are too young to drive. Out of the 2014 total of licensed drivers in Minnesota, nearly 1 in 7 have one or more incidents on record, 1 in 16 have two or more, and 1 in 35 have three or more.

In addition to Minnesota residents, there are 113,809 non-residents on record who have incurred one or more incidents in Minnesota.

Counties vary

As noted, 11.1% of the state's population has an incident on their driving record. There is variation by county. The five counties with the highest percentages are: Mahnomen (23.1%), Mille Lacs (17.2%), Cass (16.1%), Clearwater (15.9%), and Aitkin (15.7%) – these counties are north and west of the Twin Cities.

The counties with the lowest percentages are Stevens (8.0%), Rock (8.1%), Carver (8.9%), Lincoln (9.2%), Washington (9.3%) and Olmsted (9.4%) – mostly in the lower half of Minnesota. Reasons for the variation might include: prevalence of chemical dependency problems in the population, strictness of enforcement of DWI laws, and whether the county is in a vacation or recreational area of the state.

Each year, most DWI offenders are first-timers

There is a perception that so much of the drinking and driving problem is concentrated in a rather small subset of the population whose members are chemically dependent and who drink and drive over and over again. There is evidence to support such a perception. Forty-two percent of the 607,885 persons in the state with incidents on record have two or more incidents. Some people have a large number of incidents: 1,324 have ten or more. One person now has 25 incidents on record. Still, it is possible the perception distracts attention from the reality that most violators do not have prior incidents on record. Fifty-eight percent have only one incident. (As noted earlier, this understates the true number since a single incident may have been purged from a person's driving record).

TABLE 3.01

POPULATION OF MINNESOTA BY AGE-GROUP AND GENDER

Age	2000 Census Male	2000 Census Female	2000 Census Total	2010 Census Male	2010 Census Female	2010 Census Total	2014 (Estimate) Male	2014 (Estimate) Female	2014 (Estimate) Total
00-04	168,829	160,765	329,594	181,342	174,162	355,504	178,434	170,209	348,643
05-09	182,912	172,982	355,894	181,614	173,922	355,536	184,122	177,380	361,502
10-14	192,118	182,877	374,995	180,356	171,986	352,342	183,493	174,821	358,314
15-19	191,534	182,828	374,362	188,594	179,235	367,829	181,610	174,926	356,536
20-24	164,038	158,445	322,483	180,725	174,926	355,651	185,129	179,191	364,320
25-29	162,132	157,694	319,826	187,562	185,124	372,686	186,222	179,845	366,067
30-34	178,502	174,810	353,312	174,549	168,351	342,900	192,579	188,795	381,374
35-39	207,962	204,528	412,490	165,815	162,375	328,190	171,120	165,558	336,678
40-44	207,355	204,337	411,692	177,234	175,670	352,904	168,243	165,025	333,268
45-49	183,801	180,446	364,247	203,588	202,615	406,203	177,267	176,083	353,350
50-54	150,750	150,699	301,449	200,663	201,032	401,695	202,474	202,669	405,143
55-59	112,203	114,654	226,857	174,321	175,268	349,589	191,355	193,324	384,679
60-64	86,648	91,364	178,012	137,760	142,015	279,775	161,594	165,563	327,157
65-69	72,707	80,462	153,169	97,533	105,037	202,570	121,350	129,097	250,447
70-74	64,646	78,010	142,656	70,840	81,017	151,857	85,418	95,826	181,244
75-79	51,709	70,968	122,677	54,464	67,650	122,114	59,699	72,245	131,944
80-84	33,477	56,686	90,163	40,865	59,051	99,916	42,201	57,644	99,845
85+	24,308	61,293	85,601	34,307	72,357	106,664	39,731	76,931	116,662
Totals:	2,435,631	2,483,848	4,919,479	2,632,132	2,671,793	5,303,925	2,712,041	2,745,132	5,457,173

Source: United States Census Bureau.

TABLE 3.02
MINNESOTA LICENSED DRIVERS^{††} UNDER 21, BY AGE, 1995 – 2014

Year	15	16	17	18	19	20	Total Under 21
1995	20,660	52,205	57,426	58,307	57,139	56,902	302,639
1996	24,783	54,657	60,864	61,788	61,058	58,964	322,114
1997	27,514	55,564	61,052	63,711	63,460	61,875	333,176
1998	24,610	50,028	60,389	64,337	66,023	64,484	329,871
1999	24,944	52,576	59,337	60,177	67,779	67,816	332,629
2000	28,479	55,792	60,724	65,830	68,697	69,306	348,828
2001	27,878	56,361	62,068	64,963	69,232	70,351	350,853
2002	28,880	55,286	63,011	66,876	68,609	70,985	353,647
2003	29,800	55,614	61,329	67,491	69,792	69,385	353,411
2004	31,638	55,812	61,286	66,397	71,026	71,513	357,672
2005	31,161	55,398	61,431	65,440	68,842	71,780	354,052
2006	26,360	53,520	60,695	64,617	67,917	68,826	341,935
2007	26,029	51,499	59,766	64,910	67,664	69,091	338,959
2008	26,141	49,801	57,875	64,337	68,050	68,920	335,124
2009	28,126	49,884	56,554	62,707	67,701	69,074	334,046
2010	28,020	49,634	55,885	61,526	66,272	69,495	330,832
2011	25,422	48,260	54,781	59,722	63,997	67,176	319,358
2012	25,946	47,801	54,489	59,220	63,212	65,539	316,207
2013	25,324	48,013	53,744	58,706	62,642	64,972	313,401
2014	26,393	48,263	54,190	58,202	62,349	64,503	313,900

TABLE 3.03
MINNESOTA LICENSED DRIVERS, BY AGE-GROUP, 1995 – 2015

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
1995	245,737	283,027	331,259	381,403	402,366	364,629	313,384	230,114	183,763	156,652	149,004	132,842	214,171	3,388,351
1996	263,150	284,532	330,844	368,340	407,794	373,405	323,114	248,979	191,853	158,537	148,228	134,127	223,602	3,456,505
1997	271,301	291,004	325,020	356,278	407,334	381,214	330,259	260,406	201,963	160,789	146,590	133,750	221,862	3,487,770
1998	265,387	302,019	318,360	347,382	405,914	389,126	340,673	273,059	210,483	165,519	144,903	134,081	229,135	3,526,041
1999	264,812	316,452	316,642	346,159	401,755	398,519	352,585	290,428	218,555	170,263	145,284	134,225	239,938	3,595,617
2000	279,522	327,545	310,399	347,932	391,515	405,043	362,105	306,566	222,828	174,735	145,334	133,774	242,146	3,647,444
2001	280,502	339,486	309,079	344,952	377,905	408,621	368,930	316,321	238,022	180,723	146,107	133,205	241,646	3,685,499
2002	282,662	352,022	320,420	343,933	366,661	411,413	379,702	325,664	252,631	192,074	149,272	132,368	248,671	3,757,493
2003	284,026	352,818	326,355	333,363	354,509	408,428	386,086	335,331	264,204	200,322	154,103	131,255	257,379	3,788,179
2004	286,159	361,589	339,712	330,480	350,988	403,774	395,178	345,855	280,193	208,133	158,035	131,277	260,483	3,851,856
2005	282,272	361,839	348,538	319,537	349,515	390,439	400,876	355,524	296,390	212,324	163,125	131,383	260,331	3,872,093
2006	273,109	353,949	353,241	311,685	342,520	372,638	401,715	361,197	306,185	226,262	168,693	132,725	267,241	3,871,160
2007	269,868	351,877	360,944	316,410	336,604	358,091	401,496	369,195	314,238	239,650	178,918	136,026	274,657	3,907,974
2008	266,204	350,535	365,501	324,694	327,911	347,387	399,215	376,096	324,589	251,756	187,347	140,879	276,287	3,938,401
2009	264,972	347,193	364,228	330,073	319,456	339,999	391,392	382,435	332,705	265,450	193,513	143,738	273,186	3,948,340
2010	261,337	348,937	366,813	342,756	311,858	340,906	380,685	389,685	343,840	282,820	198,777	149,002	277,819	3,995,235
2011	252,182	343,942	358,738	351,489	306,985	336,514	365,193	392,410	350,359	293,833	213,587	155,347	287,174	4,007,753
2012	250,668	341,891	356,653	359,718	312,377	330,720	351,004	392,344	358,458	301,734	226,107	164,699	292,345	4,038,718
2013	248,429	340,074	358,005	365,101	320,919	331,868	340,791	390,177	365,577	311,683	237,444	172,320	296,868	4,079,256
2014	249,397	338,753	362,329	370,093	331,734	315,800	335,127	383,567	373,526	321,611	252,369	178,905	303,317	4,116,528

^{††} Source: Department of Public Safety, Driver and Vehicle Service Division. Counts include learner's permits.

TABLE 3.04

**MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD,
BY AGE AT DATE OF LAST INCIDENT AND BY AGE AT END OF 2014**

Age	Age at Date of Last Incident				Age at End of Year 2014			
	Female	Male	Not Stated	Total	Female	Male	Not Stated	Total
00-14	15	30	19	64	0	0	0	0
15-19	7,687	21,569	1,030	30,286	230	625	75	930
20-24	30,527	95,519	4,522	130,568	4,396	10,959	744	16,099
25-29	24,372	85,431	3,969	113,772	12,139	30,530	2,223	44,892
30-34	19,255	64,272	2,707	86,234	15,809	44,349	3,400	63,558
35-39	16,885	51,966	1,773	70,624	14,103	45,141	2,973	62,217
40-44	14,702	43,475	1,172	59,349	14,542	46,032	2,211	62,785
45-49	10,824	34,050	680	45,554	17,898	53,012	1,642	72,552
50-54	6,399	24,152	373	30,924	21,417	64,317	1,341	87,075
55-59	3,257	15,523	195	18,975	15,429	53,481	882	69,792
60-64	1,709	9,270	106	11,085	8,768	37,257	518	46,543
65-69	804	5,039	48	5,891	5,133	24,082	272	29,487
70-74	351	2,514	19	2,884	3,001	14,827	156	17,984
75-79	143	1,039	6	1,188	1,727	9,797	74	11,598
80-84	45	357	4	406	1,033	7,042	48	8,123
85 +	9	66	6	81	1,359	12,821	70	14,250
Unknown	0	0	0	0	0	0	0	0
Totals:	136,984	454,272	16,629	607,885	136,984	454,272	16,629	607,885

Note:

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

TABLE 3.05

**POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED
DRIVING INCIDENTS ON RECORD AT END OF 2014, BY COUNTY**

County	2010 Pop Census	2014 Pop Estimate	1 or more Incidents	% of 2014 Pop	1 Incident	% of 2014 Pop	2 Incidents	% of 2014 Pop	3 or more Incidents	% of 2014 Pop
Aitkin	16,202	15,771	2,470	15.7%	1,288	8.2%	562	3.6%	620	3.9%
Anoka	330,844	341,864	38,623	11.3%	21,648	6.3%	8,929	2.6%	8,046	2.4%
Becker	32,504	33,259	4,979	15.0%	2,566	7.7%	1,076	3.2%	1,337	4.0%
Beltrami	44,442	45,664	6,607	14.5%	3,561	7.8%	1,527	3.3%	1,519	3.3%
Benton	38,451	39,506	4,559	11.5%	2,550	6.5%	1,044	2.6%	965	2.4%
Big Stone	5,269	5,127	551	10.7%	314	6.1%	138	2.7%	99	1.9%
Blue Earth	64,013	65,385	7,054	10.8%	3,978	6.1%	1,648	2.5%	1,428	2.2%
Brown	25,893	25,292	2,953	11.7%	1,705	6.7%	682	2.7%	566	2.2%
Carlton	35,386	35,571	4,708	13.2%	2,516	7.1%	1,115	3.1%	1,077	3.0%
Carver	91,042	97,338	8,685	8.9%	5,365	5.5%	1,930	2.0%	1,390	1.4%
Cass	28,567	28,559	4,594	16.1%	2,340	8.2%	1,071	3.8%	1,183	4.1%
Chippewa	12,441	12,110	1,515	12.5%	899	7.4%	328	2.7%	288	2.4%
Chisago	53,887	54,025	7,046	13.0%	3,950	7.3%	1,685	3.1%	1,411	2.6%
Clay	58,999	61,286	7,052	11.5%	4,177	6.8%	1,566	2.6%	1,309	2.1%
Clearwater	8,695	8,791	1,395	15.9%	662	7.5%	323	3.7%	410	4.7%
Cook	5,176	5,233	691	13.2%	388	7.4%	155	3.0%	148	2.8%
Cottonwood	11,687	11,633	1,234	10.6%	725	6.2%	293	2.5%	216	1.9%
Crow Wing	62,500	63,265	8,309	13.1%	4,591	7.3%	1,908	3.0%	1,810	2.9%
Dakota	398,552	412,529	42,139	10.2%	25,434	6.2%	9,298	2.3%	7,407	1.8%
Dodge	20,087	20,353	2,387	11.7%	1,356	6.7%	544	2.7%	487	2.4%
Douglas	36,009	36,790	4,251	11.6%	2,406	6.5%	929	2.5%	916	2.5%
Faribault	14,553	14,192	1,829	12.9%	1,029	7.3%	417	2.9%	383	2.7%
Fillmore	20,866	20,776	2,456	11.8%	1,393	6.7%	582	2.8%	481	2.3%
Freeborn	31,255	30,840	4,042	13.1%	2,249	7.3%	953	3.1%	840	2.7%
Goodhue	46,183	46,423	5,909	12.7%	3,356	7.2%	1,371	3.0%	1,182	2.5%
Grant	6,018	5,965	774	13.0%	430	7.2%	184	3.1%	160	2.7%
Hennepin	1,152,425	1,212,064	127,812	10.5%	76,875	6.3%	27,463	2.3%	23,474	1.9%
Houston	19,027	18,738	2,347	12.5%	1,410	7.5%	499	2.7%	438	2.3%
Hubbard	20,428	20,573	2,438	11.9%	1,311	6.4%	564	2.7%	563	2.7%
Isanti	37,816	38,413	4,786	12.5%	2,545	6.6%	1,146	3.0%	1,095	2.9%
Itasca	45,058	45,589	6,525	14.3%	3,412	7.5%	1,561	3.4%	1,552	3.4%
Jackson	10,266	10,269	1,130	11.0%	697	6.8%	255	2.5%	178	1.7%
Kanabec	16,239	15,930	2,312	14.5%	1,183	7.4%	539	3.4%	590	3.7%
Kandiyohi	42,239	42,285	4,908	11.6%	2,819	6.7%	1,122	2.7%	967	2.3%
Kittson	4,552	4,435	498	11.2%	259	5.8%	118	2.7%	121	2.7%
Koochiching	13,311	12,856	1,837	14.3%	1,008	7.8%	431	3.4%	398	3.1%
Lac Qui Parle	7,259	6,891	765	11.1%	419	6.1%	202	2.9%	144	2.1%
Lake	10,866	10,680	1,255	11.8%	726	6.8%	308	2.9%	221	2.1%
Lake of Woods	4,045	3,918	590	15.1%	293	7.5%	160	4.1%	137	3.5%
Le Sueur	27,703	27,770	3,927	14.1%	2,206	7.9%	889	3.2%	832	3.0%
Lincoln	5,896	5,788	531	9.2%	315	5.4%	119	2.1%	97	1.7%
Lyon	25,857	25,665	2,876	11.2%	1,726	6.7%	626	2.4%	524	2.0%
McLeod	36,651	35,882	4,557	12.7%	2,599	7.2%	1,038	2.9%	920	2.6%
Mahnomen	5,413	5,505	1,272	23.1%	581	10.6%	293	5.3%	398	7.2%
Marshall	9,439	9,417	1,152	12.2%	627	6.7%	265	2.8%	260	2.8%

TABLE 3.05 (Continued)

POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD AT END OF 2014, BY COUNTY

County	2010 Pop Census	2014 Pop Estimate	1 or more Incidents	% of 2014 Pop	1 Incident	% of 2014 Pop	2 Incidents	% of 2014 Pop	3 or more Incidents	% of 2014 Pop
Martin	20,840	20,220	2,474	12.2%	1,418	7.0%	581	2.9%	475	2.3%
Meeker	23,300	23,107	2,679	11.6%	1,421	6.1%	667	2.9%	591	2.6%
Mille Lacs	26,097	25,884	4,460	17.2%	2,247	8.7%	1,022	3.9%	1,191	4.6%
Morrison	33,198	32,810	4,266	13.0%	2,289	7.0%	996	3.0%	981	3.0%
Mower	39,163	39,323	5,244	13.3%	2,944	7.5%	1,259	3.2%	1,041	2.6%
Murray	8,725	8,470	855	10.1%	520	6.1%	179	2.1%	156	1.8%
Nicollet	32,727	33,093	3,392	10.2%	2,028	6.1%	753	2.3%	611	1.8%
Nobles	21,378	21,590	2,668	12.4%	1,842	8.5%	491	2.3%	335	1.6%
Norman	6,852	6,639	869	13.1%	483	7.3%	202	3.0%	184	2.8%
Olmsted	144,248	150,287	14,061	9.4%	8,213	5.5%	3,126	2.1%	2,722	1.8%
Otter Tail	57,303	57,635	6,653	11.5%	3,626	6.3%	1,557	2.7%	1,470	2.6%
Pennington	13,930	14,058	2,028	14.4%	1,068	7.6%	469	3.3%	491	3.5%
Pine	29,750	29,095	4,210	14.5%	2,177	7.5%	979	3.4%	1,054	3.6%
Pipestone	9,596	9,281	1,096	11.8%	625	6.7%	258	2.8%	213	2.3%
Polk	31,600	31,704	4,548	14.3%	2,490	7.9%	1,034	3.3%	1,024	3.2%
Pope	10,995	10,984	1,297	11.8%	688	6.3%	312	2.8%	297	2.7%
Ramsey	508,640	532,655	53,232	10.0%	31,607	5.9%	11,665	2.2%	9,960	1.9%
Red Lake	4,089	4,043	562	13.9%	297	7.3%	136	3.4%	129	3.2%
Redwood	16,059	15,515	1,825	11.8%	1,034	6.7%	397	2.6%	394	2.5%
Renville	15,730	15,025	2,162	14.4%	1,217	8.1%	498	3.3%	447	3.0%
Rice	64,142	65,151	7,083	10.9%	4,015	6.2%	1,645	2.5%	1,423	2.2%
Rock	9,687	9,553	774	8.1%	497	5.2%	151	1.6%	126	1.3%
Roseau	15,629	15,679	2,116	13.5%	1,175	7.5%	492	3.1%	449	2.9%
St. Louis	200,226	200,949	25,728	12.8%	14,309	7.1%	5,983	3.0%	5,436	2.7%
Scott	129,928	139,672	13,933	10.0%	8,445	6.0%	3,176	2.3%	2,312	1.7%
Sherburne	88,499	91,126	10,394	11.4%	6,026	6.6%	2,447	2.7%	1,921	2.1%
Sibley	15,226	14,918	1,856	12.4%	1,040	7.0%	423	2.8%	393	2.6%
Stearns	150,642	152,912	16,182	10.6%	9,509	6.2%	3,579	2.3%	3,094	2.0%
Steele	36,576	36,573	4,234	11.6%	2,354	6.4%	972	2.7%	908	2.5%
Stevens	9,726	9,800	786	8.0%	474	4.8%	171	1.7%	141	1.4%
Swift	9,783	9,436	1,268	13.4%	694	7.4%	302	3.2%	272	2.9%
Todd	24,895	24,264	2,798	11.5%	1,552	6.4%	672	2.8%	574	2.4%
Traverse	3,558	3,387	410	12.1%	242	7.1%	100	3.0%	68	2.0%
Wabasha	21,676	21,362	2,755	12.9%	1,591	7.4%	643	3.0%	521	2.4%
Wadena	13,843	13,757	1,811	13.2%	969	7.0%	395	2.9%	447	3.2%
Waseca	19,136	19,025	2,258	11.9%	1,244	6.5%	554	2.9%	460	2.4%
Washington	238,136	249,283	23,192	9.3%	14,288	5.7%	5,166	2.1%	3,738	1.5%
Watonwan	11,211	11,083	1,476	13.3%	845	7.6%	372	3.4%	259	2.3%
Wilkin	6,576	6,495	854	13.1%	488	7.5%	215	3.3%	151	2.3%
Winona	51,461	51,097	5,238	10.3%	3,191	6.2%	1,171	2.3%	876	1.7%
Wright	124,700	129,918	14,480	11.1%	8,250	6.4%	3,434	2.6%	2,796	2.2%
Yellow Med	10,438	10,109	1,348	13.3%	769	7.6%	302	3.0%	277	2.7%
Minnesota	5,303,925	5,457,173	607,885	11.1%	352,088	6.5%	136,802	2.5%	118,995	2.2%

TABLE 3.06

PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2014

No. of Incidents on Record	Minnesota Residents Twin Cities Metro Area				Minnesota Residents Non- Metro Area				Total MN Residents	Non-Minnesota Residents				Total MN and Non MN Residents
	Female	Male	Not Stated	Sub- total	Female	Male	Not Stated	Sub- total		Female	Male	Not Stated	Total	
1	51,964	124,110	7,588	183,662	43,906	117,938	6,582	168,426	352,088	13,648	40,791	28,795	83,234	435,322
2	13,792	52,841	994	67,627	12,687	55,623	865	69,175	136,802	2,740	13,593	2,300	18,633	155,435
3	4,867	26,221	202	31,290	4,651	29,083	215	33,949	65,239	775	5,861	445	7,081	72,320
4	1,685	12,037	48	13,770	1,714	13,907	65	15,686	29,456	242	2,440	115	2,797	32,253
5	547	5,178	17	5,742	566	5,843	18	6,427	12,169	75	984	27	1,086	13,255
6	156	2,318	3	2,477	176	2,818	13	3,007	5,484	22	436	16	474	5,958
7	82	1,220	1	1,303	88	1,462	6	1,556	2,859	3	213	7	223	3,082
8	31	672	2	705	29	822	4	855	1,560	5	103	2	110	1,670
9	9	395	1	405	14	484	1	499	904	2	66	1	69	973
10	6	231	1	238	7	266	0	273	511	1	35	2	38	549
11	2	150	0	152	0	151	1	152	304	0	21	2	23	327
12	3	77	0	80	1	90	0	91	171	0	21	0	21	192
13	0	67	0	67	1	43	0	44	111	1	6	0	7	118
14	0	30	0	30	0	50	1	51	81	0	4	0	4	85
15	0	24	0	24	0	22	0	22	46	0	7	0	7	53
16	0	17	1	18	0	14	0	14	32	0	1	0	1	33
17	0	12	0	12	0	15	0	15	27	0	0	0	0	27
18	0	7	0	7	0	11	0	11	18	0	0	0	0	18
19	0	1	0	1	0	6	0	6	6	0	0	1	1	7
20	0	1	0	1	0	2	0	2	3	0	0	0	0	3
21	0	4	0	4	0	2	0	2	6	0	0	0	0	6
22	0	0	0	0	0	2	0	2	2	0	0	0	0	2
23	0	1	0	1	0	2	0	2	3	0	0	0	0	3
24	0	0	0	0	0	2	0	2	2	0	0	0	0	2
25	0	0	0	0	0	1	0	1	1	0	0	0	0	1
Totals:	73,144	225,614	8,858	307,616	63,840	228,658	7,771	300,269	607,885	17,514	64,582	31,713	113,809	721,694

Note:

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

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

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

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

IV. IMPAIRED DRIVING RECIDIVISM IN MINNESOTA

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

It is possible to look at all the incidents, and at all persons who incurred incidents in a year based on the number of incidents *prior* to the one being counted in the year. This will produce measures of recidivism based on violators’ past histories. (Tables 4.2 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: 22% of violators in their twenties have prior incidents, compared with 34% of those in their thirties, 41% of those in their forties, 50% of those in their fifties and 51% of those 60 and older.

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

RECIDIVISM BASED ON PAST HISTORY

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

(1) Defining an incident: An incident may be defined more broadly as *either* an implied consent violation *or* an impaired driving criminal conviction, or, more narrowly, requiring that the incident include the impaired driving criminal conviction. The *ratios* of first-time to repeat violations are similar, but there were 6,417 fewer incidents in 2014 when the narrower definition is used.

(2) Length of look-back period: Minnesota Statute defines impaired driving offenses as misdemeanors, gross misdemeanors, or felonies

based in part on how many prior incidents the person had over specified lengths of time. But a person may have had incidents before the specified time periods.

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

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

Recidivists commit less than half of the violations

If a person arrested for a second or subsequent offense is defined as a recidivist, then, depending on other definitions, recidivists committed somewhere between 29 and 41 percent of the 2014 incidents. Under the broader definition and using a lifetime look-back period, recidivists committed 41% of the incidents (and first-time violators 59%). Under the narrower definition, and using the nine-to-ten-year look-back period, recidivists committed 29% of the incidents (and first-time violators 71%).

Taking a step back, one could say that first-time violators accounted for well over half the impaired driving violations in 2014. 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.

**As an example of using a “nine-to-ten-year look-back period,” the records of all violators who incurred incidents in 2014 were examined for the period from 1-1-2005 through 12-31-2014. Thus, the look-back period could be as short as 9 years and 1 day for a violator who incurred an incident on 12-31-2005, or as long as 10 years for a violator who incurred an incident on 1-1-2005.

RECIDIVISM MEASURED PROSPECTIVELY AMONG VIOLATOR COHORTS

Among the 16,304 first-time violators from 1999, 39% incurred a second violation within 180 months (15 years). The recidivism rate is greatest in the first months after the first incident, and then gradually trails off as years go by: 7% incurred a second incident within the first 12 months of their first, another 6% recidivated in the second 12 months, another 5% in the third 12 months, and another 4% in the fourth 12 months. Cumulatively, 22% recidivated by four years out, 32% by eight years out, 37% by 12 years out, and 39% by 15 years out.^{§§}

Among the cohort of 6,662 violators who incurred a second incident in 1999, 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: 8% incurred a third incident within the first 12 months of their second, another 7% recidivated in the second 12 months, another 6% in the third 12 months, and another 5% in the fourth 12 months. Cumulatively, 26% recidivated by four years out, 38% by eight years out, 43% by 12 years out, and 46% by 15 years out.

Recidivism since 1998

First-, second-, and third-time violators from each year 1999-2010 (making up 36 violator cohorts, three for each of twelve years) were followed forward in time for up to 48 months. For first-time violators recidivism decreased slightly. For 1999 first-time violators 22% recidivated within 48 months, compared with 17% of year 2010 first-time violators. However, there is evidence that recidivism is declining at a higher rate when considering multiple offenders. Twenty-six percent of 1999 second-time violators recidivated within 48 months, compared to 19% of year-2010 second-time violators – a seven percentage-point drop. Finally, 23% of 1999 third-time violators recidivated within 48 months, compared to just 16% of year-2010 third-time violators – also a seven percentage-point drop.

Another perspective: violators are just older now

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

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

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

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

^{§§} DWI violators may change residences frequently. To increase validity of the prospective measures of recidivism, violators were only accepted into cohorts if they were shown to currently reside in Minnesota.

TABLE 4.01

**MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY
TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2014**

Total Incidents on Record	Age 0-19	Age 20-24	Age 25-29	Age 30-34	Age 35-39	Age 40-44	Age 45-49	Age 50-54	Age 55-59	Age 60-69	Age 70+	Total
1	890	13,777	33,695	43,296	40,270	38,187	41,443	44,527	33,833	37,389	24,781	352,088
2	33	1,991	8,543	13,951	13,754	14,036	15,996	20,066	16,630	17,960	13,842	136,802
3	7	283	2,190	4,792	5,729	6,437	8,203	11,325	9,498	10,004	6,771	65,239
4	0	43	387	1,208	1,762	2,617	3,919	5,748	4,998	5,426	3,348	29,456
5	0	4	71	240	508	875	1,604	2,603	2,262	2,473	1,529	12,169
6	0	1	6	56	129	352	663	1,259	1,112	1,199	707	5,484
7	0	0	0	11	46	161	321	656	617	646	401	2,859
8	0	0	0	3	12	66	183	368	342	358	228	1,560
9	0	0	0	1	4	28	91	221	197	226	136	904
10	0	0	0	0	2	13	50	116	120	136	74	511
11	0	0	0	0	0	5	39	80	66	67	47	304
12	0	0	0	0	0	3	16	38	42	51	21	171
13	0	0	0	0	0	2	12	29	20	27	21	111
14	0	0	0	0	1	1	7	15	16	26	15	81
15	0	0	0	0	0	2	1	7	13	15	8	46
16	0	0	0	0	0	0	1	5	10	7	9	32
17	0	0	0	0	0	0	0	4	8	5	10	27
18	0	0	0	0	0	0	1	4	4	5	4	18
19	0	0	0	0	0	0	1	1	2	2	0	6
20	0	0	0	0	0	0	0	0	1	2	0	3
21	0	0	0	0	0	0	0	1	0	3	2	6
22	0	0	0	0	0	0	0	1	0	1	0	2
23	0	0	0	0	0	0	0	1	0	2	0	3
24	0	0	0	0	0	0	1	0	1	0	0	2
25	0	0	0	0	0	0	0	0	0	0	1	1
Total Persons	930	16,099	44,892	63,558	62,217	62,785	72,552	87,075	69,792	76,030	51,995	607,885

TABLE 4.02

**INCIDENTS THAT OCCURRED IN MINNESOTA IN 2014
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 1/1/2005-12/31/2014)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2005-12/31/2014)	
Number of Incidents on Record	Number of Incidents in 2014	% of Incidents in 2014	Number of Incidents in 2014	% of Incidents in 2014	Number of Incidents in 2014	% of Incidents in 2014	Number of Incidents in 2014	% of Incidents in 2014
1	11,520	61.14%	13,630	72.34%	14,874	58.89%	17,810	70.51%
2	4,168	22.12%	3,961	21.02%	5,584	22.11%	5,483	21.71%
3	1,817	9.64%	1,028	5.46%	2,644	10.47%	1,575	6.24%
4	763	4.05%	189	1.00%	1,146	4.54%	328	1.30%
5	290	1.54%	30	0.16%	509	2.02%	54	0.21%
6	129	0.68%	3	0.02%	209	0.83%	7	0.03%
7	67	0.36%			119	0.47%	1	*
8	36	0.19%			68	0.27%		
9	21	0.11%			31	0.12%		
10	12	0.06%			25	0.10%		
11	6	0.03%			25	0.10%		
12	2	0.01%			8	0.03%		
13	5	0.03%			3	0.01%		
14	3	0.02%			3	0.01%		
15					3	0.01%		
16	1	0.01%			2	0.01%		
17					1	*		
18					1	*		
19	1	0.01%						
20								
21					2	0.01%		
22					1	*		
23								
24								
25								
Total Incidents	18,841	100.0%	18,841	100.0%	25,258	100.0%	25,258	100.0%

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

TABLE 4.03

**PERSONS WHO INCURRED INCIDENTS IN MINNESOTA IN 2014
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 1/1/2005-12/31/2014)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2004-12/31/2014)	
Number of Incidents on Record	Persons who Incurred Incidents in 2014	% who Incurred Incidents in 2014	Persons who Incurred Incidents in 2014	% who Incurred Incidents in 2014	Persons who Incurred Incidents in 2014	% who Incurred Incidents in 2014	Persons who Incurred Incidents in 2014	% who Incurred Incidents in 2014
1	11,293	61.15%	13,366	72.37%	14,493	58.95%	17,353	70.58%
2	4,077	22.08%	3,872	20.97%	5,429	22.08%	5,329	21.67%
3	1,779	9.63%	1,009	5.46%	2,565	10.43%	1,523	6.19%
4	756	4.09%	188	1.02%	1,114	4.53%	321	1.31%
5	286	1.55%	30	0.16%	500	2.03%	53	0.22%
6	127	0.69%	3	0.02%	205	0.83%	7	0.03%
7	67	0.36%			117	0.48%	1	*
8	34	0.18%			66	0.27%		
9	21	0.11%			29	0.12%		
10	11	0.06%			23	0.09%		
11	6	0.03%			25	0.10%		
12	2	0.01%			7	0.03%		
13	4	0.02%			3	0.01%		
14	3	0.02%			3	0.01%		
15					3	0.01%		
16	1	0.01%			1	*		
17					1	*		
18					1	*		
19	1	0.01%						
20								
21					1	*		
22					1	*		
23								
24								
25								
Total Persons	18,468	100.0%	18,468	100.0%	24,587	100.0%	24,587	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 15 YEARS AMONG COHORTS OF FIRST- AND SECOND-TIME VIOLATORS FROM 1999: 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	0.73	0.69	49	22.39	25.89	97	32.42	37.66	145	37.30	43.56
2	1.31	1.38	50	22.69	26.15	98	32.57	37.83	146	37.36	43.65
3	1.96	1.98	51	22.99	26.40	99	32.73	38.01	147	37.47	43.77
4	2.51	2.57	52	23.24	26.79	100	32.97	38.11	148	37.52	43.85
5	3.14	3.29	53	23.56	27.15	101	33.07	38.22	149	37.57	43.89
6	3.76	3.89	54	23.84	27.44	102	33.18	38.44	150	37.62	43.94
7	4.34	4.58	55	24.09	27.69	103	33.34	38.55	151	37.66	43.97
8	4.89	5.27	56	24.34	28.05	104	33.49	38.65	152	37.71	44.09
9	5.46	5.90	57	24.59	28.28	105	33.62	38.89	153	37.79	44.12
10	6.18	6.41	58	24.86	28.67	106	33.74	39.06	154	37.88	44.21
11	6.75	6.92	59	25.10	28.93	107	33.89	39.27	155	37.97	44.31
12	7.34	7.69	60	25.37	29.18	108	34.00	39.34	156	38.04	44.43
13	7.88	8.20	61	25.55	29.38	109	34.10	39.72	157	38.06	44.45
14	8.43	8.69	62	25.74	29.68	110	34.18	39.84	158	38.13	44.51
15	8.94	9.35	63	25.92	29.93	111	34.27	39.91	159	38.23	44.52
16	9.44	10.15	64	26.15	30.23	112	34.41	40.09	160	38.29	44.61
17	9.97	10.87	65	26.37	30.46	113	34.48	40.20	161	38.35	44.66
18	10.50	11.63	66	26.58	30.71	114	34.60	40.30	162	38.45	44.72
19	10.94	12.16	67	26.76	30.88	115	34.69	40.47	163	38.50	44.85
20	11.40	12.98	68	26.91	31.12	116	34.78	40.51	164	38.55	44.93
21	11.80	13.54	69	27.06	31.39	117	34.91	40.68	165	38.59	44.99
22	12.40	13.99	70	27.33	31.58	118	35.02	40.78	166	38.68	45.05
23	12.95	14.40	71	27.47	31.85	119	35.13	40.92	167	38.70	45.12
24	13.36	14.83	72	27.74	32.17	120	35.21	41.04	168	38.75	45.15
25	13.81	15.45	73	27.91	32.44	121	35.32	41.20	169	38.83	45.21
26	14.30	16.03	74	28.12	32.63	122	35.43	41.37	170	38.91	45.27
27	14.71	16.69	75	28.28	32.86	123	35.50	41.46	171	38.95	45.32
28	15.06	17.26	76	28.45	33.08	124	35.60	41.61	172	38.99	45.36
29	15.52	17.71	77	28.62	33.29	125	35.72	41.68	173	39.06	45.39
30	15.95	18.12	78	28.88	33.47	126	35.79	41.86	174	39.11	45.44
31	16.30	18.49	79	29.16	33.77	127	35.89	41.95	175	39.17	45.51
32	16.66	18.99	80	29.37	34.00	128	35.99	42.04	176	39.22	45.53
33	17.00	19.59	81	29.59	34.21	129	36.11	42.18	177	39.25	45.59
34	17.36	19.92	82	29.75	34.45	130	36.19	42.36	178	39.31	45.62
35	17.71	20.44	83	30.00	34.69	131	36.27	42.57	179	39.35	45.71
36	18.06	20.98	84	30.21	34.93	132	36.38	42.61	180	39.38	45.78
37	18.46	21.28	85	30.40	35.12	133	36.43	42.67	Percentage not recidi- vating within 15 years:		
38	18.84	21.68	86	30.57	35.33	134	36.54	42.73			
39	19.23	22.16	87	30.75	35.50	135	36.60	42.84	First- Timers Second- Timers 60.62% 54.22%		
40	19.60	22.53	88	30.92	35.74	136	36.65	42.98			
41	19.95	23.07	89	31.15	36.06	137	36.73	43.02	Number persons on which percentages are based:		
42	20.24	23.46	90	31.33	36.24	138	36.78	43.08			
43	20.50	23.84	91	31.51	36.36	139	36.81	43.13	First- Timers Second- Timers		
44	20.81	24.20	92	31.66	36.57	140	36.89	43.20			
45	21.17	24.53	93	31.75	36.81	141	37.03	43.26	16,304 6,662		
46	21.49	24.89	94	31.92	37.05	142	37.09	43.32			
47	21.78	25.29	95	32.08	37.26	143	37.16	43.37			
48	22.11	25.55	96	32.24	37.45	144	37.22	43.49			

TABLE 4.05

**RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 1999 - 2013:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION**

Months Elapsed	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1	0.73	0.55	0.60	0.56	0.60	0.54	0.69	0.71	0.62	0.60	0.60	0.58	0.61	0.53	0.53
2	1.31	1.13	1.22	1.07	1.12	1.17	1.28	1.22	1.17	1.19	1.18	1.28	1.14	1.04	1.01
3	1.96	1.74	1.82	1.57	1.81	1.59	1.84	1.86	1.72	1.66	1.81	1.77	1.54	1.52	1.41
4	2.51	2.33	2.36	2.15	2.33	2.11	2.40	2.36	2.15	2.09	2.26	2.22	2.05	1.86	1.79
5	3.14	2.82	2.93	2.65	2.77	2.63	2.98	2.92	2.63	2.60	2.77	2.63	2.38	2.21	2.11
6	3.76	3.36	3.45	3.17	3.33	3.15	3.47	3.41	3.10	3.22	3.17	2.99	2.77	2.56	2.47
7	4.34	3.97	4.02	3.79	4.03	3.69	4.01	4.00	3.63	3.68	3.67	3.41	3.21	2.84	2.81
8	4.89	4.47	4.54	4.29	4.49	4.31	4.69	4.48	4.09	4.13	4.01	3.85	3.63	3.18	3.15
9	5.46	5.03	5.08	4.86	4.97	4.86	5.35	4.98	4.58	4.60	4.48	4.17	4.14	3.56	3.45
10	6.18	5.66	5.62	5.35	5.45	5.37	5.89	5.45	5.12	4.94	4.90	4.71	4.44	4.04	3.74
11	6.75	6.22	6.09	5.92	5.98	5.87	6.47	6.01	5.70	5.32	5.26	5.13	4.83	4.40	4.10
12	7.34	6.83	6.50	6.41	6.43	6.43	7.13	6.55	6.22	5.76	5.70	5.62	5.26	4.82	4.47
13	7.88	7.26	7.01	6.92	6.90	6.92	7.60	7.03	6.65	6.20	6.09	6.03	5.54	5.08	
14	8.43	7.78	7.55	7.38	7.38	7.52	8.18	7.56	7.16	6.66	6.45	6.49	5.90	5.40	
15	8.94	8.35	7.99	7.81	7.96	8.07	8.68	8.13	7.63	7.02	6.82	6.88	6.31	5.77	
16	9.44	8.73	8.47	8.28	8.42	8.64	9.25	8.59	8.00	7.36	7.24	7.30	6.68	6.06	
17	9.97	9.27	8.99	8.80	8.93	9.13	9.72	9.10	8.39	7.74	7.60	7.79	7.04	6.38	
18	10.50	9.76	9.45	9.29	9.37	9.64	10.18	9.54	8.78	8.14	7.97	8.16	7.38	6.82	
19	10.94	10.21	9.91	9.76	9.77	10.21	10.65	9.96	9.18	8.47	8.33	8.51	7.72	7.21	
20	11.40	10.62	10.41	10.09	10.26	10.73	11.05	10.37	9.63	8.80	8.74	8.88	8.15	7.48	
21	11.80	11.04	10.81	10.61	10.79	11.22	11.52	10.86	10.08	9.26	9.11	9.20	8.53	7.87	
22	12.40	11.55	11.17	11.14	11.31	11.67	11.95	11.34	10.43	9.60	9.42	9.52	8.88	8.29	
23	12.95	12.14	11.64	11.60	11.76	12.20	12.46	11.89	10.75	10.00	9.79	9.88	9.29	8.60	
24	13.36	12.53	12.09	12.09	12.21	12.67	12.83	12.30	11.14	10.36	10.14	10.34	9.59	8.92	
25	13.81	12.88	12.51	12.48	12.65	13.06	13.30	12.69	11.54	10.71	10.46	10.66	9.89		
26	14.30	13.34	12.96	13.00	13.13	13.48	13.81	13.07	11.89	11.13	10.85	11.01	10.24		
27	14.71	13.71	13.32	13.38	13.59	13.91	14.31	13.43	12.22	11.44	11.26	11.32	10.54		
28	15.06	14.04	13.74	13.76	14.01	14.35	14.80	13.76	12.57	11.74	11.50	11.65	10.90		
29	15.52	14.42	14.12	14.06	14.47	14.83	15.17	14.09	12.91	12.02	11.78	11.93	11.26		
30	15.95	14.85	14.52	14.43	14.85	15.25	15.56	14.48	13.18	12.36	12.11	12.33	11.58		
31	16.30	15.26	14.86	14.93	15.30	15.70	15.94	14.88	13.53	12.64	12.38	12.77	11.89		
32	16.66	15.57	15.31	15.28	15.80	16.10	16.33	15.26	13.86	12.93	12.70	13.02	12.18		
33	17.00	15.90	15.65	15.63	16.22	16.51	16.71	15.59	14.20	13.26	13.02	13.38	12.46		
34	17.36	16.19	16.15	15.98	16.62	16.88	17.03	15.94	14.49	13.56	13.37	13.68	12.76		
35	17.71	16.51	16.53	16.34	16.98	17.34	17.45	16.30	14.85	13.86	13.67	13.98	13.00		
36	18.06	16.85	16.85	16.66	17.38	17.74	17.78	16.52	15.16	14.17	13.90	14.20	13.26		
37	18.46	17.19	17.16	17.06	17.69	18.23	18.16	16.84	15.41	14.47	14.24	14.49			
38	18.84	17.45	17.58	17.41	18.04	18.60	18.42	17.15	15.64	14.79	14.47	14.73			
39	19.23	17.80	17.96	17.77	18.44	18.93	18.82	17.42	15.93	15.05	14.78	14.99			
40	19.60	18.17	18.23	18.21	18.79	19.24	19.09	17.73	16.22	15.37	15.13	15.30			
41	19.95	18.53	18.56	18.60	19.15	19.57	19.43	17.98	16.53	15.65	15.47	15.57			
42	20.24	18.91	18.80	19.02	19.59	19.88	19.77	18.28	16.79	15.84	15.76	15.78			
43	20.50	19.20	19.13	19.34	19.95	20.29	20.07	18.54	17.07	16.09	16.01	16.02			
44	20.81	19.45	19.47	19.63	20.31	20.65	20.37	18.79	17.32	16.32	16.27	16.25			
45	21.17	19.71	19.77	20.06	20.63	20.88	20.69	19.03	17.54	16.55	16.50	16.51			
46	21.49	20.03	20.11	20.45	20.89	21.15	21.04	19.30	17.78	16.83	16.79	16.74			
47	21.78	20.32	20.41	20.79	21.18	21.45	21.31	19.47	17.99	17.07	16.98	16.94			
48	22.11	20.61	20.70	21.18	21.52	21.74	21.58	19.72	18.17	17.28	17.17	17.18			

Percentage not recidivating within 48 months

77.89 79.39 79.30 78.82 78.48 78.26 78.42 80.28 81.83 82.72 82.83 82.82

Persons in cohort (number on which percents are based)

16,304 17,107 16,432 16,574 16,446 17,544 19,260 22,422 20,547 18,679 17,153 15,510 15,436 15,365 13,867

Average age of persons in cohort

31.4 31.5 31.5 31.3 30.9 31.1 30.8 30.5 30.9 31.5 31.7 31.8 31.8 31.9 31.9

TABLE 4.06

**RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 1999 - 2013:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION**

Months Elapsed	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1	0.69	0.73	0.53	0.71	0.78	0.57	0.70	0.65	0.58	0.65	0.68	0.73	0.66	0.57	0.59
2	1.38	1.38	1.08	1.19	1.30	1.09	1.20	1.24	1.07	1.07	1.31	1.54	1.22	1.20	1.20
3	1.98	1.86	1.51	1.65	1.76	1.74	1.76	1.76	1.54	1.62	1.92	2.16	1.74	1.75	1.77
4	2.57	2.46	1.90	2.00	2.27	2.13	2.25	2.32	2.11	1.99	2.40	2.62	2.16	2.14	2.19
5	3.29	3.09	2.30	2.40	2.68	2.65	2.74	2.93	2.53	2.37	2.77	2.94	2.52	2.37	2.57
6	3.89	3.55	2.65	2.83	3.14	3.13	3.17	3.26	3.01	2.72	3.05	3.54	2.83	2.73	2.92
7	4.58	4.11	3.17	3.37	3.49	3.60	3.65	3.74	3.43	3.02	3.40	3.93	3.22	2.95	3.18
8	5.27	4.50	3.61	3.67	3.85	4.25	4.12	4.15	3.97	3.42	3.89	4.43	3.63	3.29	3.44
9	5.90	4.91	4.20	4.19	4.42	4.65	4.75	4.64	4.50	3.76	4.35	4.91	4.02	3.60	3.67
10	6.41	5.70	4.65	4.83	5.01	5.10	5.25	5.27	5.04	4.26	4.75	5.20	4.44	4.01	3.90
11	6.92	6.29	5.09	5.32	5.55	5.62	5.80	5.77	5.36	4.74	5.19	5.53	4.71	4.23	4.14
12	7.69	7.06	5.70	5.77	6.13	6.18	6.41	6.36	5.98	5.27	5.58	6.04	5.02	4.48	4.40
13	8.20	7.91	6.20	6.32	6.59	6.72	6.97	6.84	6.48	5.81	6.11	6.40	5.43	4.70	
14	8.69	8.66	6.65	6.93	7.08	7.40	7.69	7.29	7.02	6.29	6.56	6.68	5.74	5.05	
15	9.35	9.29	7.17	7.39	7.70	7.94	8.26	7.83	7.54	6.75	6.82	6.88	6.10	5.29	
16	10.15	9.84	7.84	7.89	8.19	8.38	8.82	8.38	7.95	7.17	7.19	7.13	6.40	5.52	
17	10.87	10.37	8.43	8.45	8.70	9.02	9.32	8.94	8.53	7.63	7.47	7.42	6.71	5.74	
18	11.63	11.02	9.07	9.07	9.29	9.69	9.99	9.46	9.02	8.15	7.90	7.81	6.96	5.99	
19	12.16	11.67	9.68	9.78	9.89	10.24	10.32	9.89	9.62	8.48	8.44	8.23	7.39	6.34	
20	12.98	12.29	10.34	10.42	10.52	10.78	10.80	10.51	10.09	9.06	8.87	8.67	7.70	6.77	
21	13.54	13.07	10.74	10.83	11.00	11.28	11.34	10.94	10.66	9.44	9.32	9.07	8.03	7.06	
22	13.99	13.66	11.18	11.20	11.57	11.84	11.95	11.37	11.09	9.85	9.70	9.54	8.42	7.38	
23	14.40	14.32	11.85	11.74	12.28	12.44	12.38	11.82	11.64	10.41	10.10	10.06	8.81	7.51	
24	14.83	14.87	12.55	12.39	12.74	13.12	12.89	12.34	12.06	10.73	10.57	10.48	9.12	7.98	
25	15.45	15.22	13.02	12.82	13.26	13.74	13.45	12.82	12.40	11.11	11.00	10.87	9.50		
26	16.03	15.75	13.60	13.23	13.80	14.19	14.03	13.46	12.84	11.68	11.47	11.37	9.76		
27	16.69	16.20	14.04	13.63	14.41	14.78	14.50	13.97	13.39	12.09	11.82	11.69	10.12		
28	17.26	16.61	14.47	14.10	15.06	15.33	14.97	14.41	13.66	12.54	12.29	12.36	10.56		
29	17.71	17.19	15.00	14.64	15.48	15.86	15.52	14.87	14.04	12.85	12.70	12.87	10.84		
30	18.12	17.69	15.53	15.22	16.12	16.36	16.11	15.25	14.34	13.14	13.07	13.20	11.20		
31	18.49	18.08	16.03	15.63	16.70	16.83	16.51	15.57	14.67	13.39	13.34	13.62	11.55		
32	18.99	18.58	16.47	16.15	17.23	17.36	17.06	15.85	15.08	13.76	13.70	13.98	11.97		
33	19.59	18.95	17.05	16.63	17.73	17.78	17.48	16.27	15.56	14.04	13.94	14.32	12.35		
34	19.92	19.28	17.41	17.19	18.13	18.34	17.93	16.73	15.92	14.38	14.24	14.68	12.72		
35	20.44	19.63	17.91	17.63	18.78	18.75	18.25	17.19	16.24	14.73	14.69	15.08	13.16		
36	20.98	20.01	18.42	17.98	19.22	19.00	18.74	17.59	16.52	15.07	15.09	15.41	13.43		
37	21.28	20.55	19.00	18.42	19.56	19.44	19.21	17.97	16.96	15.58	15.30	15.75			
38	21.68	21.10	19.33	18.77	19.95	19.91	19.53	18.35	17.28	16.12	15.71	16.06			
39	22.16	21.46	19.75	19.43	20.49	20.28	19.85	18.63	17.64	16.54	16.11	16.49			
40	22.53	21.89	20.14	19.98	21.01	20.58	20.22	19.00	18.11	16.90	16.54	16.91			
41	23.07	22.36	20.53	20.46	21.36	20.99	20.62	19.38	18.38	17.31	16.89	17.27			
42	23.46	22.71	21.01	20.98	21.71	21.37	21.00	19.77	18.83	17.70	17.18	17.63			
43	23.84	23.13	21.41	21.52	22.16	21.72	21.50	20.17	19.12	18.04	17.48	18.00			
44	24.20	23.54	21.72	21.86	22.54	22.08	21.83	20.55	19.46	18.30	17.87	18.28			
45	24.53	23.86	22.03	22.11	22.85	22.40	22.08	20.83	19.74	18.52	18.22	18.47			
46	24.89	24.30	22.44	22.52	23.30	22.89	22.49	21.18	19.89	18.81	18.46	18.65			
47	25.29	24.63	22.84	22.98	23.61	23.14	22.75	21.42	20.25	19.03	18.64	18.93			
48	25.55	24.97	23.29	23.28	24.06	23.53	22.93	21.76	20.57	19.31	19.00	19.10			
Percent not recidivating within 48 months															
	74.45	75.03	76.71	76.72	75.94	76.47	77.07	78.24	79.43	80.69	81.00	80.90			
Persons in cohort (number on which percents are based)															
	6,662	6,597	6,405	6,296	6,310	6,799	7,256	8,291	7,929	7,550	7,038	6,439	6,391	6,164	5,749
Average age of persons in cohort															
	34.1	34.2	34.1	34.3	34.2	34.3	34.3	33.8	34.3	34.3	34.8	35.1	35.1	35.3	35.6

TABLE 4.07

**RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 1999 - 2013:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION**

Months Elapsed	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1	0.60	0.89	0.64	0.57	0.62	0.36	0.86	0.52	0.76	0.69	0.80	0.90	0.79	0.50	0.60
2	1.30	1.44	1.31	1.25	1.20	0.81	1.29	1.38	1.59	1.17	1.33	1.49	1.39	0.90	1.08
3	2.12	1.99	1.98	1.85	1.82	1.33	1.63	1.93	1.97	1.89	2.01	2.29	1.75	1.40	1.72
4	2.39	2.63	2.33	2.15	2.27	1.79	2.25	2.49	2.53	2.25	2.84	2.55	2.05	1.80	1.88
5	2.84	3.18	2.68	2.63	2.68	2.31	2.74	2.93	2.82	2.61	3.21	2.99	2.32	2.41	2.24
6	3.23	3.67	2.94	3.26	3.06	2.63	3.11	3.31	3.55	3.13	3.74	3.42	2.65	2.55	2.56
7	3.60	4.31	3.32	3.53	3.33	2.89	3.48	3.95	4.17	3.34	4.01	3.62	2.98	2.95	2.96
8	4.11	4.71	3.93	3.90	3.68	3.28	3.72	4.17	4.67	3.67	4.45	3.88	3.34	3.23	3.32
9	4.53	5.29	4.44	4.38	4.19	3.61	4.09	4.81	4.96	4.03	4.82	4.21	3.68	3.48	3.56
10	5.08	5.91	4.76	4.68	4.60	4.09	4.80	5.19	5.55	4.63	5.19	4.55	3.87	3.74	3.84
11	5.65	6.33	5.20	4.98	4.88	4.48	5.20	5.64	5.87	5.05	5.59	4.94	4.11	4.13	4.08
12	6.23	6.92	5.87	5.22	5.22	5.10	5.66	5.97	6.28	5.29	5.90	5.21	4.40	4.24	4.31
13	6.71	7.47	6.22	5.65	5.74	5.46	6.34	6.22	6.55	5.65	6.21	5.61	4.64	4.42	
14	7.10	7.99	6.67	5.99	6.08	5.69	6.67	6.55	6.99	6.01	6.39	6.04	5.03	4.56	
15	7.68	8.45	7.37	6.70	6.46	6.17	7.07	6.96	7.37	6.22	6.76	6.34	5.23	4.92	
16	8.13	8.87	8.01	7.03	6.97	6.60	7.54	7.27	7.72	6.58	7.29	6.54	5.46	5.17	
17	8.62	9.49	8.23	7.67	7.42	7.05	7.91	7.76	8.08	6.97	7.56	6.77	5.79	5.46	
18	9.31	10.01	8.68	8.21	7.76	7.44	8.15	8.34	8.40	7.24	8.00	7.03	6.19	5.78	
19	9.79	10.56	9.06	8.72	8.24	8.09	8.40	8.76	8.84	7.57	8.24	7.40	6.39	5.96	
20	10.37	11.11	9.74	9.42	8.79	8.48	8.83	9.23	9.54	8.14	8.64	7.53	6.79	6.18	
21	10.91	11.63	10.05	9.83	9.38	9.07	9.41	9.56	9.93	8.59	8.98	8.20	6.99	6.54	
22	11.61	12.24	10.34	10.27	9.69	9.39	9.66	9.86	10.34	8.80	9.26	8.56	7.28	6.93	
23	12.12	12.88	10.72	10.91	10.24	9.91	10.12	10.28	10.87	9.13	9.91	8.93	7.55	7.00	
24	12.73	13.31	11.01	11.34	10.68	10.50	10.52	10.61	11.25	9.56	10.31	9.16	7.88	7.40	
25	13.24	13.77	11.52	11.61	11.27	10.89	10.98	11.05	11.60	9.77	10.71	9.56	7.98		
26	13.66	14.11	11.91	12.32	11.92	11.18	11.38	11.44	11.95	10.34	10.99	9.95	8.34		
27	14.09	14.38	12.45	12.86	12.37	11.73	11.93	11.77	12.42	10.76	11.27	10.38	8.51		
28	14.51	14.90	12.93	13.30	12.81	12.28	12.33	12.04	12.89	11.12	11.67	10.72	8.97		
29	15.11	15.27	13.31	13.73	13.29	12.64	12.80	12.18	13.33	11.39	11.89	10.98	9.21		
30	15.57	15.64	13.76	14.20	13.71	12.97	13.29	12.46	13.77	11.63	12.20	11.28	9.57		
31	16.08	16.10	14.17	14.57	14.12	13.45	13.72	12.79	14.16	11.93	12.50	11.41	9.80		
32	16.60	16.37	14.59	14.98	14.46	13.84	14.09	13.20	14.51	12.32	12.81	11.81	10.17		
33	16.99	16.98	14.94	15.45	14.94	14.46	14.36	13.78	14.86	12.62	13.03	12.14	10.43		
34	17.50	17.35	15.42	15.79	15.39	14.72	14.52	14.01	15.24	12.95	13.34	12.34	10.86		
35	17.99	17.84	15.80	16.16	15.66	15.01	14.83	14.31	15.51	13.31	13.83	12.64	10.99		
36	18.20	18.15	16.09	16.39	15.91	15.27	15.04	14.75	15.80	13.46	14.11	12.84	11.26		
37	18.71	18.54	16.41	16.80	16.25	15.60	15.32	15.06	16.24	13.76	14.39	13.24			
38	19.41	18.91	16.63	17.13	16.59	16.22	15.63	15.41	16.53	14.06	14.85	13.44			
39	19.95	19.28	16.98	17.60	17.18	16.57	16.06	15.80	16.83	14.48	15.19	13.60			
40	20.31	19.74	17.33	17.70	17.42	16.80	16.49	16.19	16.98	14.78	15.28	13.90			
41	20.65	20.20	17.75	18.18	17.83	17.09	16.73	16.46	17.27	15.05	15.62	14.03			
42	21.13	20.59	18.03	18.68	18.34	17.32	17.13	16.91	17.47	15.38	15.81	14.40			
43	21.58	20.84	18.29	18.95	18.76	17.68	17.50	17.18	17.89	15.50	16.15	14.73			
44	21.89	21.08	18.67	19.22	19.10	18.04	17.90	17.43	18.18	15.90	16.39	14.93			
45	22.28	21.48	18.99	19.52	19.51	18.49	18.33	17.54	18.50	16.11	16.86	15.23			
46	22.49	21.82	19.28	20.03	19.96	18.72	18.76	17.90	18.85	16.41	17.04	15.69			
47	22.70	22.25	19.69	20.46	20.23	19.08	19.07	18.20	19.12	16.65	17.23	16.03			
48	23.10	22.55	20.01	20.77	20.58	19.24	19.22	18.43	19.41	16.86	17.47	16.26			
Percent not recidivating within 48 months															
	76.90	77.45	79.99	79.23	79.42	80.76	80.78	81.57	80.59	83.14	82.53	83.74			
Persons in cohort (number on which percents are based)															
	3,308	3,268	3,133	2,971	2,911	3,077	3,251	3,620	3,405	3,328	3,239	3,014	3,020	2,784	2,503
Average age of persons in cohort															
	37.0	36.9	37.0	37.4	37.7	37.8	37.4	37.8	37.7	37.7	38.2	38.7	38.6	38.5	39.2

V. ALCOHOL-RELATED CRASH STATISTICS BY COUNTY

A century of impaired driving and traffic deaths

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

Defining a traffic crash

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

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

Defining "alcohol-related"

This section uses a broader definition of "alcohol-related" than might at first be assumed. In particular, an "alcohol-related" crash might *not* have involved a drunk driver. The definition used here is that if a pedestrian, bicyclist, or motor vehicle driver had *any* alcohol,*** 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 stumbles in front of a sober driver and is struck and killed, the crash is defined to be alcohol-related, and the death is an alcohol-related traffic fatality. Such cases are not the rule, however. Most crashes classified as alcohol-related do involve motor vehicle drivers who consumed enough alcohol to be legally intoxicated.

Defining "impaired-related"

This section also uses a strict definition of "alcohol-related" when a fatal crash occurs. In particular, a fatal crash and any resulting fatalities will be classified as "impaired-related" when at least one driver or pedestrian in that particular crash tested positive for alcohol at the .08% legal limit or above. Note that Tables 5.02 and 5.03 in this Section use both of these definitions.

'Known' alcohol-involved crashes

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

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

*** To be precise, the following procedure is used: If an alcohol test result is positive for any driver, bicyclist, or pedestrian, the crash is classified as alcohol-related. If a test was not performed, but the reporting officer perceived the "apparent physical condition" of the driver, pedestrian, or bicyclist to be "had been drinking" or "under the influence," then the crash is classified as alcohol-related. In the (rare) event that there is a conflict between the officer's reported perception and the chemical test result; the test result is used in place of the officer's perception.

Non-fatal crashes likely understated for alcohol

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

To test the effect of using only officer perception compared to also having test result data available, fatal crashes in 2014 were classified as alcohol-related or not using both techniques. Using officer perception alone, 111 (31%) of the 361 fatalities were classified as alcohol-related. Using officer perception and test results together, 91 (25%) of the 361 fatalities were classified as alcohol-related.^{†††}

Crash numbers generally

The number of crashes that get reported has been declining in recent years, from over 100,000 in year 2000, to about 78,000 in 2014. About one-half of one percent of all reported crashes are fatal, causing death to one or more persons and perhaps injury to other persons as well. Then about a third of all crashes involve injuries to people, but no deaths. Then the great majority of crashes — about two-thirds — only involve property damage; no one is killed or injured.

Impairment likely as crash severity increases

Even allowing that alcohol involvement is underestimated in the less severe crashes, there is still a strong relationship between crash severity and impairment. In 2014, 3% of property damage crashes, 7% of injury crashes, and 24% of fatal crashes were classified as alcohol-related.

Cost of alcohol-related traffic crashes

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

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

and legal costs; (4) motor vehicle damage; and, (5) employer costs for crashes involving workers.”^{†††}

Using this approach, for example, the National Safety Council estimates costs for the 2014 calendar year as follows:

Death	\$1,500,000
Incapacitating (A) Injury	\$74,900
Non-incapacitating (B) Injury.....	\$24,000
Possible (C) Injury.....	\$13,600
Property Damage Crash.....	\$9,300

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 2014 year:

Death	\$4,628,000
Incapacitating (A) Injury	\$235,400
Non-incapacitating (B) Injury.....	\$60,000
Possible (C) Injury.....	\$28,600
No Injury	\$2,600

Table 5.04 uses the more narrowly defined estimates based just on economic costs. The cost estimates are quite conservative in other respects as well: First, they make no effort to include the costs of crashes that were reported, but not classified as alcohol-related, even though they were. As noted, the number of crashes classified as alcohol-related is certain to understate the true number. Second, the cost estimates make no attempt to include costs from alcohol-related crashes that were never reported at all.

In a particular crash, when there is evidence that at least one driver or pedestrian tested positive for alcohol at the .08% level or above, then fatalities that occur in that crash will be classified as “impaired-related”. Using “impaired-related” fatalities, the estimated cost of alcohol involved crashes in 2014 was: \$136,500,000.

Now, if there is evidence that at least one driver or pedestrian in a crash had “any” alcohol in their systems, then fatalities that occur will be classified as “alcohol-related”. Using “alcohol-related” fatalities, the estimated cost of alcohol involved crashes in 2014 was: \$166,500,000.

^{†††} 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: *Injury Facts, 2005-2006 Edition*: page 91.

^{§§§} Ibid

TABLE 5.01

MINNESOTA TRAFFIC FATALITIES, 1910 - 2014

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

Figure 5.01

**Minnesota Traffic Fatalities, 1910-2014, and
Fatality Rates Per 100 Million Vehicle Miles Traveled, 1961-2014**

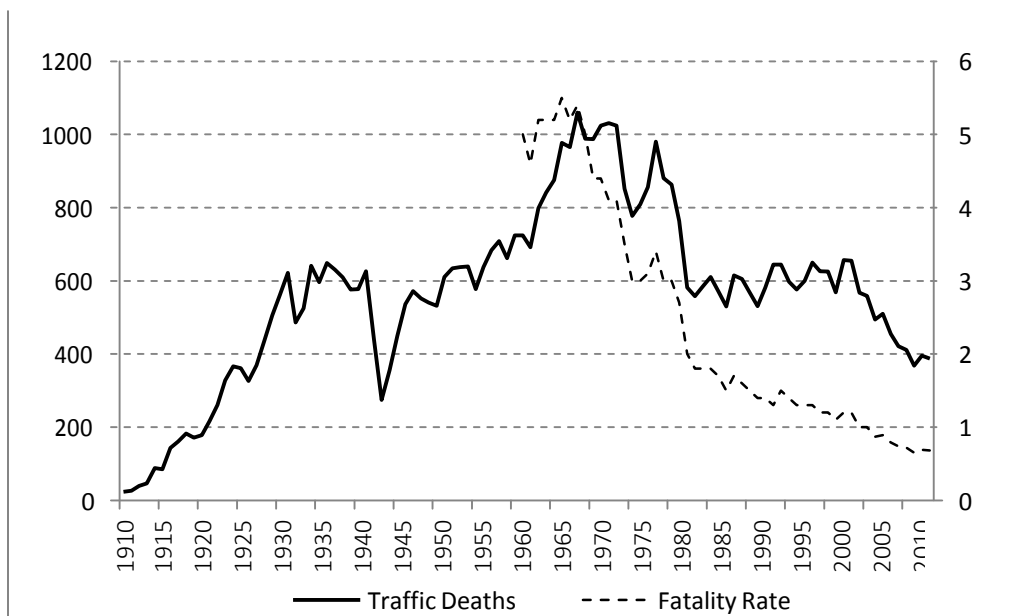


TABLE 5.02

OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1966 - 2014

<u>Year</u> (1)	<u>Total Crashes</u> (2)	<u>Total Deaths</u> (3)	<u>Licensed Drivers (million)</u> (4)	<u>Reg. Vehicles (million)</u> (5)	<u>State Population</u> (6)	<u>Miles Traveled (billion)</u> (7)	<u>Fatality Rate</u> (8)	<u>DWI Arrests</u> (9)	<u>Deaths 'Any' Alcohol</u> (10)	<u>% of Col (3)</u> (11)	<u>Deaths .08% + Alcohol</u> (12)	<u>% of Col (3)</u> (13)
1966	84,754	977	1.90	1.94	3,585,000	17.7	5.52					
1967	93,819	965	1.95	2.01	3,625,000	18.7	5.17					
1968	92,910	1,060	2.00	2.09	3,647,000	19.9	5.33					
1969	105,235	988	2.03	2.15	3,743,291	20.8	4.75					
1970	99,404	987	2.05	2.24	3,804,971	22.4	4.41					
1971	104,030	1,024	2.33	2.36	3,860,000	23.4	4.38					
1972	111,180	1,031	2.50	2.41	3,877,000	24.9	4.14					
1973	107,956	1,024	2.38	2.51	3,890,000	25.2	4.07					
1974	102,964	852	2.44	2.67	3,904,100	24.6	3.47					
1975	123,206	777	2.51	2.69	3,921,000	25.6	3.03					
1976	116,390	809	2.57	2.92	3,954,000	27.0	3.00	19,419				
1977	119,754	856	2.63	2.77	3,980,000	28.1	3.05	16,976				
1978	118,833	980	2.70	2.90	4,024,000	28.8	3.40	18,078				
1979	120,633	881	2.73	3.00	4,060,000	29.0	3.04	18,092				
1980	103,612	863	2.77	3.01	4,075,970	28.5	3.03	22,788				
1981	97,879	763	2.83	3.09	4,099,048	28.6	2.67	27,034				
1982	89,443	581	2.87	3.01	4,133,334	29.2	1.98	28,048				
1983	97,371	558	2.90	3.03	4,145,667	30.5	1.83	32,155				
1984	93,741	584	2.91	3.13	4,161,464	32.2	1.81	36,638	305	52%		
1985	99,168	610	3.04	3.22	4,192,973	33.1	1.84	35,383	261	43%		
1986	95,460	572	3.07	3.25	4,214,013	34.2	1.67	36,390	264	46%		
1987	94,095	530	3.10	3.31	4,245,870	35.1	1.51	34,664	224	42%		
1988	102,094	615	3.13	3.39	4,306,550	36.4	1.69	32,827	277	45%		
1989	105,996	605	3.16	3.46	4,353,000	37.6	1.61	34,562	275	45%		
1990	99,236	568	3.18	3.52	4,375,099	38.8	1.47	36,847	235	41%		
1991	101,419	531	3.22	3.51	4,432,000	39.3	1.35	32,430	212	40%		
1992	96,808	581	3.27	3.55	4,480,034	41.3	1.41	30,841	229	39%		
1993	100,907	538	3.28	3.48	4,517,416	42.3	1.27	30,088	196	36%		
1994	99,701	644	3.34	3.67	4,567,267	43.4	1.48	29,748	226	35%		
1995	96,022	597	3.39	3.68	4,609,548	44.1	1.35	30,402	246	41%	203	34%
1996	105,332	576	3.46	3.70	4,657,800	45.9	1.27	30,923	205	36%	169	29%
1997	98,626	600	3.49	3.77	4,685,549	46.9	1.28	31,380	178	30%	151	25%
1998	92,926	650	3.53	3.90	4,735,830	48.5	1.34	32,422	273	42%	222	34%
1999	96,813	626	3.54	3.92	4,775,508	50.7	1.24	34,575	195	31%	156	25%
2000	103,591	625	3.65	4.20	4,919,479	52.4	1.19	35,034	245	39%	212	34%
2001	98,984	568	3.69	4.38	4,977,976	53.2	1.07	33,532	211	37%	167	29%
2002	94,969	657	3.76	4.49	5,033,661	54.4	1.21	33,163	239	36%	185	28%
2003	n/a	655	3.79	4.56	5,088,006	55.4	1.18	32,266	255	39%	205	31%
2004	91,274	567	3.85	4.63	5,145,106	56.5	1.00	34,202	177	31%	155	27%
2005	87,813	559	3.87	4.69	5,205,091	56.5	0.99	37,002	197	35%	164	29%
2006	78,745	494	3.87	4.76	5,231,106	56.6	0.87	41,951	166	34%	141	29%
2007	81,505	510	3.91	4.82	5,263,493	57.4	0.89	38,669	190	37%	170	33%
2008	79,095	455	3.94	4.86	5,287,976	57.3	0.79	35,794	163	36%	137	30%
2009	73,498	421	3.95	4.87	5,300,942	56.9	0.74	32,756	141	34%	112	27%
2010	74,073	411	4.00	4.92	5,303,925	56.8	0.72	29,918	131	32%	121	29%
2011	72,117	368	4.01	4.98	5,332,246	56.7	0.65	29,257	136	37%	111	30%
2012	69,236	395	4.04	5.02	5,379,139	57.0	0.69	28,418	131	33%	104	26%
2013	77,707	387	4.07	5.09	5,401,186	57.0	0.68	25,719	117	30%	95	25%
2014	78,396	361	4.12	5.14	5,457,173	57.0	0.63	25,258	111	31%	91	25%

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

TABLE 5.03

TRAFFIC CRASHES, FATALITIES, AND INJURIES — TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2014

COUNTY (1)	.08%+ All Alc Alc (2) (3) (4)			Alco- All hol Alc (5) (6) (7)			Alco- All hol Alc (8) (9) (10)			Alco- All hol Alc (11) (12) (13)			.08%+ All Alc Alc (14) (15) (16)			Alco- All hol Alc (17) (18) (19)		
Aitkin	4	1	25.0	51	5	9.8	115	8	7.0	170	14	8.2	4	1	25.0	86	5	5.8
Anoka	15	3	20.0	1,180	74	6.3	2,218	86	3.9	3,413	163	4.8	16	3	18.8	1,666	110	6.6
Becker	3	2	66.7	115	15	13.0	171	10	5.8	289	27	9.3	3	2	66.7	154	19	12.3
Beltrami	6	0	0.0	104	12	11.5	260	8	3.1	370	20	5.4	6	0	0.0	159	24	15.1
Benton	1	1	100.0	160	7	4.4	454	12	2.6	615	20	3.3	1	1	100.0	223	8	3.6
Big Stone	0	0	0.0	16	2	12.5	25	1	4.0	41	3	7.3	0	0	0.0	29	3	10.3
Blue Earth	3	0	0.0	289	24	8.3	877	35	4.0	1,169	59	5.0	3	0	0.0	394	28	7.1
Brown	4	1	25.0	68	3	4.4	188	3	1.6	260	7	2.7	7	1	14.3	96	6	6.3
Carlton	1	0	0.0	99	9	9.1	219	9	4.1	319	18	5.6	1	0	0.0	130	12	9.2
Carver	8	1	12.5	261	20	7.7	769	21	2.7	1,038	42	4.0	10	1	10.0	364	29	8.0
Cass	5	3	60.0	85	13	15.3	132	6	4.5	222	22	9.9	6	4	66.7	152	23	15.1
Chippewa	5	0	0.0	37	5	13.5	71	1	1.4	113	6	5.3	5	0	0.0	55	7	12.7
Chisago	8	2	25.0	200	11	5.5	419	9	2.1	627	22	3.5	8	2	25.0	284	13	4.6
Clay	4	0	0.0	206	12	5.8	497	13	2.6	707	25	3.5	4	0	0.0	282	17	6.0
Clearwater	1	1	100.0	8	0	0.0	32	0	0.0	41	1	2.4	1	1	100.0	11	0	0.0
Cook	1	0	0.0	13	0	0.0	41	1	2.4	55	1	1.8	1	0	0.0	17	0	0.0
Cottonwood	1	1	100.0	29	2	6.9	67	5	7.5	97	8	8.2	1	1	100.0	44	4	9.1
Crow Wing	10	4	40.0	272	15	5.5	524	14	2.7	806	33	4.1	10	4	40.0	393	23	5.9
Dakota	7	2	28.6	1,442	95	6.6	4,050	151	3.7	5,499	248	4.5	10	3	30.0	1,946	128	6.6
Dodge	3	2	66.7	39	1	2.6	167	5	3.0	209	8	3.8	3	2	66.7	53	2	3.8
Douglas	5	1	20.0	133	13	9.8	334	8	2.4	472	22	4.7	6	2	33.3	179	13	7.3
Faribault	2	0	0.0	50	7	14.0	75	2	2.7	127	9	7.1	2	0	0.0	75	11	14.7
Fillmore	2	1	50.0	54	8	14.8	143	2	1.4	199	11	5.5	2	1	50.0	67	12	17.9
Freeborn	2	1	50.0	134	10	7.5	376	16	4.3	512	27	5.3	3	2	66.7	193	17	8.8
Goodhue	8	1	12.5	192	18	9.4	650	16	2.5	850	35	4.1	10	1	10.0	265	22	8.3
Grant	3	0	0.0	25	2	8.0	45	0	0.0	73	2	2.7	3	0	0.0	31	2	6.5
Hennepin	31	10	32.3	6,413	307	4.8	16,631	512	3.1	23,075	829	3.6	34	11	32.4	8,675	462	5.3
Houston	0	0	0.0	39	2	5.1	133	3	2.3	172	5	2.9	0	0	0.0	46	2	4.3
Hubbard	3	1	33.3	58	13	22.4	96	7	7.3	157	21	13.4	4	1	25.0	83	22	26.5
Isanti	7	2	28.6	107	8	7.5	238	6	2.5	352	16	4.5	8	2	25.0	150	11	7.3
Itasca	2	0	0.0	144	12	8.3	383	11	2.9	529	23	4.3	2	0	0.0	190	16	8.4
Jackson	1	0	0.0	37	5	13.5	87	1	1.1	125	6	4.8	1	0	0.0	47	6	12.8
Kanabec	1	1	100.0	49	1	2.0	76	3	3.9	126	5	4.0	1	1	100.0	77	3	3.9
Kandiyohi	10	2	20.0	167	15	9.0	488	9	1.8	665	26	3.9	12	3	25.0	248	23	9.3
Kittson	0	0	0.0	6	1	16.7	7	0	0.0	13	1	7.7	0	0	0.0	7	1	14.3
Koochiching	0	0	0.0	33	6	18.2	47	4	8.5	80	10	12.5	0	0	0.0	41	6	14.6
Lac Qui Parle	1	1	100.0	19	0	0.0	24	0	0.0	44	1	2.3	1	1	100.0	27	0	0.0
Lake	0	0	0.0	32	2	6.3	76	3	3.9	108	5	4.6	0	0	0.0	49	2	4.1
Lake Woods	1	0	0.0	5	1	20.0	5	0	0.0	11	1	9.1	1	0	0.0	7	1	14.3
Le Sueur	1	0	0.0	119	15	12.6	215	7	3.3	335	22	6.6	1	0	0.0	168	19	11.3
Lincoln	1	0	0.0	15	4	26.7	54	2	3.7	70	6	8.6	1	0	0.0	21	4	19.0
Lyon	3	1	33.3	79	7	8.9	203	9	4.4	285	17	6.0	5	1	20.0	125	9	7.2
McLeod	2	0	0.0	139	8	5.8	338	9	2.7	479	17	3.5	2	0	0.0	224	9	4.0
Mahnomen	1	1	100.0	10	1	10.0	19	1	5.3	30	3	10.0	1	1	100.0	16	2	12.5
Marshall	1	0	0.0	13	0	0.0	14	0	0.0	28	0	0.0	1	0	0.0	20	0	0.0
Martin	0	0	0.0	65	7	10.8	169	7	4.1	234	14	6.0	0	0	0.0	97	8	8.2
Meeker	2	0	0.0	74	10	13.5	140	4	2.9	216	14	6.5	2	0	0.0	101	15	14.9
Mille Lacs	7	1	14.3	89	10	11.2	120	4	3.3	216	15	6.9	8	2	25.0	138	15	10.9
Morrison	8	1	12.5	94	13	13.8	167	7	4.2	269	21	7.8	8	1	12.5	138	18	13.0
Mower	1	0	0.0	120	6	5.0	349	15	4.3	470	21	4.5	1	0	0.0	172	7	4.1
Murray	1	0	0.0	23	4	17.4	40	1	2.5	64	5	7.8	2	0	0.0	39	5	12.8
Nicollet	3	0	0.0	108	8	7.4	294	11	3.7	405	19	4.7	6	0	0.0	143	11	7.7
Nobles	2	1	50.0	92	4	4.3	231	5	2.2	325	10	3.1	2	1	50.0	136	5	3.7
Norman	0	0	0.0	17	1	5.9	30	0	0.0	47	1	2.1	0	0	0.0	21	1	4.8

TABLE 5.03 (Continued)

TRAFFIC CRASHES, FATALITIES, AND INJURIES — TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2014

COUNTY (1)	FATAL TRAFFIC CRASHES			INJURY TRAFFIC CRASHES			TRAFFIC CRASHES WITH PROPERTY DAMAGE ONLY			TOTAL CRASHES			PERSONS KILLED			PERSONS INJURED		
	All (2)	.08%+ Alc (3)	% Alc (4)	All (5)	Alco- hol (6)	% Alc (7)	All (8)	Alco- hol (9)	% Alc (10)	All (11)	Alco- hol (12)	% Alc (13)	All (14)	.08+ Alc (15)	% Alc (16)	All (17)	Alco- hol (18)	% Alc (19)
Olmsted	8	2	25.0	661	40	6.1	1,520	47	3.1	2,189	89	4.1	8	2	25.0	929	54	5.8
Otter Tail	3	1	33.3	190	19	10.0	449	15	3.3	642	35	5.5	3	1	33.3	267	26	9.7
Pennington	1	0	0.0	39	3	7.7	51	3	5.9	91	6	6.6	1	0	0.0	63	5	7.9
Pine	4	1	25.0	108	8	7.4	247	12	4.9	359	21	5.8	4	1	25.0	160	10	6.3
Pipestone	0	0	0.0	26	2	7.7	27	0	0.0	53	2	3.8	0	0	0.0	39	2	5.1
Polk	3	0	0.0	85	10	11.8	271	14	5.2	359	24	6.7	3	0	0.0	123	18	14.6
Pope	0	0	0.0	31	7	22.6	79	2	2.5	110	9	8.2	0	0	0.0	39	8	20.5
Ramsey	12	3	25.0	2,366	153	6.5	8,977	301	3.4	11,355	457	4.0	12	3	25.0	3,108	214	6.9
Red Lake	0	0	0.0	10	0	0.0	9	0	0.0	19	0	0.0	0	0	0.0	18	0	0.0
Redwood	1	0	0.0	42	1	2.4	84	5	6.0	127	6	4.7	1	0	0.0	64	1	1.6
Renville	3	0	0.0	46	1	2.2	108	5	4.6	157	6	3.8	4	0	0.0	77	1	1.3
Rice	5	1	20.0	184	17	9.2	399	11	2.8	588	29	4.9	6	1	16.7	253	21	8.3
Rock	5	0	0.0	43	4	9.3	103	2	1.9	151	6	4.0	5	0	0.0	57	6	10.5
Roseau	4	1	25.0	22	1	4.5	54	2	3.7	80	4	5.0	6	2	33.3	38	1	2.6
St. Louis	8	3	37.5	699	64	9.2	2,570	114	4.4	3,277	181	5.5	8	3	37.5	928	82	8.8
Scott	4	0	0.0	404	30	7.4	847	36	4.3	1,255	66	5.3	5	0	0.0	584	42	7.2
Sherburne	2	1	50.0	263	20	7.6	809	27	3.3	1,074	48	4.5	2	1	50.0	388	30	7.7
Sibley	2	0	0.0	47	2	4.3	105	5	4.8	154	7	4.5	2	0	0.0	84	3	3.6
Stearns	9	1	11.1	690	41	5.9	1,941	58	3.0	2,640	100	3.8	9	1	11.1	985	61	6.2
Steele	6	0	0.0	118	7	5.9	437	13	3.0	561	20	3.6	6	0	0.0	173	10	5.8
Stevens	0	0	0.0	23	3	13	55	6	10.9	78	9	11.5	0	0	0.0	32	5	15.6
Swift	2	1	50.0	21	4	19.0	46	2	4.3	69	7	10.1	2	1	50.0	26	6	23.1
Todd	3	2	66.7	81	12	14.8	128	6	4.7	212	20	9.4	3	2	66.7	126	19	15.1
Traverse	0	0	0.0	6	0	0.0	13	0	0.0	19	0	0.0	0	0	0.0	7	0	0.0
Wabasha	4	1	25.0	72	5	6.9	151	3	2.0	227	9	4.0	4	1	25.0	106	6	5.7
Wadena	3	2	66.7	49	4	8.2	58	0	0.0	110	6	5.5	3	2	66.7	74	9	12.2
Waseca	2	1	50.0	48	4	8.3	147	1	0.7	197	6	3.0	2	1	50.0	68	7	10.3
Washington	8	1	12.5	811	71	8.8	1,958	86	4.4	2,777	158	5.7	8	1	12.5	1,153	98	8.5
Watonwan	1	0	0.0	26	2	7.7	73	1	1.4	100	3	3.0	1	0	0.0	38	2	5.3
Wilkin	0	0	0.0	26	2	7.7	89	3	3.4	115	5	4.3	0	0	0.0	36	4	11.1
Winona	3	3	100.0	164	17	10.4	386	9	2.3	553	29	5.2	6	6	100.0	221	25	11.3
Wright	15	4	26.7	407	26	6.4	967	46	4.8	1,389	76	5.5	16	5	31.3	589	42	7.1
Yellow Med	1	0	0.0	21	1	4.8	64	1	1.6	86	2	2.3	1	0	0.0	32	1	3.1
Minnesota	324	79	24.4	21,257	1,435	6.8	56,815	1,919	3.4	78,396	3,433	4.4	361	91	25.2	29,439	2,040	6.9

TABLE 5.04

**COST OF ALCOHOL-RELATED TRAFFIC CRASHES,
IMPAIRED-RELATED FATALITIES,
AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2014**

COUNTY	COST	COUNTY	COST	COUNTY	COST
Aitkin	\$1,673,600	Itasca	\$474,800	Pope	\$281,200
Anoka	7,516,100	Jackson	142,900	Ramsey	12,053,700
Becker	3,669,400	Kanabec	1,650,800	Red Lake	0
Beltrami	852,900	Kandiyohi	5,470,100	Redwood	60,100
Benton	1,792,100	Kittson	13,600	Renville	70,500
Big Stone	81,300	Koochiching	200,900	Rice	2,155,000
Blue Earth	973,400	Lac Qui Parle	1,500,000	Rock	182,300
Brown	1,732,100	Lake	126,800	Roseau	3,032,200
Carlton	288,500	Lake of the Woods	24,000	St. Louis	7,510,100
Carver	2,286,200	Le Sueur	518,900	Scott	1,214,700
Cass	6,727,100	Lincoln	155,100	Sherburne	2,569,600
Chippewa	268,700	Lyon	2,043,800	Sibley	108,100
Chisago	3,393,500	McLeod	298,600	Stearns	3,330,400
Clay	435,300	Mahnomen	1,557,300	Steele	503,200
Clearwater	1,500,000	Marshall	0	Stevens	144,600
Cook	9,300	Martin	194,700	Swift	1,671,900
Cottonwood	1,683,000	Meeker	426,200	Todd	3,345,400
Crow Wing	6,802,600	Mille Lacs	3,457,400	Traverse	0
Dakota	8,654,400	Morrison	2,189,200	Wabasha	1,640,700
Dodge	3,084,100	Mower	327,200	Wadena	3,449,700
Douglas	3,354,100	Murray	118,900	Waseca	1,646,100
Faribault	302,300	Nicollet	334,000	Washington	4,835,100
Fillmore	1,979,000	Nobles	1,645,700	Watonwan	46,900
Freeborn	3,646,000	Norman	13,600	Wilkin	82,300
Goodhue	2,052,000	Olmsted	4,686,000	Winona	9,731,300
Grant	27,200	Otter Tail	2,148,000	Wright	9,002,000
Hennepin	30,837,600	Pennington	279,800	Yellow Med	22,900
Houston	126,800	Pine	1,840,100		
Hubbard	1,999,500	Pipestone	27,200		
Isanti	3,338,400	Polk	601,600		

Minnesota Total

\$ 202,243,700

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 A

Terms Describing Impaired Driving Incidents in Minnesota

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

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

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

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

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

person is detected, arrested, prosecuted, found guilty, and sentenced to jail or prison.

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

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

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

^{****} 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.

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

In 1971, the criminal law was amended to stipulate that having an alcohol concentration of 0.10% or higher was no longer just *prima facie* evidence of intoxication, but was in itself (“*per se*”) a crime.^{†††} 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%.

^{††††} 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.

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

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

For all these reasons, it is useful to distinguish between incidents, violations, and violators. The number of incidents on record in a year should show a close correspondence to the number of arrests in a year. Violations will be more numerous, and the types of violations incurred will help to characterize an incident. For example, did the incident involve test failure or test refusal? Was an injury or fatality involved? It is also useful to think about incidents separately from the persons who committed them. A person may go through an irresponsible phase in his or her life and incur several incidents in a year or two, and then reform. Thus, in a year, there may be 25,000 incidents on record, but if 1,500 persons were arrested twice, and 500 were arrested three times in the year, then 23,000 persons accounted for the 25,000 incidents. In this report, Section I deals with impaired driving incidents — when and where they occurred, what types of violations were involved, and so on. Section II shows the criminal conviction rates for the

incidents. Section III deals with persons — How many have DWI incidents on record? How many prior incidents do they have? and so on. Section IV focuses more specifically on recidivism. Section V

reports statistics on crashes and their costs. For each county, it shows total crashes, fatalities, and injuries, and the number and percentage of them of them that were classified as alcohol-related.

APPENDIX B

DEFINITIONS

Disqualification

A “disqualification” is the action taken by the Commissioner of Public Safety on a person’s commercial vehicle driver’s license upon being notified that the person was operating a commercial vehicle while having an alcohol concentration of .04% or higher. The Commissioner “disqualifies” the driver from operating commercial vehicles. This action is mandated under the Implied Consent Law, MS 169A.52. (MS 169A.20 makes it a crime for a person to operate a commercial vehicle while having an alcohol concentration over 0.04% and provides for separate actions upon conviction.)

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

DWI

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

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

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

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

and a criminal conviction for an offense specified in the impaired driving code.

DWI Law

In 2000, the Legislature completely recodified Minnesota’s DWI law. The changes mostly took effect January 1, 2001. The law up through year 2000 had become gradually more complex. The main criminal law was contained in MS 169.121. Other DWI criminal laws were 169.1211 and 169.129. These laws contained many references to other laws which had to be consulted to fully understand the main law. The Implied Consent law was MS 169.123, and there were many references between it and the criminal DWI laws.

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

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

Implied Consent Law

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

Incident

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

Incident on Record

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

Minnesota Resident

As used in this report, a person for whom records maintained by the Department of Public Safety show to be a current resident of Minnesota. Note that the Department of Public Safety may not be promptly notified that a person died, or (as may especially be true of multiple DWI offenders) that a person moved from the state.

Non-Minnesota Resident

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

Not-a-drop

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

Offender

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

Offense

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

Violation

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

Violator

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

APPENDIX C

CHRONOLOGY OF MINNESOTA IMPAIRED DRIVING LEGISLATION SINCE 1911

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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. <div style="display: flex; justify-content: space-between;"> <div>Penalty for first offense:</div> <div>Prison 10 to 90 days <i>or</i> fine of \$10 to \$100, or both. License revocation.</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Penalty for repeat offenders:</div> <div>Prison 30 to 90 days <i>or</i> fine of \$25 to \$100, or both. License revocation.</div> </div>
1939	1	Commissioner shall revoke offenders’ driver’s licenses in accordance with recommendation of the court.
1941	1	90 day license revocation. All offenders shall have driver’s license revoked for not less than 90 days.
1955	1	Blood alcohol concentration (“BAC”) levels defined for use as evidence. Results of chemical test for level of alcohol in the blood as measured from blood, breath, urine, or saliva specimen taken from defendant within two hours of arrest, is admissible as evidence. <ul style="list-style-type: none"> ▪ BAC of .000% to .049% is <i>prima facie</i> evidence of innocence. ▪ BAC of .050% to .149% is relevant, but not <i>prima facie</i>, evidence of intoxication. ▪ BAC of .150% or greater is <i>prima facie</i> evidence of intoxication.
1957	1	Two-hour time limit (see 1955:1) changed from two hours from time of arrest to two hours from time of offense.
	2	License revocation reduced. License revocation for first offenders reduced from 90 days to not less than 30 days. Penalty for a repeat offense within three years increased to prison for 10 to 90 days, <i>plus</i> license revocation for not less than 90 days.

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1982	6	Administrative review of the Implied Consent revocation. Establishes procedure, independent of judicial hearing, for administrative review (by commissioner) of administrative revocation. A request for administrative review shall not stay imposition of revocation.
	7	A request for testimony of person who drew blood must be received at least ten days in advance of judicial hearing on administrative revocation, and, also, at least ten days in advance of trial.
	8	Alcohol concentration test result on specimen taken within two hours of offense is deemed to be alcohol concentration at time of offense. (Ruled unconstitutional; see 1984:4)
	9	Absence of alcohol concentration test shall be admissible as evidence. (Compare with 1961:3 and 1983:2.)
	10	Repeat offender definition expanded. Definition of second offender expanded to include those who had a prior conviction within 5 (increased from 3) years of current incident.
	11	Repeat offenses raised to gross misdemeanor status. Second offense within 5 years, and third-or-subsequent offense within ten years, raised to gross misdemeanor status.
	12	Longer revocation lengths, under criminal law, upon conviction for third and subsequent 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.

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1997	2	<p>New offense category, “Enhanced Gross Misdemeanor,” with stricter criminal penalties, established.</p> <p>The following violations are defined to be “enhanced gross misdemeanors:”</p> <ol style="list-style-type: none"> 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	<p>Officer authorized to stop vehicle bearing special plates.</p> <p>Officer is explicitly authorized to stop a vehicle bearing “special series” plates (see 1988:2) to determine if the driver “is operating the vehicle lawfully.” (1/1/98)</p>
	4	<p>Procedure established for “administrative forfeiture” of violator’s vehicle.</p> <p>Prior to this, vehicle forfeiture was conducted through a judicial forfeiture procedure. Now, law enforcement agencies may impound a vehicle and institute forfeiture procedures. The following violations will cause the vehicle used in the violation to be subject to administrative forfeiture:</p> <ol style="list-style-type: none"> 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	<p>Violations that trigger license plate impoundment (see 1988:1 and 1992:2) are greatly expanded to include:</p> <ol style="list-style-type: none"> 1. a violation within 5 years of a prior incident. 2. a violation within 15 years of two or more prior incidents. 3. an “aggravated violation” (see 1978:6). 4. a violation that includes a high A.C. (.20% or higher). 5. a violation that causes the Commissioner to cancel and deny the person’s driver’s license on the grounds that operation of a vehicle by the person would be inimical to public safety. (1/1/98)
1998	1	<p>Program to use “remote [home] electronic alcohol monitoring” established.</p> <p>Judges who sentence offenders to a program of intensively supervised probation (see 1991:2) are authorized to require violators to submit to a program of remote electronic alcohol monitoring. Unless determined indigent, offenders to pay the per-diem cost of the program. (8/1/98)</p>
	2	<p>Increased fee for special series plates.</p> <p>Fee for issuing “special series” license plates to violators whose normal license plates have been impounded is increased from \$25 (for an unspecified number of vehicles) to \$50 for each vehicle for which special series plates are issued. (8/1/98)</p>
1999	1	<p>Enhanced gross misdemeanor repealed.</p> <p>Use of the term “enhanced gross misdemeanor” as a new category of offense (see 1997:2) is repealed, but the expanded penalty provisions for the offenses that had been identified as “enhanced gross misdemeanors” are retained.</p> <p>Also, courts are explicitly authorized to substitute a program of intensively supervised probation, with electronic home alcohol monitoring, in place of the mandatory incarceration periods. (5/25/99)</p>

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
1999	2	Prior violations involving snowmobile, ATV, or motorboat to be counted. Makes explicit that violations triggering the revocation of snowmobile, all-terrain vehicle, or motorboat operating privileges are to be included among the types of prior violations counted in determining the charge (misdemeanor or gross misdemeanor) made for a current incident. (8/1/99)
2000	1	<p>All existing impaired-driving statutes are repealed.</p> <p>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.”</p> <p>Chief among the statutes repealed are:</p> <ol style="list-style-type: none"> MS 168.042, the license plate impoundment law. (incorporated into 169A.60). MS 169.121, the main criminal impaired driving law. (incorporated into 169A.20 to 169A.48). MS 169.1211, “alcohol-related” driving by commercial vehicle operators. (incorporated into 169A.20, 169A.31, and 169A.50 to 169A.53). MS 169.122, the “open-bottle law.” (incorporated into 169A.35). MS 169.123, the main civil (“Implied Consent”) impaired driving law. (incorporated into 169A.50 to 169A.53). 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). MS 169.1265, authorizing use of intensively supervised probation programs in lieu of incarceration. (incorporated into 169A.73 and 169A.74). MS 169.1217, providing for vehicle forfeiture, administrative and judicial procedures. (incorporated into 169A.63). MS 169.126 defining an “aggravated violation.” Concept of “aggravated” violations is re-defined in terms of “aggravating factors.” (incorporated into 169A.20 through 169A.275). <p>The Not-A-Drop law for underage drivers is incorporated into 169A.33. (1/1/01)</p>
	2	<p>First-, Second-, and Third-Degree Impaired Driving offenses introduced, determined by number of “aggravating factors.”</p> <p>Concept of aggravating factors introduced. Aggravating factors are defined to be:</p> <ol style="list-style-type: none"> Child endangerment (see 1993:2). Having a high (0.20% or higher) alcohol concentration (see 1997:1). Each prior incident within ten years counts as 1 aggravating factor. <ul style="list-style-type: none"> A <i>first-degree</i> impaired driving offense is an impaired driving offense with two or more aggravating factors, and is a gross misdemeanor. A <i>second-degree</i> impaired driving offense is an impaired driving offense with one aggravating factor, and is a gross misdemeanor. A <i>third-degree</i> impaired driving offense is an impaired driving offense with aggravating factors, and is a misdemeanor. (1/1/98)

Appendix C: Minnesota Impaired Driving Legislation Chronology

Year passed	Reference number	Description of Amendment
2000	4	Mandatory license plate impoundment violations (see 1988:1 and 1997:5) further expanded to also include: <ol style="list-style-type: none"> any violation involving child endangerment (see 1993:2). an incident within 10 years of a prior incident. a commercial vehicle driver's license disqualification (see 1989:2) within ten years of prior such disqualification.
		(1/1/01)
	3	Custodial arrest for first-degree impaired driving. Officer is mandated to make a custodial arrest (the person must be taken into custody) if the officer has reason to believe the person committed a first-degree impaired driving offense. (1/1/01)
	5	Court is authorized to increase maximum fine by \$1,000 if offender has high AC (0.20% or higher). (1/1/01)
	6	A "working group on DWI Felony" law is established and the Commissioner of Corrections is to develop a plan for how felony level offenders may be processed.
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: <ol style="list-style-type: none"> First-degree impaired driving offense: felony. Second-degree impaired driving offense (two or more aggravating factors): gross misdemeanor. Third-degree impaired driving offense (1 aggravating factor): gross misdemeanor. Fourth-degree impaired driving offense (no aggravating factors): misdemeanor.
		(8/1/02)
	2	Driver's license reinstatement fees increased. The total fee had been \$250.00 with a \$40 surcharge (total \$290). That total is increased to: <ol style="list-style-type: none"> \$395 (\$250 fee and \$145 surcharge) effective July 1, 2002. \$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. <ol style="list-style-type: none"> It is a misdemeanor for a person whose vehicles has had its license plates impounded to drive any vehicle. 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)

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

Appendix C: Minnesota Impaired Driving Legislation Chronology

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

2015	1	Aggravating factor for high BAC
		The level for an aggravating factor was changed from 0.20 to 0.16 criminally.
	2	Necessity defense for Implied Consent
		The implied consent statute was amended to allow the affirmative defense of necessity at civil implied consent hearings.

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

An Overview of Minnesota's DWI Laws

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

CONTENTS

Page

Prohibited Behaviors.....	
Criminal Penalties.....	
Chemical Testing	
Administrative Sanctions	
Charging the Crime	
Mandatory Hold and Conditional Release Pretrial	
Chemical Dependency Assessment and Treatment.....	
Rehabilitation Following Driver's License Cancellation and Denial	64
Mandatory Minimum Sentences	
Felony DWI	
Criminal Vehicular Homicide and Injury	
Limited Driver's License – Work Permit	
Restricted Driver's License – The B-Card	
Record Keeping	
Driver's License Reinstatement Fees	
First-time DWI Violator Using an Off-road Recreational Vehicle or Motorboat	68
Commercial Vehicle Driving	
School Bus Driving.....	
Flying Airplanes	
Special Laws for Youth.....	
Underage Drinking Driving – Zero Tolerance	

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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 or the metabolites of a schedule I or II controlled substance, other than marijuana, in the body; or
- if the vehicle is a commercial motor vehicle, having an alcohol concentration of .04 or more at the time or within two hours of doing so; or

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

Criminal Penalties

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

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

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

Aggravating Factor

This includes:

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

Qualified Prior Impaired Driving Incident

This includes both:

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

for separate driving incidents within the preceding ten years involving any kind of motor vehicle, including passenger motor vehicle, school bus or Head Start bus, commercial motor vehicle, airplane, snowmobile, all-terrain vehicle, off-road recreational vehicle, or motorboat in operation.

Chemical Testing

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

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

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

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

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

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

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

Administrative Sanctions

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

1) Administrative License Revocation (ALR)

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

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

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

2) Administrative License Plate Impoundment

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

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

Plate impoundment applies to:

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

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

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

Specially coded license plates—signifying to law enforcement that the regular plates have been impounded for an impaired driving violation—may be issued for the vehicle(s), provided that:

- the violator has a properly licensed substitute driver;

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

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

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

3) Administrative Vehicle Forfeiture

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

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

The law provides that the arresting officer may seize the vehicle and requires that the prosecuting authority serve notice to the owner(s) of the intent to forfeit. The forfeiture is conducted administratively, unless within 30 days the owner appeals the forfeiture action by filing for a judicial determination of the forfeiture.

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

- it was used in the commission of a designated offense and the driver was

convicted of that offense or failed to appear at trial on it, or

- it was used in conduct resulting in a designated license revocation and the driver either fails to seek administrative or judicial review of the revocation in a timely manner or the revocation is sustained upon review.

Other vehicles owned by the offender are not subject to forfeiture. As a protection for an owner who is not the offender, the law states that a motor vehicle is subject to forfeiture only if its owner knew or should have known of the unlawful or intended use of the vehicle.

Following completion of forfeiture, the arresting agency may keep the vehicle for its official use. However, the security interest or lease of the financial institution, if any, is protected, and the lienholder may choose to sell the vehicle at its own foreclosure sale or agree to a sale by the arresting agency. A proportionate share of the proceeds, after deduction of certain expenses, goes to the financial institution. The law provides similar protection to any innocent co-owner, as well.

Charging the Crime

DWI violations may be charged by:

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

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

Mandatory Hold and Conditional Release Pretrial

When a person is arrested for a first-degree (felony) or second-degree DWI crime, the person must be taken into custody and detained until the person's first court appearance, at which time the court generally sets bail and specifies conditions of release. Unless maximum bail (\$12,000 for gross misdemeanor DWI) is imposed, a person charged with any of the following offenses may be granted pretrial release from detention, but only if the person agrees to abstain from alcohol and to submit to remote electronic alcohol monitoring (REAM) involving at least daily breath-alcohol measurements. The offenses are:

- a third implied consent or DWI violation within ten years;
- a second violation, if under 19 years of age;
- a violation while already cancelled as inimical to public safety for a prior violation; or
- a violation involving an alcohol concentration of .20 or more.

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

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

Chemical Dependency Assessment and Treatment

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

Rehabilitation Following Driver's License Cancellation and Denial

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

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

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

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

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

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

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

Mandatory Minimum Sentences

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

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

For All Repeat Offenders

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

An Alternative to the Mandatory Minimum Period of Incarceration

The court may sentence the offender to a program of intensive probation for repeat DWI offenders that requires the person to consecutively serve at least six days in jail/workhouse and may order that the remainder of the minimum sentence be served on home detention.

Long-term Monitoring Required

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

Felony DWI Penalties

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

Intermediate Sanctions and Probation

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

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

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

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

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

Felony DWI

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

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

- imprisonment for not more than seven years (or more than seven years if the person has other prior criminal history);
- a fine of not more than \$14,000;
- or both.

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

- within ten years of three or more qualified prior impaired driving incidents (defined as prior convictions or license revocations for separate impaired driving incidents); or
- has previously been convicted of a felony DWI crime; or
- has previously been convicted of a felony-level crime of criminal vehicular homicide or injury (CVO) involving alcohol or controlled substances.

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

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

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

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

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

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

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

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

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

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

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

Criminal Vehicular Homicide and Injury

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

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

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

- in a grossly negligent manner
- in violation of any of the elements of regular DWI law
- where the driver who causes the accident leaves the scene in violation of Minnesota's felony fleeing law
- where a citation was issued that the vehicle was defectively maintained, the driver knew

remedial action was not taken, the defect created a risk to others, and injury or death resulted from the defective maintenance

In practice, most CVO prosecutions involve simultaneous violation of DWI law.

Under the sentencing guidelines, conviction for criminal vehicular homicide or death to an unborn child carries a presumptive commit to prison for 48 months, for an offender with no other criminal history points.

Limited Driver's License – Work Permit

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 A.C. 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 A.C. was .20 or more at the time of violation; and
- an additional 60 days, if the license withdrawal involved use of the vehicle in commission of a felony crime or an injury accident involving failure to stop and disclose identity.

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

Restricted Driver's License – The B-Card

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

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

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

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

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

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

Record Keeping

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

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

Driver's License Reinstatement Fees

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

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

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

Effective July 1, 2009, certain persons who are eligible for a public defender may pay the reinstatement fee and surcharge in two installments. A handling fee may be imposed for

utilizing the installment plan. The driver's license expires in two years unless the second installment is paid. Full payment of the fee and surcharge is required before a person can renew a license on the standard schedule or reinstate a cancelled, revoked, or suspended license.

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

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, .04 instead of .08, and the implied consent law allows for a chemical test upon probable cause that the commercial vehicle driver has consumed any amount of alcohol.

A person who violates the .04 standard while driving a commercial motor vehicle is subject to a period of disqualification (one year for the first violation and ten years for any subsequent violation) from commercial motor vehicle driving. The person would remain validly licensed to drive regular motor vehicles unless he or she also has violated regular DWI law by exceeding the .08 per se standard or by

driving while impaired or with any amount of certain controlled substances in the body, in which case the person would be subject to the full range of applicable penalties and sanctions of regular DWI law. In addition, a commercial motor vehicle driver who incurs license revocation or cancellation for an impaired driving violation in a personal passenger vehicle receives no special dispensations from the sanctions and penalties that apply to other drivers—the person is prohibited from driving any type of vehicle until becoming validly relicensed to drive.

School Bus Driving

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 .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 .08% or higher, or the presence of certain illegal substances in the person's body, during or within two hours of the time of driving, operating, or being in control of a motor

vehicle, broadly defined. However, two additional alcohol-related laws apply to youth under age 21.

Drivers aged 16 and 17 years old who violate the DWI laws are under the jurisdiction of the adult court, not the juvenile court. As such, they are subject to the full range of adult penalties and consequences.

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

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

A violation of this statute is a misdemeanor and carries a mandatory minimum fine of \$100.

However, it does not result in suspension of the driver's license unless the person has used a driver's license, Minnesota ID card, or any type of false identification to purchase or attempt to purchase alcohol (90 days suspension).

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

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 law for underage drinking and driving does not in

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

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