

MINNESOTA

IMPAIRED DRIVING FACTS

2015

Produced by:

Office of Traffic Safety
Minnesota Department of Public Safety
445 Minnesota Street, Suite 150
St. Paul, MN 55101-5150

Phone (651) 201-7065
[TTY (651) 282-6555]

<https://dps.mn.gov/divisions/ots>

© 2016, Office of Traffic Safety, Minnesota Department of Public Safety

Acknowledgements:

- The Office of Traffic Safety is pleased that Rebecca Pirius of the Minnesota House of Representative Research Department permitted the reproduction here of their 2016 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:

The Minnesota Department of Public Safety is working to create an accessible electronic version of this document that meets the State of Minnesota Accessibility Standard and Minnesota State Statutes Section 16E.03. The most up-to-date version of this document will be posted on the Minnesota Department of Public Safety Website: <https://dps.mn.gov/divisions/ots/>

Click on the “Reports and Statistics” tab.

This site also includes yearly archived Impaired Driving Facts reports.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of Traffic Safety

445 Minnesota Street • Suite 150 • Saint Paul, Minnesota 55101-5150
Phone: 651.201.7065 • Fax: 651.297.4844 • TTY: 651.282.6555
dps.mn.gov

August 2016

It has been a long road, but the culture toward drunk driving is changing. In the 1980s, driving after consuming alcohol was widely accepted — more than 250 people died each year in alcohol-related crashes. Eleven years ago, those numbers finally dropped below 200 and since 2010, that number has averaged around 127 alcohol-related deaths a year.

While we see the public speaking up more about drunk driving, we all still have work to do as one life lost to alcohol is one life too many. Getting behind the wheel after drinking is a choice, a bad choice. Drunk driving-related traffic crashes are 100 percent avoidable.

The *2015 Minnesota Motor Vehicle Impaired Driving Facts* report is a year's worth of data representing lives lost and others forever changed by impaired driving. This year's report shows drunk driving-related fatalities decreased by 8 percent in the past five years (2011-2015). The 25,027 motorists arrested for DWI last year was also the lowest since 1980 but that many people risking their lives and the lives of others on the road is unacceptable.

Highlights from the *2015 Minnesota Motor Vehicle Impaired Driving Facts* report include:

- 137 (33 percent) of the 411 people who died on Minnesota roads were killed in alcohol-related crashes. (any evidence of alcohol detected in a driver, pedestrian or bicyclist.)
- 95 (23 percent) fatalities were drunk driving-related (driver alcohol concentration .08 percent or greater).
- 2,203 people suffered injuries in alcohol-related crashes.
- The 25,027 DWI arrests in 2015 average out to 69 DWIs per day.
- The average blood alcohol concentration (BAC) for drivers with a DWI was .16, 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.

Enough is enough when it comes to drunk driving. No longer can we remain silent and allow our loved ones to get behind the wheel after consuming alcohol. Set a good example for your friends and loved ones and maybe save a life by planning for a sober ride before you head out for the evening. Speak up and offer to be that designated driver. If you see an impaired person about to get behind the wheel, take the keys away and get them a safe ride home. Yesterday, it might have been a stranger who lost their life to a drunk driver; today, it could be you or your loved one. #SpeakUpMN

Sincerely,

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

Donna Berger
Director, Office of Traffic Safety

TABLE OF CONTENTS

<u>I. IMPAIRED DRIVING INCIDENTS ON RECORD</u>	<u>1</u>
TABLE 1.01 <i>OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1996 - 2015</i>	2
TABLE 1.02 <i>“IMPLIED CONSENTS” VERSUS CRIMINAL CONVICTIONS, VERSUS BOTH, UNDER THREE ARREST SCENARIOS, 1996 - 2015</i>	3
TABLE 1.03 <i>IMPAIRED DRIVING INCIDENTS BY MONTH, 1996 - 2015</i>	4
TABLE 1.04 <i>IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1996 - 2015</i>	4
TABLE 1.05 <i>ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2006 - 2015</i>	5
TABLE 1.06 <i>IMPAIRED DRIVING INCIDENTS BY GENDER OF VIOLATOR, 1996 - 2015</i>	6
TABLE 1.07 <i>IMPAIRED DRIVING INCIDENTS AMONG UNDER-21 DRIVERS, BY AGE, 1996 - 2015</i>	6
TABLE 1.08 <i>IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1996 - 2015</i>	7
TABLE 1.09 <i>IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO AND NON-METRO AREAS, 1996 - 2015</i>	7
TABLE 1.10 <i>IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2004 - 2015</i>	8
TABLE 1.11 <i>IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR’S RECORD</i>	10
<u>II. IMPAIRED DRIVING CRIMINAL CONVICTION RATES</u>	<u>12</u>
TABLE 2.01 <i>CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2015 BY JUDICIAL DISTRICT, COUNTY, AND OFFENSE LEVEL</i>	15
<u>III. PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD</u>	<u>18</u>
TABLE 3.01 <i>POPULATION OF MINNESOTA BY AGE-GROUP AND GENDER</i>	19
TABLE 3.02 <i>MINNESOTA LICENSED DRIVERS UNDER 21, BY AGE, 1996 - 2015</i>	20
TABLE 3.03 <i>MINNESOTA LICENSED DRIVERS, BY AGE-GROUP, 1996 - 2015</i>	20
TABLE 3.04 <i>MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AGE AT DATE OF LAST INCIDENT AND BY AGE AT END OF 2015</i>	21
TABLE 3.05 <i>POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD AT END OF 2015, BY COUNTY</i>	22
TABLE 3.06 <i>PERSONS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY AREA OF RESIDENCE, GENDER, AND NUMBER OF INCIDENTS ON RECORD AT END OF 2015</i>	24
<u>IV. IMPAIRED DRIVING RECIDIVISM IN MINNESOTA</u>	<u>25</u>
TABLE 4.01 <i>MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2015</i>	27

TABLE 4.02	
INCIDENTS THAT OCCURRED IN MINNESOTA IN 2015 BASED ON NUMBER OF INCIDENTS ON VIOLATOR'S RECORD	28
TABLE 4.03	
PERSONS WHO INCURRED INCIDENTS IN MINNESOTA IN 2015 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 2000: CUMULATIVE PERCENT OF VIOLATORS WHO INCURRED A SUBSEQUENT (SECOND OR THIRD) VIOLATION	30
TABLE 4.05	
RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 2000 - 2014: CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION	31
TABLE 4.06	
RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 2000 - 2014: CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION	32
TABLE 4.07	
RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 2000 - 2014: 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 - 2015	36
FIGURE 5.01	
MINNESOTA TRAFFIC FATALITIES, 1910 - 2015, AND FATALITY RATES PER 100 MILLION VEHICLE MILES TRAVELED, 1961 – 2015	36
TABLE 5.02	
OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1966 - 2015	37
TABLE 5.03	
TRAFFIC CRASHES, FATALITIES, AND INJURIES - TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2015	38
FIGURE 5.02	
KILLED DRIVERS TESTED FOR ALCOHOL: 1980 - 2015	40
FIGURE 5.03	
PERCENT OF DRIVERS KILLED WHO HAD BEEN DRINKING, BY AGE, 2015	40
TABLE 5.04	
2015 DRIVER FATALITIES' LEVEL OF ALCOHOL CONCENTRATION BY AGE	41
FIGURE 5.04	
2015 DRUNK DRIVING-RELATED FATAL CRASHES BY TIME OF DAY	42
FIGURE 5.05	
2015 DRUNK DRIVING-RELATED FATAL CRASHES BY DAY OF WEEK.....	42
TABLE 5.05	
COST OF ALCOHOL-RELATED TRAFFIC CRASHES, IMPAIRED-RELATED FATALITIES, AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2015	43
VI. THE IGNITION INTERLOCK PROGRAM	44
TABLE 6.01	
PARTICIPATION IN IGNITION INTERLOCK PROGRAMS AT YEAR END, 2013 - 2015	45
APPENDIX A	46
TERMS DESCRIBING IMPAIRED DRIVING INCIDENTS IN MINNESOTA	46
APPENDIX B	49
DEFINITIONS	49
APPENDIX C	51

<i>CHRONOLOGY OF MINNESOTA IMPAIRED DRIVING LEGISLATION SINCE 1911</i>	<i>51</i>
<u>APPENDIX D: AN OVERVIEW OF MINNESOTA’S DWI LAWS</u>	<u>65</u>
<i>PROHIBITED BEHAVIORS</i>	<i>66</i>
<i>IMPLIED CONSENT LAW</i>	<i>67</i>
<i>ADMINISTRATIVE SANCTIONS</i>	<i>68</i>
<i>LIMITED AND RESTRICTED LICENSES</i>	<i>71</i>
<i>REINSTATEMENT AFTER CANCELLATION</i>	<i>73</i>
<i>DRIVER’S LICENSE REINSTATEMENT FEES</i>	<i>73</i>
<i>CRIMINAL PENALTIES</i>	<i>74</i>
<i>RECORDS AND EXPUNGEMENT</i>	<i>78</i>
<u>GLOSSARY</u>	<u>81</u>

I. IMPAIRED DRIVING INCIDENTS ON RECORD

Summary

In 2015, 25,027 impaired driving incidents occurred in Minnesota and were entered into people's driving records, which is a 1% decrease from the previous year. Eighty-four percent of the incidents involved taking a test for alcohol or drugs;* 16% involved a test refusal. A few incidents (three, less than 1%) involved both a test failure and a test refusal (for example, an alcohol test refusal and a drug test failure). A small but significant number of the total incidents included a conviction for "criminal vehicular operation" resulting in a fatality (10 such incidents) or injury (324 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 1,860, in 1996, to nearly 3,365 in 2000, but then dropped rather sharply in the past decade to 554 in 2015.

The second violation type has the jargonistic name "disqual." This refers to an incident where a commercial vehicle driver is tested and found to have an alcohol concentration (AC) of .04%, but less than .08%, which disqualifies a driver from operating a commercial vehicle. These incidents are rare - there were only 12 in 2015. (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 2015 was similar to past years: Mondays through Thursdays had comparatively few incidents. Fridays accounted for 15%, Saturdays for 26% and Sundays for 23% of all incidents.

Alcohol concentration levels remain steady

In 1997, the Legislature adopted special sanction provisions effective in January 1998 for high-AC offenders (0.20% or higher), and alcohol test results

began to be available starting in 1998. The number of high-scoring violators have declined ever since; there were 6,079 in the over 0.20% category in 1998, then 3,923 in 2015. This represents a 35% 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 0.149% in 2015. Second-or-subsequent violators averaged 0.173% in 1998 and 0.166% in 2015. These lower alcohol concentration levels are to be expected to some degree due to the lower .08% *per se* level that went into effect August 1, 2005.

Who are the violators?

Driver's license files provide only limited data on who impaired drivers are. However, there is a strong relationship between age and impaired driving. Twenty-to-thirty-four-year-olds accounted for 53% of the impaired driving incidents in 2015. In addition, there were 1,274 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 2015, males committed 72% of the impaired incidents for which gender of the violator was reported.

Recidivism: 40% of violators were recidivists

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

* The tests are usually for alcohol, but they might be for controlled substances. In 2015, there were 1,571 incidents (involving either an implied consent violation or a criminal conviction, or both) for driving while impaired by controlled substances.

TABLE 1.01

OVERVIEW OF IMPAIRED DRIVING INCIDENTS ON RECORD, 1996 - 2015

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
	(1)	(2)	(3)	(4)	(5)	(6)	Fatality	Injury	(9)	(10)	(11)
1996	30,927	29,696	25,753	25,520	5,399	8	42	145	50	1,860	19
1997	31,384	29,955	26,309	26,332	5,026	26	22	208	128	2,543	16
1998	32,429	30,898	27,188	27,492	4,750	187	40	213	218	2,895	21
1999	34,569	32,816	29,377	29,575	4,854	140	27	251	207	3,335	13
2000	35,018	33,329	29,374	29,992	4,853	173	40	252	334	3,365	18
2001	33,546	32,073	28,153	28,625	4,835	86	22	166	399	3,130	16
2002	33,160	31,896	27,739	28,302	4,766	92	34	222	402	3,039	15
2003	32,355	30,970	26,940	27,683	4,482	190	37	317	543	2,700	11
2004	34,359	32,779	29,114	29,659	4,469	231	27	282	694	2,700	8
2005	37,078	35,191	31,788	32,311	4,622	145	34	301	840	2,464	16
2006	42,007	40,398	35,880	36,946	4,936	125	26	302	723	2,463	16
2007	38,765	37,220	33,418	34,044	4,662	59	45	268	659	2,137	28
2008	35,869	34,453	30,678	31,562	4,297	10	35	242	642	1,708	13
2009	32,995	31,615	27,679	29,086	3,896	13	40	270	823	1,432	10
2010	30,099	28,820	25,520	26,552	3,538	9	40	259	926	1,232	16
2011	29,504	28,139	25,271	25,965	3,524	15	29	248	982	1,146	16
2012	28,658	27,435	24,331	24,967	3,684	7	19	232	1,101	933	8
2013	26,032	24,718	22,000	22,185	3,833	14	31	202	1,221	721	8
2014	25,386	24,295	21,066	21,514	3,867	5	6	337	1,421	570	8
2015	25,027	23,868	18,033	21,086	3,938	3	10	324	1,571	554	12

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 2015, 72% of all incidents were known to involve a criminal conviction for driving while impaired by alcohol or drugs (as of June 01, 2016-the date on which statistics for this report were compiled). This percentage is understated. As judicial outcomes are decided well into the future, the criminal conviction percentage will increase to approximately 85%.
- (4-6) An incident may involve taking of a test, and a test refusal. For example, a person may take a test for alcohol, and refuse a test for drugs.
- (7-8) Criminal vehicular operation (CVO) offenses are divided into CVO resulting in a fatality (column 7) or CVO resulting in any type of bodily injury, all collapsed into (column 8). Amounts in columns (7) through (11) will increase as court cases are settled. Due to changes in the relevant statutes, 2014 and 2015 CVO data were obtained from the Minnesota Courts Administration Office rather than Driver and Vehicle Services.
- (9) Incidents counted in (9) involved an implied consent violation or a criminal conviction, or both, for driving while impaired by a controlled substance (“drugs”). See additional detail in Table 1.02.
- (10) The “not-a-drop” law, making it illegal for persons under age 21 to drive while having any amount of alcohol whatsoever (as opposed to being over the *per-se* illegal level) took effect June 1, 1993.
- (11) Commercial vehicle drivers found to have an alcohol concentration of .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, 1996 - 2015**

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
1996	17%	5%	78%	25,476	0%	100%	0%	44	14%	1%	85%	5,407	17%	4%	79%	30,927
1997	17%	5%	78%	26,209	18%	64%	18%	123	14%	1%	85%	5,052	16%	5%	79%	31,384
1998	16%	5%	79%	27,282	30%	39%	31%	210	15%	1%	84%	4,937	16%	5%	79%	32,429
1999	15%	6%	79%	29,375	34%	38%	29%	200	14%	1%	85%	4,994	15%	5%	80%	34,569
2000	16%	5%	79%	29,667	32%	43%	24%	325	15%	1%	84%	5,026	16%	5%	79%	35,018
2001	16%	5%	79%	28,235	36%	21%	43%	390	14%	1%	86%	4,921	16%	4%	80%	33,546
2002	17%	4%	79%	27,914	34%	21%	45%	388	14%	1%	85%	4,858	16%	4%	80%	33,160
2003	17%	5%	79%	27,151	36%	19%	45%	532	14%	1%	85%	4,672	17%	4%	79%	32,355
2004	15%	5%	80%	28,987	35%	17%	47%	672	12%	1%	87%	4,700	15%	5%	80%	34,359
2005	14%	5%	80%	31,487	29%	16%	55%	824	12%	2%	87%	4,767	14%	5%	81%	37,078
2006	15%	4%	81%	36,242	30%	16%	54%	704	12%	1%	88%	5,061	15%	4%	82%	42,007
2007	14%	4%	82%	33,404	28%	23%	49%	640	11%	1%	89%	4,721	14%	4%	82%	38,765
2008	15%	4%	81%	30,947	29%	22%	49%	615	12%	1%	87%	4,307	14%	4%	82%	35,869
2009	16%	4%	80%	28,301	28%	20%	52%	785	12%	2%	87%	3,909	16%	4%	80%	32,995
2010	16%	4%	80%	25,656	27%	20%	53%	896	10%	2%	88%	3,547	15%	4%	80%	30,099
2011	15%	4%	81%	25,024	26%	26%	48%	941	10%	2%	88%	3,539	14%	5%	81%	29,504
2012	15%	4%	81%	23,914	26%	22%	52%	1,053	10%	1%	88%	3,691	15%	4%	81%	28,658
2013	16%	5%	79%	21,016	26%	22%	53%	1,169	11%	1%	88%	3,847	15%	5%	79%	26,032
2014	17%	4%	78%	20,151	27%	18%	55%	1,363	12%	1%	87%	3,872	17%	4%	79%	25,386
2015	26%	4%	69%	19,585	46%	19%	35%	1,501	29%	1%	70%	3,941	28%	5%	67%	25,027

Note: 2015 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, 1996 - 2015

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1996	2,122	2,209	2,622	2,449	2,875	2,775	2,754	2,907	2,631	2,581	2,420	2,582	30,927
1997	2,289	2,438	2,654	2,586	2,949	2,608	2,736	3,036	2,351	2,454	2,609	2,674	31,384
1998	2,434	2,396	2,446	2,499	2,998	2,659	2,938	2,954	2,782	2,856	2,663	2,804	32,429
1999	2,618	2,499	2,777	2,744	3,195	2,764	3,030	2,932	2,973	3,131	2,800	3,106	34,569
2000	2,879	2,721	3,013	2,920	2,957	2,905	3,182	2,836	2,995	2,994	2,561	3,055	35,018
2001	2,821	2,429	2,988	2,601	2,869	2,796	2,892	2,797	2,804	2,793	2,624	3,132	33,546
2002	2,724	2,463	2,796	2,581	2,814	2,806	2,908	3,043	2,734	2,648	2,695	2,948	33,160
2003	2,467	2,319	2,749	2,470	2,657	2,716	3,121	2,933	2,642	2,875	2,763	2,643	32,355
2004	2,795	2,707	2,915	2,712	2,971	2,774	3,143	3,179	2,837	2,940	2,615	2,771	34,359
2005	2,595	2,869	2,845	3,066	3,023	2,828	3,381	3,508	3,216	3,334	2,982	3,431	37,078
2006	3,469	3,185	3,602	3,474	3,496	3,575	3,732	3,754	3,668	3,151	3,236	3,665	42,007
2007	3,023	2,731	3,408	3,090	3,332	3,372	3,396	3,457	3,407	2,976	3,090	3,483	38,765
2008	3,066	2,916	3,168	2,711	3,186	2,967	3,447	3,036	2,652	2,914	3,044	2,762	35,869
2009	2,879	2,542	2,883	2,711	2,993	2,589	2,849	3,026	2,708	2,538	2,654	2,623	32,995
2010	2,536	2,504	2,701	2,472	2,665	2,366	2,643	2,666	2,418	2,598	2,129	2,401	30,099
2011	2,370	2,344	2,489	2,465	2,524	2,458	2,707	2,610	2,339	2,480	2,103	2,615	29,504
2012	2,150	2,228	2,530	2,292	2,471	2,434	2,478	2,648	2,418	2,301	2,183	2,525	28,658
2013	2,034	2,044	2,484	2,070	2,139	2,166	2,219	2,416	2,069	2,034	2,181	2,176	26,032
2014	1,850	1,791	2,282	2,109	2,297	2,145	2,204	2,423	2,099	2,039	1,991	2,156	25,386
2015	2,017	1,964	2,208	2,032	2,204	2,063	2,164	2,450	2,090	2,028	1,931	1,876	25,027

TABLE 1.04

IMPAIRED DRIVING INCIDENTS BY DAY OF WEEK, 1996 - 2015

Year	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
1996	6,417	2,491	2,506	2,797	3,570	5,135	8,011	30,927
1997	6,486	2,332	2,435	3,107	3,429	5,345	8,250	31,384
1998	6,909	2,382	2,489	2,943	3,962	5,398	8,346	32,429
1999	7,465	2,442	2,536	3,113	3,995	6,018	9,000	34,569
2000	7,636	2,375	2,623	3,136	3,869	5,777	9,602	35,018
2001	7,317	2,565	2,569	3,001	3,896	5,558	8,640	33,546
2002	7,088	2,447	2,737	3,118	3,916	5,493	8,361	33,160
2003	6,809	2,396	2,577	3,317	3,629	5,342	8,285	32,355
2004	7,585	2,393	2,598	3,228	4,108	5,495	8,952	34,359
2005	8,122	2,690	2,844	3,257	4,170	6,143	9,852	37,078
2006	9,559	2,853	3,248	3,741	4,695	6,769	11,142	42,007
2007	8,679	2,949	2,858	3,625	4,343	6,187	10,124	38,765
2008	7,992	2,487	2,920	3,127	3,920	5,852	9,571	35,869
2009	7,531	2,292	2,549	2,999	3,884	5,093	8,647	32,995
2010	6,859	2,135	2,257	2,633	3,387	5,109	7,719	30,099
2011	6,725	2,247	2,120	2,506	3,219	4,744	7,943	29,504
2012	6,690	2,128	2,149	2,561	3,145	4,407	7,578	28,658
2013	6,178	1,973	2,114	2,334	2,813	3,902	6,718	26,032
2014	5,986	2,016	2,050	2,424	2,626	3,750	6,534	25,386
2015	5,662	2,051	1,930	2,297	2,774	3,745	6,568	25,027

TABLE 1.05
**ALCOHOL CONCENTRATION TEST RESULTS ON DRIVERS
WHO INCURRED IMPAIRED DRIVING INCIDENTS, 2006 - 2015**

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
2006													
First	2	15	3,047	9,956	7,038	2,390	471	99	27	.144	23,045	2,913	25,958
Repeat	0	10	1,097	4,337	4,186	2,107	636	148	27	.160	12,548	3,501	16,049
All	2	25	4,144	14,293	11,224	4,497	1,107	247	54	.149	35,593	6,414	42,007
2007													
First	2	8	2,509	8,984	6,437	2,201	436	82	8	.145	20,667	2,946	23,613
Repeat	2	5	983	4,023	3,944	2,074	604	161	28	.161	11,824	3,328	15,152
All	4	13	3,492	13,007	10,381	4,275	1,040	243	36	.151	32,491	6,274	38,765
2008													
First	1	8	2,157	8,026	5,968	2,079	474	84	21	.146	18,818	2,555	21,373
Repeat	0	4	879	3,783	3,789	1,980	618	138	36	.162	11,227	3,269	14,496
All	1	12	3,036	11,809	9,757	4,059	1,092	222	57	.152	30,045	5,824	35,869
2009													
First	1	7	2,039	7,100	5,321	1,919	423	95	18	.147	16,923	2,438	19,361
Repeat	0	2	831	3,474	3,498	1,900	599	157	43	.164	10,504	3,130	13,634
All	1	9	2,870	10,574	8,819	3,819	1,022	252	61	.153	27,427	5,568	32,995
2010													
First	1	4	1,729	6,315	4,680	1,847	446	110	21	.148	15,153	2,374	17,527
Repeat	0	0	713	3,141	3,276	1,811	599	128	43	.165	9,711	2,861	12,572
All	1	4	2,442	9,456	7,986	3,658	1,045	238	64	.155	24,864	5,235	30,099
2011													
First	2	7	1,732	6,155	4,581	1,700	407	92	25	.148	14,701	2,526	17,227
Repeat	0	0	730	3,017	3,205	1,749	592	155	45	.166	9,493	2,784	12,277
All	2	7	2,462	9,172	7,786	3,449	999	247	70	.155	24,194	5,310	29,504
2012													
First	1	3	1,735	5,957	4,370	1,708	465	95	30	.148	14,364	2,671	17,035
Repeat	0	1	771	2,799	2,887	1,538	551	175	41	.165	8,763	2,860	11,623
All	1	4	2,506	8,756	7,257	3,246	1,016	270	71	.154	23,127	5,531	28,658
2013													
First	1	5	1,526	5,109	3,880	1,489	393	80	23	.148	12,506	2,860	15,366
Repeat	0	2	601	2,526	2,493	1,390	473	153	39	.165	7,677	2,989	10,666
All	1	7	2,127	7,635	6,373	2,879	866	233	62	.154	20,183	5,849	26,032
2014													
First	0	3	1,542	4,920	3,657	1,381	364	103	18	.147	11,988	2,917	14,905
Repeat	0	0	652	2,426	2,380	1,321	494	159	32	.165	7,464	3,017	10,481
All	0	3	2,194	7,346	6,037	2,702	858	262	50	.154	19,452	5,934	25,386
2015													
First	0	0	1,427	4,862	3,394	1,398	390	116	31	.149	11,618	3,205	14,823
Repeat	0	0	590	2,326	2,288	1,298	494	155	41	.166	7,192	3,012	10,204
All	0	0	2,017	7,188	5,682	2,696	884	271	72	.155	18,810	6,217	25,027

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, 1996 - 2015

Year	Male	Female	Not Stated	Total
1996	23,982	5,466	1,479	30,927
1997	24,116	5,833	1,435	31,384
1998	24,649	6,152	1,628	32,429
1999	26,116	6,551	1,902	34,569
2000	26,077	6,846	2,095	35,018
2001	24,849	6,597	2,100	33,546
2002	24,285	6,655	2,220	33,160
2003	23,468	6,630	2,257	32,355
2004	24,683	7,312	2,364	34,359
2005	26,354	8,165	2,559	37,078
2006	29,380	9,475	3,152	42,007
2007	26,889	8,984	2,892	38,765
2008	24,633	8,594	2,642	35,869
2009	22,611	8,070	2,314	32,995
2010	20,402	7,555	2,142	30,099
2011	20,300	7,427	1,777	29,504
2012	19,399	7,287	1,972	28,658
2013	17,519	6,631	1,882	26,032
2014	17,092	6,267	2,027	25,386
2015	16,422	6,368	2,237	25,027

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, 1996 - 2015

Year	0-14	15	16	17	18	19	20	Under 21
1996	2	13	138	306	615	798	838	2,710
1997	4	18	106	278	639	768	895	2,708
1998	2	18	105	301	679	892	930	2,927
1999	4	18	116	289	744	1,003	1,047	3,221
2000	4	10	127	327	711	991	1,119	3,289
2001	1	16	123	277	645	925	1,046	3,033
2002	7	12	124	308	661	861	1,097	3,070
2003	3	21	118	281	697	920	1,078	3,118
2004	3	13	108	302	685	903	1,018	3,032
2005	5	16	122	344	710	1,037	1,238	3,472
2006	4	24	138	391	870	1,291	1,351	4,069
2007	4	11	126	327	720	1,066	1,218	3,472
2008	4	15	105	269	638	885	1,049	2,965
2009	4	7	75	197	536	805	911	2,535
2010	4	9	57	142	434	676	816	2,138
2011	2	6	56	160	379	591	757	1,951
2012	4	10	44	114	341	629	674	1,816
2013	1	10	42	103	289	443	618	1,506
2014	0	5	22	105	266	399	541	1,338
2015	0	3	27	84	271	402	487	1,274

TABLE 1.08

IMPAIRED DRIVING INCIDENTS BY AGE GROUP OF VIOLATOR, 1996 - 2015

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
1996	2	1,870	5,809	5,588	5,462	4,792	3,181	1,929	1,009	595	318	215	97	60	0	30,927
1997	4	1,809	5,824	5,720	5,083	4,969	3,361	2,111	1,172	621	341	206	97	66	0	31,384
1998	2	1,995	6,261	5,596	4,912	5,223	3,631	2,262	1,155	677	340	195	103	77	0	32,429
1999	4	2,170	7,398	5,850	4,913	5,255	3,853	2,372	1,331	672	403	192	96	60	0	34,569
2000	4	2,166	7,780	5,843	4,825	5,122	3,943	2,482	1,400	696	372	194	119	72	0	35,018
2001	1	1,986	7,918	5,451	4,565	4,450	3,910	2,465	1,457	651	339	192	100	61	0	33,546
2002	7	1,966	8,148	5,283	4,372	4,060	3,876	2,497	1,456	752	358	197	105	83	0	33,160
2003	3	2,037	8,248	5,420	4,012	3,643	3,653	2,469	1,382	753	384	188	96	67	0	32,355
2004	3	2,011	8,739	5,923	4,261	3,667	3,846	2,712	1,654	791	425	166	92	68	1	34,359
2005	5	2,229	9,633	6,845	4,381	3,802	3,867	2,938	1,676	923	411	215	92	61	0	37,078
2006	4	2,714	11,057	8,073	4,778	4,161	4,027	3,336	1,984	1,029	449	226	109	59	1	42,007
2007	4	2,250	9,907	7,407	4,492	3,960	3,637	3,173	1,919	1,101	492	263	94	66	0	38,765
2008	4	1,912	8,624	6,908	4,531	3,600	3,282	3,008	1,947	1,104	555	229	101	64	0	35,869
2009	4	1,620	7,637	6,442	4,129	3,385	2,971	2,895	1,899	1,063	539	233	120	57	1	32,995
2010	4	1,318	6,857	5,802	3,969	2,932	2,678	2,578	1,928	1,090	546	237	99	61	0	30,099
2011	2	1,192	6,553	5,874	3,934	2,807	2,686	2,407	1,921	1,084	618	232	121	73	0	29,504
2012	4	1,138	6,452	5,478	3,984	2,657	2,688	2,232	1,843	1,096	612	276	137	61	0	28,658
2013	1	887	5,531	5,077	3,820	2,627	2,271	1,973	1,794	1,059	565	249	109	69	0	26,032
2014	0	797	5,138	4,853	3,617	2,727	2,283	1,875	1,800	1,178	614	318	115	71	0	25,386
2015	0	787	4,908	4,881	3,553	2,789	2,117	1,873	1,797	1,226	609	290	121	74	2	25,027

TABLE 1.09

IMPAIRED DRIVING INCIDENTS IN TWIN CITIES METRO* AND NON-METRO AREAS, 1996 - 2015

Year	Twin Cities Metro Area		Non-Metro Area		Total	
	number	percent	number	percent	number	percent
1996	15,947	51.6%	14,980	48.4%	30,927	100.0%
1997	16,148	51.5%	15,236	48.6%	31,384	100.0%
1998	16,718	51.6%	15,711	48.5%	32,429	100.0%
1999	17,136	49.6%	17,433	50.4%	34,569	100.0%
2000	16,816	48.0%	18,202	52.0%	35,018	100.0%
2001	16,351	48.7%	17,195	51.3%	33,546	100.0%
2002	16,211	48.9%	16,949	51.1%	33,160	100.0%
2003	16,041	49.6%	16,314	50.4%	32,355	100.0%
2004	16,776	48.8%	17,583	51.2%	34,359	100.0%
2005	17,875	48.2%	19,203	51.8%	37,078	100.0%
2006	20,534	48.9%	21,473	51.1%	42,007	100.0%
2007	18,797	48.5%	19,968	51.5%	38,765	100.0%
2008	17,825	49.7%	18,044	50.3%	35,869	100.0%
2009	16,348	49.6%	16,647	50.5%	32,995	100.0%
2010	15,213	50.5%	14,886	49.5%	30,099	100.0%
2011	14,966	50.7%	14,538	49.3%	29,504	100.0%
2012	14,764	51.5%	13,894	48.5%	28,658	100.0%
2013	13,431	51.6%	12,601	48.4%	26,032	100.0%
2014	13,281	52.3%	12,105	47.7%	25,386	100.0%
2015	12,959	51.8%	12,068	48.2%	25,027	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, 2004 - 2015

County	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Aitkin	164	215	210	251	159	144	108	139	134	133	78	144
Anoka	1,957	2,059	2,160	2,337	2,140	1,926	1,691	1,453	1,391	1,188	1,151	1,100
Becker	342	439	516	384	326	277	277	256	250	192	232	273
Beltrami	437	356	446	512	536	421	378	433	298	299	288	267
Benton	255	262	344	354	288	240	194	153	127	140	163	163
Big Stone	33	24	47	36	28	19	24	20	42	22	23	14
Blue Earth	544	643	680	614	594	645	472	403	346	390	377	362
Brown	221	149	176	161	149	142	126	119	129	114	94	107
Carlton	344	404	416	253	229	241	262	247	239	178	186	173
Carver	414	422	432	395	376	282	286	331	310	257	304	281
Cass	255	291	397	368	272	249	228	224	212	201	189	157
Chippewa	104	115	144	98	97	48	76	55	58	52	50	55
Chisago	398	380	378	374	317	310	239	216	207	232	179	194
Clay	784	801	744	680	543	576	564	517	521	452	431	418
Clearwater	68	68	59	57	75	81	92	49	37	41	41	50
Cook	44	75	101	62	43	47	38	31	32	52	34	23
Cottonwood	75	56	56	72	76	54	57	70	51	56	61	51
Crow Wing	532	664	717	652	587	517	420	376	356	358	358	384
Dakota	2,426	2,658	3,012	2,937	2,538	2,369	2,079	2,059	1,813	1,616	1,606	1,641
Dodge	103	148	153	162	125	100	83	105	68	73	54	61
Douglas	229	245	259	265	302	267	232	216	162	152	170	151
Faribault	60	72	91	102	80	60	60	65	69	65	54	68
Fillmore	122	111	143	116	102	89	91	89	75	80	72	58
Freeborn	224	241	203	184	168	191	205	200	159	114	149	118
Goodhue	285	386	529	398	445	386	335	349	332	260	305	251
Grant	30	43	54	37	43	41	28	22	21	29	14	31
Hennepin	7,347	7,539	8,595	7,780	7,488	6,797	6,326	6,799	6,963	6,476	5,883	5,812
Houston	137	144	155	170	155	125	108	109	116	125	136	131
Hubbard	109	157	182	164	118	138	111	171	120	97	84	141
Isanti	239	266	367	261	189	163	144	158	159	130	152	141
Itasca	314	486	584	455	341	390	280	314	329	322	290	336
Jackson	46	50	83	97	68	58	67	63	82	55	42	48
Kanabec	107	99	105	150	125	82	106	113	89	88	53	50
Kandiyohi	289	288	319	268	295	273	213	231	242	194	182	183
Kittson	23	24	22	20	24	18	15	22	12	18	10	9
Koochiching	80	65	101	108	97	90	92	83	71	71	70	56
Lac Qui Parle	18	37	45	47	35	38	39	27	28	25	26	23
Lake	65	59	67	71	53	63	73	42	69	53	50	37
Lake of the Woods	64	79	66	41	47	50	39	34	45	33	39	36
Le Sueur	169	151	180	181	149	155	105	106	93	82	88	94
Lincoln	15	29	31	37	25	23	26	22	29	24	16	12
Lyon	159	214	200	167	194	181	173	138	159	151	152	125
McLeod	232	267	366	290	282	229	176	184	149	158	160	151
Mahnomen	118	129	97	113	114	105	100	108	99	73	68	78
Marshall	41	57	50	59	61	36	37	43	49	29	28	32
Martin	140	134	120	180	153	118	129	91	89	82	87	92
Meeker	111	118	149	146	123	95	96	62	48	71	53	46
Mille Lacs	286	302	353	293	237	240	233	191	174	125	93	109

TABLE 1.10 (Continued)

IMPAIRED DRIVING INCIDENTS BY COUNTY OF ARREST, 2004 - 2015

County	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Morrison	164	195	209	213	203	174	187	156	144	168	109	98
Mower	295	324	309	346	414	304	261	275	277	267	313	282
Murray	25	31	35	37	37	25	20	21	25	17	19	15
Nicollet	281	320	360	254	239	186	174	169	167	113	110	115
Nobles	163	191	186	186	176	166	151	118	142	151	132	119
Norman	20	55	55	43	28	39	23	49	39	41	36	30
Olmsted	784	886	837	1,024	999	986	875	966	755	644	675	709
Otter Tail	404	416	429	434	344	302	337	299	267	315	263	268
Pennington	120	124	119	106	96	62	73	66	87	91	89	89
Pine	333	342	351	285	265	206	202	173	176	144	139	113
Pipestone	51	69	59	74	61	45	45	47	36	36	43	43
Polk	322	276	304	282	265	270	253	231	239	248	205	272
Pope	65	84	72	62	57	50	52	40	49	40	41	45
Ramsey	2,394	2,629	3,231	2,913	3,005	2,883	2,954	2,670	2,676	2,380	2,631	2,366
Red Lake	34	47	79	71	53	44	36	30	34	28	23	27
Redwood	110	128	149	152	118	140	97	91	107	83	79	74
Renville	127	134	159	110	100	106	137	126	119	79	117	108
Rice	407	335	348	433	408	366	332	331	264	217	253	230
Rock	47	52	62	55	38	29	36	52	34	53	45	57
Roseau	158	161	141	128	146	148	92	114	116	111	105	93
St. Louis	1,490	1,603	1,726	1,565	1,592	1,667	1,316	1,276	1,218	1,075	1,042	1,088
Scott	914	1,118	1,257	1,075	962	820	764	638	620	587	699	642
Sherburne	468	578	803	689	584	536	472	416	514	470	390	340
Sibley	134	112	123	129	84	66	54	42	49	70	66	98
Stearns	1,004	1,147	1,341	1,308	1,082	1,039	976	964	1,027	872	802	789
Steele	226	258	292	247	212	232	221	194	252	173	190	179
Stevens	49	46	41	44	43	43	27	50	42	31	41	35
Swift	41	42	63	51	57	40	37	65	59	61	51	40
Todd	136	163	240	205	142	150	108	83	103	102	102	98
Traverse	24	21	22	15	15	7	15	8	15	12	7	7
Wabasha	139	155	201	171	179	188	134	134	101	102	105	128
Wadena	81	91	127	112	99	90	71	68	65	67	59	42
Waseca	109	117	152	150	124	89	78	84	86	64	58	83
Washington	1,324	1,450	1,847	1,360	1,316	1,271	1,113	1,016	991	927	1,007	1,117
Watonwan	76	97	104	86	64	60	37	51	30	42	30	31
Wilkin	60	50	72	78	56	42	52	71	55	59	64	45
Winona	500	422	381	364	398	341	355	336	318	307	316	336
Wright	648	698	883	846	677	515	480	593	622	497	460	388
Yellow Medicine	73	90	134	103	120	79	119	83	85	60	45	51

Totals: 34,359 37,078 42,007 38,765 35,869 32,995 30,099 29,504 28,658 26,032 25,386 25,027

TABLE 1.11

IMPAIRED DRIVING INCIDENTS, BY TOTAL NUMBER ON VIOLATOR'S RECORD
Part I: 2000 - 2007

Incident Number	2000	%	2001	%	2002	%	2003	%	2004	%	2005	%	2006	%	2007	%
1	20,260	57.9%	19,427	57.9%	19,525	58.9%	19,152	59.2%	20,417	59.4%	22,500	60.7%	25,958	61.8%	23,613	60.9%
2	7,441	21.3%	7,135	21.3%	7,049	21.3%	6,934	21.4%	7,477	21.8%	7,990	21.6%	9,007	21.4%	8,545	22.0%
3	3,581	10.2%	3,450	10.3%	3,262	9.8%	3,167	9.8%	3,355	9.8%	3,493	9.4%	3,886	9.3%	3,603	9.3%
4	1,728	4.9%	1,686	5.0%	1,579	4.8%	1,516	4.7%	1,514	4.4%	1,542	4.2%	1,643	3.9%	1,582	4.1%
5	872	2.5%	793	2.4%	743	2.2%	636	2.0%	686	2.0%	695	1.9%	710	1.7%	662	1.7%
6	455	1.3%	423	1.3%	393	1.2%	405	1.3%	358	1.0%	358	1.0%	352	0.8%	331	0.9%
7	241	0.7%	250	0.8%	233	0.7%	218	0.7%	213	0.6%	203	0.6%	185	0.4%	165	0.4%
8	163	0.5%	120	0.4%	115	0.4%	125	0.4%	127	0.4%	119	0.3%	98	0.2%	112	0.3%
9	95	0.3%	85	0.3%	93	0.3%	72	0.2%	79	0.2%	72	0.2%	65	0.2%	57	0.2%
10	61	0.2%	69	0.2%	45	0.1%	35	0.1%	61	0.2%	37	0.1%	39	0.1%	36	0.1%
11	40	0.1%	37	0.1%	36	0.1%	30	0.1%	20	0.1%	26	0.1%	23	0.1%	19	0.1%
12	31	0.1%	19	0.1%	27	0.1%	25	0.1%	19	0.1%	11	*	13	*	13	*
13	13	*	20	0.1%	24	0.1%	9	*	10	*	15	*	10	*	10	*
14	7	*	12	*	11	*	10	*	7	*	6	*	8	*	7	*
15	7	*	6	*	12	*	9	*	2	*	5	*	1	*	1	*
16	8	*	5	*	3	*	3	*	4	*	2	*	2	*	3	*
17	2	*	3	*	6	*	3	*	3	*	0	0%	4	*	2	*
18	5	*	2	*	1	*	1	*	1	*	1	*	2	*	1	*
19	4	*	0	0%	0	0%	0	0%	2	*	1	*	1	*	1	*
20	1	*	3	*	0	0%	1	*	1	*	1	*	0	0%	0	0%
21	3	*	0	0%	1	*	1	*	2	*	0	0%	0	0%	1	*
22	0	0%	0	0%	2	*	1	*	0	0%	1	*	0	0%	1	*
23	0	0%	0	0%	0	0%	1	*	1	*	0	0%	0	0%	0	0%
24	0	0%	1	*	0	0%	1	*	0	0%	0	0%	0	0%	0	0%
25	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
26	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Totals:	35,018	100%	33,546	100%	33,160	100%	32,355	100%	34,359	100%	37,078	100%	42,007	100%	38,765	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: 2008 - 2015

Incident Number	2008	%	2009	%	2010	%	2011	%	2012	%	2013	%	2014	%	2015	%
1	21,373	59.6%	19,361	58.7%	17,527	58.2%	17,227	58.4%	17,035	59.4%	15,366	59.0%	14,905	58.7%	14,823	59.2%
2	8,094	22.6%	7,533	22.8%	6,868	22.8%	6,715	22.8%	6,428	22.4%	5,943	22.8%	5,627	22.2%	5,572	22.3%
3	3,530	9.8%	3,409	10.3%	3,179	10.6%	3,167	10.7%	2,887	10.1%	2,600	10.0%	2,665	10.5%	2,594	10.4%
4	1,517	4.2%	1,460	4.4%	1,398	4.6%	1,319	4.5%	1,282	4.5%	1,151	4.4%	1,162	4.6%	1,174	4.7%
5	635	1.8%	569	1.7%	564	1.9%	467	1.6%	528	1.8%	496	1.9%	516	2.0%	436	1.7%
6	300	0.8%	266	0.8%	229	0.8%	260	0.9%	199	0.7%	209	0.8%	213	0.8%	226	0.9%
7	153	0.4%	149	0.5%	137	0.5%	131	0.4%	128	0.5%	118	0.5%	124	0.5%	89	0.4%
8	95	0.3%	98	0.3%	72	0.2%	78	0.3%	59	0.2%	59	0.2%	69	0.3%	46	0.2%
9	67	0.2%	47	0.1%	47	0.2%	55	0.2%	39	0.1%	38	0.2%	31	0.1%	25	0.1%
10	43	0.1%	35	0.1%	28	0.1%	30	0.1%	27	0.1%	15	0.1%	25	0.1%	7	*
11	25	0.1%	27	0.1%	16	0.1%	19	0.1%	11	*	14	0.1%	25	0.1%	10	*
12	11	*	20	0.1%	17	0.1%	9	*	12	*	7	*	8	*	5	*
13	11	*	5	*	7	*	7	*	10	*	8	*	3	*	6	*
14	6	*	5	*	3	*	12	*	2	*	2	*	3	*	4	*
15	3	*	3	*	3	*	2	*	4	*	2	*	3	*	5	*
16	2	*	2	*	2	*	1	*	2	*	2	*	2	*	1	*
17	1	*	1	*	0	0%	0	0%	2	*	0	0%	1	*	1	*
18	1	*	2	*	1	*	0	0%	1	*	1	*	1	*	1	0%
19	2	*	0	0%	0	0%	1	*	0	0%	0	0%	0	0%	0	0%
20	0	0%	0	0%	1	*	2	*	0	0%	0	0%	0	0%	0	0%
21	0	0%	0	0%	0	0%	0	0%	0	0%	1	*	2	*	0	0%
22	0	0%	0	0%	0	0%	0	0%	1	*	0	0%	1	*	0	0%
23	0	0%	0	0%	0	0%	2	*	0	0%	0	0%	0	0%	0	0%
24	0	0%	0	0%	0	0%	0	0%	1	*	0	0%	0	0%	1	*
25	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
26	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	*
Totals:	35,869	100%	32,995	100%	30,099	100%	29,504	100%	28,658	100%	26,032	100%	25,386	100%	25,027	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 2015 were calculated using data available on June 1, 2016 - five full months after the end of the 2015 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 2015 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, 2016 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).

How the Conviction Rate is Calculated

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

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

1. Counting prior violations

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

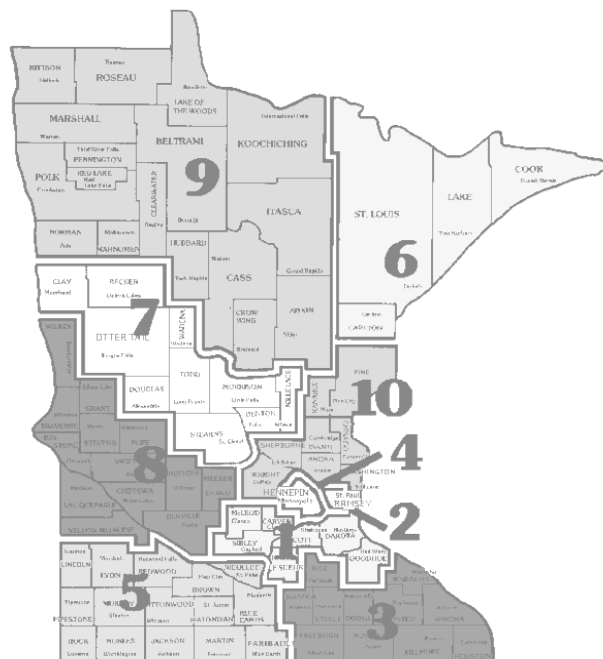
2. Not measuring plea bargaining

[‡] 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).

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 2015, the range of conviction rates was from 66.3% (District 4: Hennepin County) to 79.9% (for District 8, comprised of 13 counties in West Central Minnesota).

Some counties had conviction rates at 90% or higher: Cook (95.7%), Wilkin (93.3%) and Watonwan (90.3%).

Several counties had conviction rates that were lower than 60%: Kanabec (54.0%), Pine (59.3%), Murray (46.7%) and Pipestone (46.5%).

Out of 25,207 impaired driving incidents in 2015, the overall conviction rate for Minnesota was 72.1%. 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 2015
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	281	210	74.7	169	118	69.8	60	49	81.7	32	28	87.5	20	15	75.0
DAKOTA	1,641	1,109	67.6	984	632	64.2	379	277	73.1	155	108	69.7	123	92	74.8
GOODHUE	251	174	69.3	133	82	61.7	62	46	74.2	28	24	85.7	28	22	78.6
LE SUEUR	94	70	74.5	48	36	75.0	16	12	75.0	19	16	84.2	11	6	54.5
MCLEOD	151	116	76.8	90	70	77.8	34	26	76.5	16	11	68.8	11	9	81.8
SCOTT	642	508	79.1	370	291	78.6	150	122	81.3	74	60	81.1	48	35	72.9
SIBLEY	98	84	85.7	55	46	83.6	26	24	92.3	8	7	87.5	9	7	77.8
SUBTOTAL:	3,158	2,271	71.9	1,849	1,275	69.0	727	556	76.5	332	254	76.5	250	186	74.4
Judicial Dist 2															
RAMSEY	2,366	1,618	68.4	1,465	932	63.6	506	395	78.1	256	181	70.7	139	110	79.1
Judicial Dist 3															
DODGE	61	51	83.6	31	27	87.1	18	15	83.3	7	6	85.7	5	3	60.0
FILLMORE	58	42	72.4	29	21	72.4	15	12	80.0	7	4	57.1	7	5	71.4
FREEBORN	118	89	75.4	71	57	80.3	25	18	72.0	11	9	81.8	11	5	45.5
HOUSTON	131	89	67.9	89	65	73.0	24	14	58.3	8	5	62.5	10	5	50.0
MOWER	282	215	76.2	160	115	71.9	63	53	84.1	33	26	78.8	26	21	80.8
OLMSTED	709	614	86.6	436	389	89.2	147	122	83.0	71	60	84.5	55	43	78.2
RICE	230	167	72.6	118	77	65.3	70	56	80.0	24	20	83.3	18	14	77.8
STEELE	179	139	77.7	94	69	73.4	42	34	81.0	22	18	81.8	21	18	85.7
WABASHA	128	111	86.7	71	62	87.3	30	24	80.0	15	14	93.3	12	11	91.7
WASECA	83	68	81.9	40	32	80.0	23	19	82.6	9	7	77.8	11	10	90.9
WINONA	336	260	77.4	203	156	76.8	68	49	72.1	33	24	72.7	32	31	96.9
SUBTOTAL:	2,315	1,845	79.7	1,342	1,070	79.7	525	416	79.2	240	193	80.4	208	166	79.8
Judicial Dist 4															
HENNEPIN	5,812	3,851	66.3	3,624	2,273	62.7	1,286	931	72.4	510	363	71.2	392	284	72.4
Judicial Dist 5															
BLUE EARTH	362	293	80.9	238	194	81.5	61	50	82.0	32	26	81.3	31	23	74.2
BROWN	107	79	73.8	60	43	71.7	24	19	79.2	11	9	81.8	12	8	66.7
COTTONWOOD	51	34	66.7	29	19	65.5	13	10	76.9	4	3	75.0	5	2	40.0
FARIBAULT	68	55	80.9	34	26	76.5	19	16	84.2	5	4	80.0	10	9	90.0
JACKSON	48	32	66.7	29	16	55.2	11	10	90.9	5	4	80.0	3	2	66.7
LINCOLN	12	8	66.7	7	5	71.4	3	2	66.7	1	1	100.0	1	0	0.0
LYON	125	103	82.4	74	65	87.8	32	25	78.1	14	10	71.4	5	3	60.0
MARTIN	92	79	85.9	55	49	89.1	22	17	77.3	11	10	90.9	4	3	75.0
MURRAY	15	7	46.7	9	4	44.4	3	2	66.7	1	1	100.0	2	0	0.0
NICOLLET	115	80	69.6	64	43	67.2	29	23	79.3	14	8	57.1	8	6	75.0
NOBLES	119	74	62.2	87	58	66.7	23	12	52.2	5	2	40.0	4	2	50.0
PIPESTONE	43	20	46.5	30	15	50.0	5	2	40.0	4	1	25.0	4	2	50.0
REDWOOD	74	59	79.7	40	31	77.5	16	14	87.5	10	8	80.0	8	6	75.0
ROCK	57	39	68.4	36	26	72.2	12	9	75.0	6	3	50.0	3	1	33.3
WATONWAN	31	28	90.3	21	19	90.5	6	5	83.3	4	4	100.0	0	0	0.0
SUBTOTAL:	1,319	990	75.1	813	613	75.4	279	216	77.4	127	94	74.0	100	67	67.0

TABLE 2.01 (Continued)

**CRIMINAL CONVICTION RATE FOR INCIDENTS THAT OCCURRED IN YEAR 2015
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	173	140	80.9	107	90	84.1	35	26	74.3	16	12	75.0	15	12	80.0
COOK	23	22	95.7	14	13	92.9	4	4	100.0	3	3	100.0	2	2	100.0
LAKE	37	28	75.7	19	16	84.2	10	6	60.0	5	5	100.0	3	1	33.3
ST. LOUIS	1,088	771	70.9	657	451	68.6	231	171	74.0	116	85	73.3	84	64	76.2
SUBTOTAL:	1,321	961	72.7	797	570	71.5	280	207	73.9	140	105	75.0	104	79	76.0
Judicial Dist 7															
BECKER	273	222	81.3	153	128	83.7	58	46	79.3	29	18	62.1	33	30	90.9
BENTON	163	100	61.3	95	64	67.4	32	18	56.3	20	12	60.0	16	6	37.5
CLAY	418	343	82.1	277	226	81.6	81	68	84.0	38	33	86.8	22	16	72.7
DOUGLAS	151	121	80.1	82	67	81.7	33	23	69.7	20	18	90.0	16	13	81.3
MILLE LACS	109	66	60.6	43	28	65.1	26	14	53.8	16	9	56.3	24	15	62.5
MORRISON	98	75	76.5	49	37	75.5	30	25	83.3	12	9	75.0	7	4	57.1
OTTER TAIL	268	236	88.1	146	129	88.4	59	54	91.5	28	22	78.6	35	31	88.6
STEARNS	789	586	74.3	486	370	76.1	179	122	68.2	79	60	75.9	45	34	75.6
TODD	98	76	77.6	48	35	72.9	22	18	81.8	17	14	82.4	11	9	81.8
WADENA	42	33	78.6	22	17	77.3	8	6	75.0	4	4	100.0	8	6	75.0
SUBTOTAL:	2,409	1,858	77.1	1,401	1,101	78.6	528	394	74.6	263	199	75.7	217	164	75.6
Judicial Dist 8															
BIG STONE	14	12	85.7	11	9	81.8	0	0	0.0	1	1	100.0	2	2	100.0
CHIPPEWA	55	46	83.6	35	30	85.7	8	5	62.5	5	5	100.0	7	6	85.7
GRANT	31	20	64.5	16	12	75.0	9	4	44.4	3	3	100.0	3	1	33.3
KANDIYOHI	183	157	85.8	124	110	88.7	28	19	67.9	16	14	87.5	15	14	93.3
LAC QUI PARLE	23	17	73.9	14	9	64.3	5	5	100.0	1	1	100.0	3	2	66.7
MEEKER	46	32	69.6	23	19	82.6	12	6	50.0	9	5	55.6	2	2	100.0
POPE	45	35	77.8	26	20	76.9	11	8	72.7	4	3	75.0	4	4	100.0
RENVILLE	108	92	85.2	58	49	84.5	23	19	82.6	14	12	85.7	13	12	92.3
STEVENS	35	24	68.6	24	15	62.5	7	5	71.4	0	0	0.0	4	4	100.0
SWIFT	40	33	82.5	21	15	71.4	11	11	100.0	5	4	80.0	3	3	100.0
TRAVERSE	7	5	71.4	5	4	80.0	2	1	50.0	0	0	0.0	0	0	0.0
WILKIN	45	42	93.3	31	29	93.5	5	4	80.0	6	6	100.0	3	3	100.0
YELLOW MED	51	31	60.8	27	19	70.4	13	6	46.2	10	6	60.0	1	0	0.0
SUBTOTAL:	683	546	79.9	415	340	81.9	134	93	69.4	74	60	81.1	60	53	88.3

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	144	105	72.9	67	50	74.6	40	29	72.5	18	13	72.2	19	13	68.4
BELTRAMI	267	228	85.4	155	131	84.5	65	57	87.7	22	20	90.9	25	20	80.0
CASS	157	133	84.7	65	56	86.2	46	39	84.8	17	14	82.4	29	24	82.8
CLEARWATER	50	42	84.0	29	25	86.2	12	11	91.7	9	6	66.7	0	0	0.0
CROW WING	384	290	75.5	212	153	72.2	80	67	83.8	45	35	77.8	47	35	74.5
HUBBARD	141	115	81.6	60	51	85.0	42	33	78.6	16	14	87.5	23	17	73.9
ITASCA	336	273	81.3	181	143	79.0	80	67	83.8	45	41	91.1	30	22	73.3
KITSON	9	7	77.8	8	7	87.5	1	0	0.0	0	0	0.0	0	0	0.0
KOOCHICHING	56	50	89.3	31	28	90.3	13	12	92.3	7	5	71.4	5	5	100.0
LAKE OF WDS	36	28	77.8	13	12	92.3	9	6	66.7	7	5	71.4	7	5	71.4
MAHNOMEN	78	53	67.9	30	22	73.3	19	13	68.4	9	6	66.7	20	12	60.0
MARSHALL	32	26	81.3	17	15	88.2	8	7	87.5	3	2	66.7	4	2	50.0
NORMAN	30	20	66.7	16	7	43.8	7	7	100.0	5	5	100.0	2	1	50.0
PENNINGTON	89	66	74.2	48	32	66.7	25	20	80.0	8	7	87.5	8	7	87.5
POLK	272	211	77.6	183	141	77.0	49	37	75.5	20	20	100.0	20	13	65.0
RED LAKE	27	20	74.1	10	8	80.0	8	8	100.0	6	1	16.7	3	3	100.0
ROSEAU	93	71	76.3	45	34	75.6	18	13	72.2	17	13	76.5	13	11	84.6
SUBTOTAL:	2,201	1,738	79.0	1,170	915	78.2	522	426	81.7	254	207	81.5	255	190	74.5
Judicial Dist 10															
ANOKA	1,100	813	73.9	598	431	72.1	272	218	80.1	137	106	77.4	93	58	62.4
CHISAGO	194	121	62.4	112	79	70.5	40	22	55.0	24	10	41.7	18	10	55.6
ISANTI	141	95	67.4	77	56	72.7	29	19	65.5	16	10	62.5	19	10	52.6
KANABEC	50	27	54.0	24	11	45.8	15	9	60.0	4	4	100.0	7	3	42.9
PINE	113	67	59.3	55	33	60.0	19	14	73.7	17	11	64.7	22	9	40.9
SHERBURNE	340	261	76.8	205	155	75.6	76	65	85.5	31	20	64.5	28	21	75.0
WASHINGTON	1,117	684	61.2	654	391	59.8	255	171	67.1	122	85	69.7	86	37	43.0
WRIGHT	388	287	74.0	222	162	73.0	79	60	75.9	47	37	78.7	40	28	70.0
SUBTOTAL:	3,443	2,355	68.4	1,947	1,318	67.7	785	578	73.6	398	283	71.1	313	176	56.2
Totals for Minnesota:	25,027	18,033	72.1	14,823	10,407	70.2	5,572	4,212	75.6	2,594	1,939	74.7	2,038	1,475	72.4

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, 2016.

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.

11.4% of Minnesota residents have a DWI

In all, 619,319 Minnesota residents have one or more impaired driving incidents on their driving record. That is 11.4% of all people living in Minnesota (using the U.S. Census Bureau's 2015 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 2015 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 34 have three or more.

In addition to Minnesota residents, there are 119,774 non-residents on record who have incurred one or more incidents in Minnesota.

Counties vary

As noted, 11.4% of the state's population has an incident on their driving record. There is variation by county. The five counties with the highest percentages are: Mahnomon (24.0%), Mille Lacs (17.4%), Cass (16.5%), Clearwater (16.2%), and Aitkin (16.2%) – these counties are north and west of the Twin Cities.

The counties with the lowest percentages are Stevens (8.1%), Rock (8.4%), Carver (9.2%), Lincoln (9.4%), Washington (9.5%) and Olmsted (9.6%) - 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 619,319 persons in the state with incidents on record have two or more incidents. Some people have a large number of incidents: 1,328 have ten or more. One person now has 26 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	2015 (Estimate) Male	2015 (Estimate) Female	2015 (Estimate) Total
00-04	168,829	160,765	329,594	181,342	174,162	355,504	178,080	169,487	347,567
05-09	182,912	172,982	355,894	181,614	173,922	355,536	185,022	178,380	363,402
10-14	192,118	182,877	374,995	180,356	171,986	352,342	181,862	173,430	355,292
15-19	191,534	182,828	374,362	188,594	179,235	367,829	182,826	175,783	358,609
20-24	164,038	158,445	322,483	180,725	174,926	355,651	183,607	177,718	361,325
25-29	162,132	157,694	319,826	187,562	185,124	372,686	185,675	180,144	365,819
30-34	178,502	174,810	353,312	174,549	168,351	342,900	190,981	185,760	376,741
35-39	207,962	204,528	412,490	165,815	162,375	328,190	165,686	161,132	326,818
40-44	207,355	204,337	411,692	177,234	175,670	352,904	172,374	169,099	341,473
45-49	183,801	180,446	364,247	203,588	202,615	406,203	181,819	180,820	362,639
50-54	150,750	150,699	301,449	200,663	201,032	401,695	204,287	204,965	409,252
55-59	112,203	114,654	226,857	174,321	175,268	349,589	188,350	189,816	378,166
60-64	86,648	91,364	178,012	137,760	142,015	279,775	156,717	160,483	317,200
65-69	72,707	80,462	153,169	97,533	105,037	202,570	115,294	122,874	238,168
70-74	64,646	78,010	142,656	70,840	81,017	151,857	82,144	92,430	174,574
75-79	51,709	70,968	122,677	54,464	67,650	122,114	57,688	70,071	127,759
80-84	33,477	56,686	90,163	40,865	59,051	99,916	42,022	58,349	100,371
85+	24,308	61,293	85,601	34,307	72,357	106,664	38,864	76,340	115,204
Totals:	2,435,631	2,483,848	4,919,479	2,632,132	2,671,793	5,303,925	2,693,298	2,727,081	5,420,379

Source: Census Data, United States Census Bureau; 2015 estimates, Minnesota State Demographic Center

TABLE 3.02
MINNESOTA LICENSED DRIVERS UNDER 21, BY AGE, 1996 - 2015**

Year	15	16	17	18	19	20	Total Under 21
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
2015	30,120	49,306	54,818	58,766	61,692	63,314	318,016

TABLE 3.03
MINNESOTA LICENSED DRIVERS, BY AGE-GROUP, 1996 - 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
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
2015	254,702	329,936	355,329	367,609	339,167	305,492	333,063	370,824	377,221	328,227	264,586	181,902	310,044	4,118,102

** 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 2015**

Age	Age at Date of Last Incident				Age at End of Year 2015			
	Female	Male	Not Stated	Total	Female	Male	Not Stated	Total
00-14	15	33	18	66	0	0	0	0
15-19	7,676	21,549	1,032	30,257	218	614	71	903
20-24	31,175	96,294	4,583	132,052	4,044	9,865	672	14,581
25-29	25,019	86,925	4,019	115,963	11,617	28,939	2,000	42,556
30-34	19,746	65,372	2,791	87,909	15,908	43,384	3,289	62,581
35-39	17,346	52,774	1,825	71,945	15,225	46,986	3,190	65,401
40-44	14,974	44,068	1,211	60,253	13,769	44,183	2,354	60,306
45-49	11,121	34,679	700	46,500	17,636	52,373	1,734	71,743
50-54	6,793	24,938	383	32,114	21,546	63,401	1,401	86,348
55-59	3,482	16,188	201	19,871	17,166	56,822	976	74,964
60-64	1,803	9,636	112	11,551	9,828	40,464	571	50,863
65-69	863	5,214	50	6,127	5,785	26,806	327	32,918
70-74	382	2,575	17	2,974	3,260	15,932	160	19,352
75-79	151	1,072	6	1,229	1,947	10,438	81	12,466
80-84	52	367	4	423	1,117	7,472	58	8,647
85 +	9	70	6	85	1,541	14,075	74	15,690
Totals:	140,607	461,754	16,958	619,319	140,607	461,754	16,958	619,319

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 2015, BY COUNTY**

County	2010 Pop Census	2015 Pop Estimate	1 or more Incidents	% of 2015 Pop	1 Incident	% of 2015 Pop	2 Incidents	% of 2015 Pop	3 or more Incidents	% of 2015 Pop
Aitkin	16,202	15,762	2,559	16.2%	1,338	8.5%	576	3.7%	645	4.1%
Anoka	330,844	342,612	39,242	11.5%	22,054	6.4%	9,022	2.6%	8,166	2.4%
Becker	32,504	33,272	5,094	15.3%	2,643	7.9%	1,111	3.3%	1,340	4.0%
Beltrami	44,442	45,770	6,698	14.6%	3,592	7.8%	1,587	3.5%	1,519	3.3%
Benton	38,451	39,518	4,688	11.9%	2,633	6.7%	1,054	2.7%	1,001	2.5%
Big Stone	5,269	5,124	571	11.1%	329	6.4%	144	2.8%	98	1.9%
Blue Earth	64,013	65,620	7,158	10.9%	4,061	6.2%	1,628	2.5%	1,469	2.2%
Brown	25,893	25,463	2,985	11.7%	1,716	6.7%	697	2.7%	572	2.2%
Carlton	35,386	35,576	4,841	13.6%	2,592	7.3%	1,147	3.2%	1,102	3.1%
Carver	91,042	97,162	8,924	9.2%	5,525	5.7%	1,974	2.0%	1,425	1.5%
Cass	28,567	28,570	4,705	16.5%	2,392	8.4%	1,098	3.8%	1,215	4.3%
Chippewa	12,441	12,132	1,554	12.8%	924	7.6%	332	2.7%	298	2.5%
Chisago	53,887	54,134	7,158	13.2%	4,045	7.5%	1,690	3.1%	1,423	2.6%
Clay	58,999	61,196	7,220	11.8%	4,267	7.0%	1,596	2.6%	1,357	2.2%
Clearwater	8,695	8,794	1,425	16.2%	680	7.7%	323	3.7%	422	4.8%
Cook	5,176	5,231	701	13.4%	400	7.6%	153	2.9%	148	2.8%
Cottonwood	11,687	11,633	1,262	10.8%	744	6.4%	300	2.6%	218	1.9%
Crow Wing	62,500	63,371	8,505	13.4%	4,689	7.4%	1,975	3.1%	1,841	2.9%
Dakota	398,552	411,507	42,797	10.4%	25,783	6.3%	9,476	2.3%	7,538	1.8%
Dodge	20,087	20,352	2,394	11.8%	1,351	6.6%	545	2.7%	498	2.4%
Douglas	36,009	36,789	4,338	11.8%	2,463	6.7%	941	2.6%	934	2.5%
Faribault	14,553	14,124	1,846	13.1%	1,040	7.4%	422	3.0%	384	2.7%
Fillmore	20,866	20,783	2,487	12.0%	1,396	6.7%	600	2.9%	491	2.4%
Freeborn	31,255	30,831	4,087	13.3%	2,289	7.4%	960	3.1%	838	2.7%
Goodhue	46,183	46,480	5,989	12.9%	3,401	7.3%	1,397	3.0%	1,191	2.6%
Grant	6,018	5,923	798	13.5%	441	7.4%	193	3.3%	164	2.8%
Hennepin	1,152,425	1,210,720	130,185	10.8%	78,414	6.5%	27,995	2.3%	23,776	2.0%
Houston	19,027	18,766	2,389	12.7%	1,440	7.7%	501	2.7%	448	2.4%
Hubbard	20,428	20,596	2,518	12.2%	1,350	6.6%	578	2.8%	590	2.9%
Isanti	37,816	38,397	4,888	12.7%	2,609	6.8%	1,154	3.0%	1,125	2.9%
Itasca	45,058	45,639	6,715	14.7%	3,489	7.6%	1,625	3.6%	1,601	3.5%
Jackson	10,266	10,266	1,154	11.2%	707	6.9%	266	2.6%	181	1.8%
Kanabec	16,239	15,966	2,339	14.6%	1,196	7.5%	542	3.4%	601	3.8%
Kandiyohi	42,239	42,258	4,995	11.8%	2,897	6.9%	1,130	2.7%	968	2.3%
Kittson	4,552	4,440	506	11.4%	262	5.9%	121	2.7%	123	2.8%
Koochiching	13,311	13,018	1,859	14.3%	1,026	7.9%	427	3.3%	406	3.1%
Lac Qui Parle	7,259	6,922	790	11.4%	432	6.2%	208	3.0%	150	2.2%
Lake	10,866	10,695	1,269	11.9%	724	6.8%	314	2.9%	231	2.2%
Lake of Woods	4,045	3,921	595	15.2%	296	7.5%	156	4.0%	143	3.6%
Le Sueur	27,703	27,791	3,991	14.4%	2,237	8.0%	901	3.2%	853	3.1%
Lincoln	5,896	5,788	542	9.4%	319	5.5%	123	2.1%	100	1.7%
Lyon	25,857	25,746	2,911	11.3%	1,726	6.7%	639	2.5%	546	2.1%
McLeod	36,651	35,942	4,666	13.0%	2,649	7.4%	1,076	3.0%	941	2.6%
Mahnomen	5,413	5,503	1,319	24.0%	592	10.8%	305	5.5%	422	7.7%
Marshall	9,439	9,420	1,170	12.4%	640	6.8%	270	2.9%	260	2.8%

TABLE 3.05 (Continued)

**POPULATION OF MINNESOTA AND NUMBER OF RESIDENTS WITH IMPAIRED
DRIVING INCIDENTS ON RECORD AT END OF 2015, BY COUNTY**

County	2010 Pop Census	2015 Pop Estimate	1 or more Incidents	% of 2015 Pop	1 Incident	% of 2015 Pop	2 Incidents	% of 2015 Pop	3 or more Incidents	% of 2015 Pop
Martin	20,840	20,295	2,540	12.5%	1,436	7.1%	611	3.0%	493	2.4%
Meeker	23,300	23,122	2,742	11.9%	1,466	6.3%	671	2.9%	605	2.6%
Mille Lacs	26,097	25,862	4,500	17.4%	2,254	8.7%	1,042	4.0%	1,204	4.7%
Morrison	33,198	32,859	4,349	13.2%	2,342	7.1%	1,007	3.1%	1,000	3.0%
Mower	39,163	39,356	5,348	13.6%	2,999	7.6%	1,265	3.2%	1,084	2.8%
Murray	8,725	8,475	867	10.2%	537	6.3%	174	2.1%	156	1.8%
Nicollet	32,727	33,350	3,461	10.4%	2,053	6.2%	788	2.4%	620	1.9%
Nobles	21,378	21,574	2,726	12.6%	1,866	8.6%	519	2.4%	341	1.6%
Norman	6,852	6,643	893	13.4%	493	7.4%	205	3.1%	195	2.9%
Olmsted	144,248	150,201	14,364	9.6%	8,399	5.6%	3,178	2.1%	2,787	1.9%
Otter Tail	57,303	57,612	6,813	11.8%	3,707	6.4%	1,593	2.8%	1,513	2.6%
Pennington	13,930	14,119	2,068	14.6%	1,078	7.6%	485	3.4%	505	3.6%
Pine	29,750	29,196	4,306	14.7%	2,211	7.6%	996	3.4%	1,099	3.8%
Pipestone	9,596	9,336	1,116	12.0%	634	6.8%	266	2.8%	216	2.3%
Polk	31,600	31,545	4,639	14.7%	2,534	8.0%	1,068	3.4%	1,037	3.3%
Pope	10,995	10,982	1,322	12.0%	711	6.5%	314	2.9%	297	2.7%
Ramsey	508,640	529,506	54,133	10.2%	32,244	6.1%	11,787	2.2%	10,102	1.9%
Red Lake	4,089	4,048	575	14.2%	307	7.6%	137	3.4%	131	3.2%
Redwood	16,059	15,573	1,865	12.0%	1,051	6.7%	410	2.6%	404	2.6%
Renville	15,730	15,067	2,183	14.5%	1,218	8.1%	500	3.3%	465	3.1%
Rice	64,142	65,180	7,253	11.1%	4,101	6.3%	1,699	2.6%	1,453	2.2%
Rock	9,687	9,555	799	8.4%	508	5.3%	161	1.7%	130	1.4%
Roseau	15,629	15,663	2,136	13.6%	1,183	7.6%	490	3.1%	463	3.0%
St. Louis	200,226	200,840	26,240	13.1%	14,622	7.3%	6,058	3.0%	5,560	2.8%
Scott	129,928	138,727	14,234	10.3%	8,648	6.2%	3,234	2.3%	2,352	1.7%
Sherburne	88,499	91,223	10,550	11.6%	6,134	6.7%	2,465	2.7%	1,951	2.1%
Sibley	15,226	14,919	1,883	12.6%	1,035	6.9%	447	3.0%	401	2.7%
Stearns	150,642	153,326	16,451	10.7%	9,621	6.3%	3,648	2.4%	3,182	2.1%
Steele	36,576	36,532	4,286	11.7%	2,370	6.5%	980	2.7%	936	2.6%
Stevens	9,726	9,836	794	8.1%	479	4.9%	171	1.7%	144	1.5%
Swift	9,783	9,453	1,289	13.6%	700	7.4%	304	3.2%	285	3.0%
Todd	24,895	24,266	2,835	11.7%	1,565	6.4%	670	2.8%	600	2.5%
Traverse	3,558	3,392	423	12.5%	242	7.1%	105	3.1%	76	2.2%
Wabasha	21,676	21,376	2,796	13.1%	1,615	7.6%	654	3.1%	527	2.5%
Wadena	13,843	13,768	1,838	13.3%	981	7.1%	404	2.9%	453	3.3%
Waseca	19,136	19,029	2,309	12.1%	1,286	6.8%	563	3.0%	460	2.4%
Washington	238,136	249,109	23,666	9.5%	14,525	5.8%	5,295	2.1%	3,846	1.5%
Watsonwan	11,211	11,095	1,491	13.4%	857	7.7%	369	3.3%	265	2.4%
Wilkin	6,576	6,503	890	13.7%	510	7.8%	221	3.4%	159	2.4%
Winona	51,461	51,109	5,340	10.4%	3,235	6.3%	1,181	2.3%	924	1.8%
Wright	124,700	129,946	14,807	11.4%	8,452	6.5%	3,491	2.7%	2,864	2.2%
Yellow Medicine	10,438	10,127	1,372	13.5%	779	7.7%	312	3.1%	281	2.8%
Minnesota	5,303,925	5,453,218	619,319	11.4%	358,781	6.6%	139,210	2.6%	121,328	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 2015

No. of Incidents on Record	Minnesota Residents Twin Cities Metro Area				Minnesota Residents Non- Metro Area				Total MN Residents	Non-Minnesota Residents				Total MN and Non MN Residents
	Female	Male	Not Stated	Sub- total	Female	Male	Not Stated	Sub- total		Female	Male	Not Stated	Total Non MN Residents	
1	53,310	126,166	7,717	187,193	44,931	119,935	6,722	171,588	358,781	14,678	42,787	30,057	87,522	446,303
2	14,120	53,653	1,010	68,783	13,068	56,472	887	70,427	139,210	2,948	14,314	2,405	19,667	158,877
3	5,035	26,548	212	31,795	4,830	29,633	225	34,688	66,483	834	6,177	472	7,483	73,966
4	1,758	12,236	50	14,044	1,772	14,233	64	16,069	30,113	256	2,575	120	2,951	33,064
5	566	5,219	16	5,801	584	5,958	18	6,560	12,361	80	1,034	30	1,144	13,505
6	158	2,354	4	2,516	192	2,910	14	3,116	5,632	22	446	15	483	6,115
7	86	1,220	1	1,307	93	1,509	6	1,608	2,915	3	217	8	228	3,143
8	31	677	2	710	30	831	4	865	1,575	5	110	2	117	1,692
9	9	395	1	405	14	501	1	516	921	2	67	1	70	991
10	6	226	1	233	7	263	0	270	503	1	37	2	40	543
11	2	150	0	152	0	156	1	157	309	0	23	2	25	334
12	3	78	0	81	1	89	0	90	171	0	21	0	21	192
13	0	61	0	61	1	52	0	53	114	1	9	0	10	124
14	0	30	0	30	0	49	1	50	80	0	4	0	4	84
15	0	26	0	26	0	24	0	24	50	0	7	0	7	57
16	0	16	1	17	0	15	0	15	32	0	1	0	1	33
17	0	12	0	12	0	15	0	15	27	0	0	0	0	27
18	0	8	0	8	0	11	0	11	19	0	0	0	0	19
19	0	2	0	2	0	4	0	4	6	0	0	1	1	7
20	0	1	0	1	0	2	0	2	3	0	0	0	0	3
21	0	3	0	3	0	3	0	3	6	0	0	0	0	6
22	0	0	0	0	0	2	0	2	2	0	0	0	0	2
23	0	1	0	1	0	1	0	1	2	0	0	0	0	2
24	0	0	0	0	0	3	0	3	3	0	0	0	0	3
25	0	0	0	0	0	0	0	0	0	0	0	0	0	0
26	0	0	0	0	0	1	0	1	1	0	0	0	0	1
Totals:	75,084	229,082	9,015	313,181	65,523	232,672	7,943	306,138	619,319	18,830	67,829	33,115	119,774	739,093

Note:

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

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

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

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

IV. IMPAIRED DRIVING RECIDIVISM IN MINNESOTA

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

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

Age and recidivism

Recidivism measures based on past history could be misleading, though. Older violators have had much more time and opportunity to recidivate than young violators: 22% of violators in their twenties have prior incidents, compared with 33% 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 6,994 fewer incidents in 2015 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 27 and 41 percent of the 2015 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 27% of the incidents (and first-time violators 73%).

Taking a step back, one could say that first-time violators accounted for well over half of the impaired driving violations in 2015. 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 2015 were examined for the period from 1-1-2006 through 12-31-2015. Thus, the look-back period could be as short as 9 years and 1 day for a violator who incurred an incident on 12-31-2006, or as long as 10 years for a violator who incurred an incident on 1-1-2006.

RECIDIVISM MEASURED PROSPECTIVELY AMONG VIOLATOR COHORTS

Among the 16,978 first-time violators from 2000, 38% 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 4% in the third 12 months, and another 4% in the fourth 12 months. Cumulatively, 21% recidivated by four years out, 31% by eight years out, 36% by 12 years out, and 38% by 15 years out.^{††}

Among the cohort of 6,557 violators who incurred a second incident in 2000, 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: 7% incurred a third incident within the first 12 months of their second, another 8% recidivated in the second 12 months, another 5% in the third 12 months, and another 5% in the fourth 12 months. Cumulatively, 25% recidivated by four years out, 37% by eight years out, 43% by 12 years out, and 46% by 15 years out.

Recidivism since 2000

First-, second-, and third-time violators from each year 2000-2011 (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 2000 first-time violators 21% recidivated within 48 months, compared with 16% of year 2011 first-time violators. However, there is evidence that recidivism is declining at a higher rate when considering multiple offenders. Twenty-five percent of 2000 second-time violators recidivated within 48 months, compared to 18% of year-2011 second-time violators – a seven percentage-point drop. Finally, 23% of 2000 third-time violators recidivated within 48 months, compared to just 14% of year-2011 third-time violators - also a nine percentage-point drop.

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

TABLE 4.01

**MINNESOTA RESIDENTS WITH IMPAIRED DRIVING INCIDENTS ON RECORD, BY
TOTAL NUMBER ON RECORD, AND BY AGE AT END OF 2015**

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	851	12,534	32,234	42,735	42,517	37,073	41,372	45,071	36,402	41,075	26,917	358,781
2	44	1,766	7,917	13,671	14,384	13,472	15,873	19,660	17,795	19,831	14,797	139,210
3	6	237	1,967	4,739	5,953	6,012	8,037	10,948	10,196	11,098	7,290	66,483
4	2	41	373	1,145	1,863	2,416	3,715	5,596	5,319	6,017	3,626	30,113
5	0	3	56	233	488	812	1,500	2,450	2,441	2,720	1,658	12,361
6	0	0	9	50	137	295	617	1,205	1,238	1,292	789	5,632
7	0	0	0	6	37	143	290	613	659	727	440	2,915
8	0	0	0	1	15	46	159	328	370	398	258	1,575
9	0	0	0	1	5	21	81	199	225	237	152	921
10	0	0	0	0	2	7	37	97	133	145	82	503
11	0	0	0	0	0	2	29	82	68	78	50	309
12	0	0	0	0	0	3	11	38	39	58	22	171
13	0	0	0	0	0	2	11	27	21	32	21	114
14	0	0	0	0	0	1	4	13	20	26	16	80
15	0	0	0	0	0	1	5	6	12	17	9	50
16	0	0	0	0	0	0	0	5	10	8	9	32
17	0	0	0	0	0	0	0	3	8	6	10	27
18	0	0	0	0	0	0	0	3	5	6	5	19
19	0	0	0	0	0	0	1	1	2	2	0	6
20	0	0	0	0	0	0	0	0	0	3	0	3
21	0	0	0	0	0	0	0	1	0	2	3	6
22	0	0	0	0	0	0	0	1	0	1	0	2
23	0	0	0	0	0	0	0	1	0	1	0	2
24	0	0	0	0	0	0	1	0	1	1	0	3
25	0	0	0	0	0	0	0	0	0	0	0	0
26	0	0	0	0	0	0	0	0	0	0	1	1
Total Persons	903	14,581	42,556	62,581	65,401	60,306	71,743	86,348	74,964	83,781	56,155	619,319

TABLE 4.02

**INCIDENTS THAT OCCURRED IN MINNESOTA IN 2015
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 1/1/2006-12/31/2015)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2006-12/31/2015)	
Number of Incidents on Record	Number of Incidents in 2015	% of Incidents in 2015	Number of Incidents in 2015	% of Incidents in 2015	Number of Incidents in 2015	% of Incidents in 2015	Number of Incidents in 2015	% of Incidents in 2015
1	11,121	61.67%	13,181	73.09%	14,823	59.23%	17,760	70.96%
2	4,002	22.19%	3,745	20.77%	5,572	22.26%	5,390	21.54%
3	1,750	9.75%	936	5.19%	2,594	10.36%	1,537	6.14%
4	693	3.84%	145	0.80%	1,174	4.69%	287	1.15%
5	261	1.45%	22	0.12%	436	1.74%	41	0.16%
6	109	0.60%	4	0.02%	226	0.90%	12	0.05%
7	45	0.25%			89	0.36%		
8	20	0.11%			46	0.18%		
9	11	0.06%			25	0.10%		
10	5	0.03%			7	0.03%		
11	5	0.03%			10	0.04%		
12	6	0.03%			5	0.02%		
13	2	0.01%			6	0.02%		
14	1	0.01%			4	0.02%		
15	1	0.01%			5	0.02%		
16					1	*		
17					1	*		
18					1	*		
19								
20								
21								
22	1	0.01%						
23								
24					1	*		
25								
26	1	0.01%			1	*		
Total Incidents	18,033	100.00%	18,033	100.00%	25,027	100.00%	25,027	100.00%

* 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 2015
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 1/1/2006-12/31/2015)		No Limit on Look-Back Period		Nine-to-Ten-Year Look-Back Period (Defined as 1/1/2006-12/31/2015)	
Number of Incidents on Record	Persons who Incurred Incidents in 2015	% who Incurred Incidents in 2015	Persons who Incurred Incidents in 2015	% who Incurred Incidents in 2015	Persons who Incurred Incidents in 2015	% who Incurred Incidents in 2015	Persons who Incurred Incidents in 2015	% who Incurred Incidents in 2015
1	10,893	61.71%	12,910	73.13%	14,412	59.34%	17,256	71.04%
2	3,904	22.12%	3,649	20.67%	5,386	22.17%	5,209	21.45%
3	1,717	9.73%	927	5.25%	2,516	10.36%	1,493	6.15%
4	681	3.86%	142	0.80%	1,142	4.70%	281	1.16%
5	255	1.44%	21	0.12%	421	1.73%	38	0.16%
6	108	0.61%	4	0.02%	215	0.89%		0.05%
7	43	0.24%			89	0.37%		
8	20	0.11%			42	0.17%		
9	11	0.06%			24	0.10%		
10	5	0.03%			7	0.03%		
11	5	0.03%			10	0.04%		
12	6	0.03%			5	0.02%		
13	2	0.01%			6	0.02%		
14	1	0.01%			4	0.02%		
15	1	0.01%			5	0.02%		
16					1	0.02%		
17					1	0.02%		
18					1	0.02%		
19								
20								
21								
22	1	0.01%						
23								
24					1	0.02%		
25								
26					1	0.02%		
Total Persons	17,653	100.00%	17,653	100.00%	24,289	100.00%	24,289	100.00%

* 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 2000: 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	0.54	0.73	49	20.94	25.38	97	31.03	37.61	145	35.65	43.27
2	1.12	1.40	50	21.23	25.70	98	31.19	37.73	146	35.73	43.34
3	1.71	1.89	51	21.57	25.99	99	31.29	37.93	147	35.82	43.50
4	2.29	2.49	52	21.87	26.29	100	31.43	38.02	148	35.91	43.53
5	2.80	3.13	53	22.13	26.63	101	31.56	38.22	149	35.99	43.63
6	3.33	3.58	54	22.36	27.09	102	31.70	38.36	150	36.01	43.75
7	3.95	4.15	55	22.58	27.41	103	31.81	38.54	151	36.08	43.83
8	4.45	4.54	56	22.86	27.83	104	31.94	38.72	152	36.18	43.85
9	5.01	4.96	57	23.09	28.12	105	32.05	38.86	153	36.24	43.88
10	5.64	5.75	58	23.39	28.44	106	32.15	39.03	154	36.31	43.98
11	6.20	6.36	59	23.65	28.76	107	32.24	39.13	155	36.36	44.03
12	6.82	7.12	60	23.83	29.08	108	32.37	39.21	156	36.41	44.12
13	7.25	7.99	61	24.10	29.48	109	32.45	39.38	157	36.47	44.18
14	7.77	8.74	62	24.36	29.78	110	32.55	39.45	158	36.54	44.24
15	8.34	9.35	63	24.60	30.00	111	32.70	39.56	159	36.58	44.32
16	8.71	9.90	64	24.90	30.27	112	32.84	39.70	160	36.62	44.40
17	9.25	10.43	65	25.17	30.62	113	32.94	39.87	161	36.69	44.47
18	9.74	11.07	66	25.33	30.94	114	33.04	40.06	162	36.73	44.52
19	10.18	11.73	67	25.57	31.20	115	33.16	40.20	163	36.82	44.59
20	10.60	12.35	68	25.78	31.46	116	33.28	40.48	164	36.88	44.65
21	11.03	13.12	69	26.10	31.72	117	33.38	40.67	165	36.93	44.73
22	11.54	13.70	70	26.33	31.84	118	33.45	40.74	166	36.98	44.79
23	12.13	14.37	71	26.56	32.01	119	33.57	40.83	167	37.04	44.84
24	12.52	14.92	72	26.80	32.35	120	33.66	40.89	168	37.09	44.91
25	12.88	15.25	73	26.98	32.65	121	33.77	41.07	169	37.12	44.94
26	13.33	15.78	74	27.24	33.02	122	33.88	41.16	170	37.20	45.01
27	13.70	16.24	75	27.46	33.28	123	33.94	41.27	171	37.22	45.08
28	14.02	16.67	76	27.71	33.52	124	34.03	41.31	172	37.27	45.19
29	14.40	17.25	77	27.91	33.69	125	34.14	41.42	173	37.34	45.25
30	14.84	17.75	78	28.12	33.89	126	34.22	41.54	174	37.41	45.30
31	15.26	18.13	79	28.31	34.13	127	34.31	41.68	175	37.50	45.34
32	15.56	18.64	80	28.48	34.34	128	34.42	41.85	176	37.55	45.42
33	15.89	19.00	81	28.68	34.45	129	34.46	41.88	177	37.61	45.45
34	16.17	19.34	82	28.84	34.59	130	34.56	41.94	178	37.65	45.51
35	16.49	19.69	83	29.04	34.85	131	34.63	41.99	179	37.70	45.55
36	16.84	20.07	84	29.24	35.02	132	34.72	42.09	180	37.76	45.63
37	17.18	20.62	85	29.38	35.15	133	34.80	42.23	<div>Percentage not recidivating within 15 years:</div> <div> <div>First-Timers</div> <div>Second-Timers</div> <div>62.24 54.35</div> </div>		
38	17.45	21.17	86	29.51	35.37	134	34.89	42.37			
39	17.79	21.53	87	29.70	35.61	135	34.95	42.44	<div>Number persons on which percentages are based:</div> <div> <div>First-Timers</div> <div>Second-Timers</div> <div>16,978 6,557</div> </div>		
40	18.16	21.95	88	29.81	35.92	136	35.06	42.50			
41	18.52	22.42	89	29.93	36.08	137	35.17	42.57			
42	18.90	22.78	90	30.09	36.25	138	35.25	42.64			
43	19.19	23.21	91	30.27	36.42	139	35.28	42.73			
44	19.44	23.62	92	30.42	36.69	140	35.35	42.81			
45	19.70	23.94	93	30.55	36.92	141	35.39	42.85			
46	20.02	24.37	94	30.70	37.06	142	35.45	42.92			
47	20.33	24.71	95	30.82	37.27	143	35.52	42.99			
48	20.63	25.04	96	30.91	37.38	144	35.59	43.16			

TABLE 4.05

**RECIDIVISM AMONG 15 COHORTS OF FIRST-TIME VIOLATORS, 2000 - 2014:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A SECOND VIOLATION**

Months Elapsed	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1	0.54	0.61	0.55	0.61	0.52	0.69	0.72	0.61	0.59	0.60	0.60	0.61	0.53	0.53	0.80
2	1.12	1.22	1.08	1.12	1.17	1.29	1.23	1.18	1.20	1.17	1.30	1.13	1.05	1.01	1.33
3	1.71	1.82	1.58	1.80	1.59	1.84	1.88	1.73	1.67	1.81	1.78	1.52	1.54	1.40	1.76
4	2.29	2.37	2.16	2.33	2.11	2.40	2.38	2.16	2.08	2.25	2.23	2.05	1.87	1.77	2.22
5	2.80	2.92	2.65	2.77	2.64	2.99	2.94	2.64	2.60	2.77	2.65	2.38	2.22	2.08	2.49
6	3.33	3.43	3.17	3.33	3.17	3.48	3.41	3.11	3.21	3.18	3.03	2.77	2.58	2.44	2.80
7	3.95	4.00	3.78	4.03	3.71	4.00	4.00	3.65	3.67	3.68	3.45	3.21	2.88	2.79	3.10
8	4.45	4.53	4.28	4.50	4.34	4.69	4.47	4.10	4.13	4.02	3.89	3.63	3.23	3.14	3.37
9	5.01	5.07	4.84	4.99	4.89	5.35	4.97	4.60	4.60	4.51	4.22	4.15	3.62	3.44	3.70
10	5.64	5.60	5.33	5.46	5.39	5.88	5.44	5.16	4.94	4.91	4.76	4.45	4.10	3.74	3.95
11	6.20	6.08	5.91	6.00	5.89	6.46	6.01	5.74	5.32	5.27	5.17	4.84	4.47	4.12	4.24
12	6.82	6.49	6.39	6.46	6.45	7.11	6.54	6.26	5.74	5.71	5.68	5.28	4.90	4.53	4.57
13	7.25	6.99	6.91	6.93	6.95	7.59	7.03	6.70	6.19	6.10	6.10	5.56	5.17	4.87	
14	7.77	7.53	7.36	7.41	7.56	8.17	7.56	7.21	6.66	6.48	6.57	5.93	5.47	5.16	
15	8.34	7.96	7.78	7.98	8.11	8.68	8.12	7.67	7.02	6.85	6.96	6.34	5.83	5.51	
16	8.71	8.46	8.26	8.44	8.69	9.24	8.58	8.04	7.36	7.27	7.38	6.71	6.13	5.86	
17	9.25	8.99	8.78	8.94	9.18	9.71	9.09	8.43	7.74	7.64	7.87	7.07	6.45	6.08	
18	9.74	9.45	9.26	9.38	9.69	10.17	9.53	8.84	8.14	8.00	8.24	7.41	6.91	6.50	
19	10.18	9.93	9.73	9.78	10.26	10.65	9.96	9.23	8.47	8.36	8.60	7.76	7.31	6.84	
20	10.60	10.42	10.06	10.28	10.78	11.05	10.37	9.69	8.79	8.78	8.95	8.21	7.59	7.12	
21	11.03	10.83	10.57	10.81	11.28	11.53	10.86	10.14	9.25	9.13	9.28	8.59	8.00	7.56	
22	11.54	11.19	11.10	11.32	11.74	11.95	11.34	10.49	9.59	9.45	9.60	8.94	8.42	7.87	
23	12.13	11.66	11.56	11.77	12.26	12.45	11.88	10.81	9.99	9.82	9.96	9.34	8.73	8.25	
24	12.52	12.10	12.05	12.22	12.73	12.82	12.28	11.21	10.35	10.18	10.41	9.65	9.07	8.48	
25	12.88	12.53	12.44	12.66	13.12	13.29	12.67	11.63	10.71	10.51	10.71	9.94	9.36		
26	13.33	12.97	12.96	13.15	13.56	13.79	13.06	11.97	11.12	10.89	11.07	10.30	9.63		
27	13.70	13.34	13.34	13.61	13.99	14.28	13.42	12.30	11.43	11.29	11.39	10.61	9.94		
28	14.02	13.75	13.73	14.03	14.42	14.76	13.74	12.65	11.74	11.53	11.72	10.97	10.31		
29	14.40	14.13	14.03	14.50	14.89	15.13	14.06	12.99	12.02	11.83	12.00	11.32	10.62		
30	14.84	14.53	14.41	14.88	15.32	15.52	14.46	13.27	12.36	12.16	12.40	11.65	10.88		
31	15.26	14.87	14.91	15.33	15.77	15.91	14.86	13.60	12.64	12.43	12.83	11.97	11.20		
32	15.56	15.31	15.26	15.83	16.16	16.30	15.24	13.93	12.93	12.76	13.09	12.26	11.53		
33	15.89	15.64	15.60	16.25	16.57	16.67	15.57	14.27	13.26	13.07	13.45	12.55	11.93		
34	16.17	16.15	15.96	16.65	16.95	16.99	15.92	14.57	13.57	13.42	13.77	12.85	12.18		
35	16.49	16.53	16.33	17.01	17.42	17.41	16.28	14.93	13.87	13.72	14.09	13.10	12.54		
36	16.84	16.85	16.65	17.42	17.82	17.74	16.50	15.24	14.19	13.95	14.31	13.36	12.78		
37	17.18	17.15	17.04	17.72	18.30	18.13	16.83	15.50	14.50	14.29	14.59	13.66			
38	17.45	17.57	17.38	18.07	18.68	18.39	17.14	15.72	14.81	14.52	14.84	14.03			
39	17.79	17.96	17.75	18.47	19.01	18.79	17.41	16.03	15.06	14.84	15.10	14.32			
40	18.16	18.24	18.17	18.83	19.32	19.06	17.72	16.31	15.38	15.17	15.42	14.55			
41	18.52	18.57	18.56	19.18	19.65	19.40	17.98	16.62	15.66	15.51	15.69	14.80			
42	18.90	18.81	18.98	19.63	19.96	19.75	18.28	16.88	15.85	15.80	15.91	15.01			
43	19.19	19.14	19.30	19.99	20.37	20.06	18.53	17.17	16.10	16.06	16.13	15.24			
44	19.44	19.47	19.59	20.36	20.73	20.36	18.78	17.42	16.32	16.32	16.37	15.49			
45	19.70	19.78	20.00	20.66	20.96	20.67	19.01	17.64	16.54	16.56	16.63	15.72			
46	20.02	20.12	20.41	20.92	21.23	21.03	19.28	17.89	16.82	16.85	16.86	15.96			
47	20.33	20.42	20.75	21.22	21.54	21.31	19.45	18.11	17.06	17.03	17.05	16.16			
48	20.63	20.72	21.14	21.56	21.84	21.57	19.71	18.28	17.27	17.23	17.29	16.38			

Percentage not recidivating within 48 months

79.37 79.28 78.86 78.44 78.16 78.43 80.29 81.72 82.73 82.77 82.71 83.62

Persons in cohort (number on which percentages are based)

16,978 16,309 16,421 16,295 17,371 19,089 22,205 20,339 18,496 16,972 15,288 15,198 15,113 13,695 13,428

Average age of persons in cohort

31.5 31.4 31.3 30.9 31.1 30.8 30.5 30.9 31.5 31.7 31.9 31.9 32.0 32.0 32.5

TABLE 4.06

**RECIDIVISM AMONG 15 COHORTS OF SECOND-TIME VIOLATORS, 2000 - 2014:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A THIRD VIOLATION**

Months Elapsed	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1	0.73	0.53	0.72	0.80	0.56	0.71	0.64	0.59	0.65	0.69	0.72	0.66	0.57	0.60	0.74
2	1.40	1.05	1.20	1.32	1.08	1.18	1.23	1.08	1.08	1.33	1.54	1.22	1.21	1.23	1.22
3	1.89	1.49	1.68	1.79	1.73	1.75	1.75	1.57	1.60	1.95	2.18	1.74	1.76	1.82	1.74
4	2.49	1.89	2.03	2.30	2.13	2.22	2.31	2.13	1.94	2.43	2.65	2.15	2.17	2.26	2.19
5	3.13	2.28	2.43	2.68	2.65	2.71	2.91	2.56	2.34	2.80	2.96	2.52	2.40	2.68	2.75
6	3.58	2.64	2.86	3.14	3.14	3.14	3.22	3.03	2.69	3.09	3.58	2.83	2.75	3.03	3.25
7	4.15	3.16	3.40	3.49	3.61	3.61	3.71	3.45	2.99	3.43	3.97	3.23	2.97	3.31	3.51
8	4.54	3.60	3.71	3.86	4.26	4.09	4.12	4.00	3.38	3.92	4.47	3.64	3.33	3.59	4.01
9	4.96	4.19	4.22	4.44	4.66	4.73	4.61	4.55	3.73	4.39	4.96	4.03	3.66	3.80	4.27
10	5.75	4.63	4.86	5.04	5.12	5.23	5.23	5.09	4.22	4.79	5.25	4.46	4.07	4.03	4.49
11	6.36	5.07	5.37	5.58	5.64	5.78	5.74	5.41	4.70	5.24	5.57	4.73	4.30	4.28	4.75
12	7.12	5.70	5.82	6.16	6.20	6.38	6.32	6.02	5.23	5.64	6.09	5.05	4.56	4.59	4.99
13	7.99	6.20	6.38	6.62	6.75	6.95	6.81	6.54	5.77	6.17	6.43	5.43	4.80	4.82	
14	8.74	6.66	6.99	7.10	7.43	7.67	7.27	7.09	6.23	6.62	6.73	5.74	5.16	5.08	
15	9.35	7.18	7.45	7.72	7.98	8.24	7.82	7.63	6.68	6.88	6.93	6.09	5.41	5.28	
16	9.90	7.85	7.96	8.22	8.42	8.80	8.37	8.03	7.10	7.24	7.18	6.38	5.62	5.56	
17	10.43	8.45	8.52	8.73	9.08	9.31	8.92	8.59	7.56	7.51	7.48	6.69	5.83	5.82	
18	11.07	9.10	9.13	9.32	9.76	10.01	9.44	9.10	8.08	7.94	7.89	6.95	6.08	6.05	
19	11.73	9.71	9.83	9.91	10.31	10.34	9.88	9.70	8.42	8.47	8.31	7.37	6.45	6.38	
20	12.35	10.35	10.45	10.55	10.87	10.82	10.50	10.15	8.99	8.90	8.75	7.69	6.86	6.63	
21	13.12	10.76	10.87	11.02	11.37	11.34	10.93	10.71	9.38	9.36	9.15	8.02	7.16	6.94	
22	13.70	11.17	11.22	11.61	11.92	11.96	11.37	11.12	9.81	9.74	9.62	8.42	7.48	7.21	
23	14.37	11.84	11.75	12.32	12.53	12.39	11.81	11.65	10.37	10.14	10.13	8.81	7.60	7.57	
24	14.92	12.55	12.40	12.76	13.19	12.87	12.35	12.07	10.69	10.62	10.56	9.15	8.06	7.84	
25	15.25	13.02	12.84	13.29	13.81	13.44	12.82	12.40	11.07	11.05	10.93	9.53	8.43		
26	15.78	13.60	13.25	13.82	14.27	14.01	13.46	12.82	11.64	11.52	11.44	9.79	8.79		
27	16.24	14.01	13.65	14.42	14.85	14.49	13.97	13.37	12.04	11.89	11.76	10.16	9.26		
28	16.67	14.45	14.13	15.09	15.40	14.96	14.42	13.64	12.49	12.36	12.44	10.60	9.69		
29	17.25	14.99	14.67	15.51	15.95	15.52	14.88	14.02	12.80	12.78	12.96	10.89	9.98		
30	17.75	15.52	15.25	16.13	16.42	16.10	15.25	14.34	13.10	13.13	13.29	11.25	10.31		
31	18.13	16.01	15.66	16.72	16.89	16.52	15.58	14.65	13.35	13.41	13.73	11.60	10.70		
32	18.64	16.43	16.18	17.25	17.43	17.06	15.86	15.08	13.72	13.76	14.09	12.01	11.21		
33	19.00	17.00	16.66	17.76	17.84	17.48	16.29	15.55	14.01	14.02	14.43	12.39	11.72		
34	19.34	17.36	17.22	18.16	18.40	17.95	16.74	15.89	14.35	14.32	14.79	12.77	12.04		
35	19.69	17.86	17.65	18.81	18.82	18.27	17.20	16.21	14.70	14.78	15.20	13.23	12.47		
36	20.07	18.38	18.00	19.26	19.08	18.77	17.61	16.50	15.05	15.18	15.53	13.50	12.83		
37	20.62	18.96	18.45	19.58	19.53	19.24	18.00	16.95	15.56	15.40	15.87	13.89			
38	21.17	19.26	18.78	19.97	19.99	19.55	18.37	17.29	16.09	15.81	16.19	14.22			
39	21.53	19.68	19.44	20.49	20.36	19.85	18.66	17.66	16.50	16.21	16.63	14.59			
40	21.95	20.08	20.00	21.01	20.65	20.23	19.02	18.13	16.86	16.63	17.05	14.98			
41	22.42	20.47	20.48	21.38	21.05	20.63	19.41	18.37	17.28	16.96	17.41	15.27			
42	22.78	20.94	21.00	21.70	21.44	21.02	19.80	18.83	17.65	17.24	17.76	15.66			
43	23.21	21.33	21.55	22.13	21.79	21.52	20.20	19.12	17.99	17.53	18.12	15.95			
44	23.62	21.65	21.88	22.51	22.15	21.85	20.59	19.47	18.24	17.94	18.40	16.33			
45	23.94	21.98	22.14	22.83	22.46	22.10	20.88	19.75	18.47	18.29	18.59	16.49			
46	24.37	22.38	22.55	23.26	22.95	22.52	21.23	19.89	18.78	18.53	18.78	16.79			
47	24.71	22.78	23.02	23.58	23.20	22.79	21.48	20.26	19.00	18.72	19.06	17.12			
48	25.04	23.23	23.34	24.01	23.60	22.95	21.81	20.56	19.28	19.07	19.23	17.55			
Percent not recidivating within 48 months															
	74.96	76.77	76.66	75.99	76.40	77.05	78.19	79.44	80.72	80.93	80.77	82.45			
Persons in cohort (number on which percentages are based)															
	6,557	6,366	6,256	6,268	6,754	7,193	8,227	7,854	7,483	6,989	6,375	6,320	6,120	5,704	5,388
Average age of persons in cohort															
	34.2	34.1	34.3	34.2	34.3	34.3	33.8	34.3	34.3	34.8	35.3	35.2	35.4	35.7	36.0

TABLE 4.07

**RECIDIVISM AMONG 15 COHORTS OF THIRD-TIME VIOLATORS, 2000 - 2014:
CUMULATIVE PERCENT OF COHORT THAT INCURRED A FOURTH VIOLATION**

Months Elapsed	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1	0.89	0.64	0.58	0.62	0.36	0.86	0.53	0.77	0.70	0.78	0.83	0.77	0.51	0.60	0.73
2	1.44	1.29	1.25	1.21	0.82	1.24	1.39	1.59	1.21	1.31	1.43	1.33	0.91	1.04	1.50
3	1.99	1.96	1.83	1.83	1.34	1.61	1.95	1.98	1.94	2.00	2.26	1.70	1.45	1.68	2.16
4	2.61	2.31	2.13	2.25	1.80	2.22	2.48	2.54	2.33	2.84	2.53	2.00	1.85	1.84	2.39
5	3.16	2.67	2.61	2.66	2.32	2.72	2.90	2.86	2.70	3.21	2.96	2.27	2.46	2.20	2.81
6	3.65	2.92	3.25	3.04	2.65	3.09	3.29	3.60	3.21	3.71	3.40	2.60	2.61	2.52	3.27
7	4.30	3.31	3.52	3.32	2.91	3.46	3.93	4.16	3.39	3.99	3.60	2.93	3.01	2.92	3.66
8	4.69	3.92	3.89	3.66	3.30	3.71	4.15	4.66	3.73	4.46	3.86	3.30	3.29	3.32	3.78
9	5.28	4.40	4.37	4.22	3.63	4.08	4.79	4.96	4.06	4.83	4.19	3.63	3.55	3.56	4.08
10	5.89	4.72	4.67	4.66	4.12	4.79	5.18	5.55	4.70	5.24	4.53	3.83	3.80	3.88	4.31
11	6.32	5.17	4.97	4.94	4.51	5.19	5.60	5.87	5.12	5.61	4.93	4.07	4.20	4.16	4.55
12	6.90	5.85	5.21	5.29	5.13	5.65	5.88	6.29	5.36	5.92	5.19	4.33	4.31	4.41	4.97
13	7.46	6.20	5.65	5.81	5.49	6.33	6.13	6.55	5.73	6.23	5.63	4.57	4.49	4.65	
14	7.98	6.65	5.99	6.15	5.72	6.67	6.46	6.99	6.09	6.42	6.06	4.97	4.63	4.89	
15	8.44	7.36	6.70	6.53	6.18	7.07	6.88	7.38	6.30	6.80	6.36	5.17	5.00	5.17	
16	8.87	8.00	7.01	7.05	6.61	7.54	7.19	7.73	6.70	7.26	6.56	5.40	5.25	5.45	
17	9.48	8.26	7.65	7.50	7.06	7.88	7.69	8.08	7.09	7.54	6.79	5.73	5.54	5.73	
18	10.00	8.71	8.19	7.84	7.46	8.12	8.27	8.41	7.36	7.98	7.06	6.13	5.87	5.97	
19	10.56	9.13	8.70	8.33	8.11	8.37	8.69	8.85	7.70	8.23	7.39	6.33	6.05	6.41	
20	11.11	9.80	9.37	8.88	8.50	8.80	9.16	9.56	8.27	8.63	7.52	6.73	6.26	6.69	
21	11.63	10.12	9.78	9.47	9.09	9.39	9.53	9.94	8.73	8.98	8.19	6.93	6.63	6.93	
22	12.24	10.41	10.22	9.74	9.42	9.64	9.83	10.36	8.94	9.26	8.56	7.23	7.02	7.17	
23	12.89	10.83	10.86	10.30	9.94	10.10	10.25	10.89	9.27	9.94	8.92	7.50	7.10	7.41	
24	13.32	11.12	11.30	10.75	10.53	10.50	10.58	11.27	9.67	10.29	9.15	7.80	7.49	7.65	
25	13.78	11.63	11.57	11.33	10.92	10.96	11.03	11.63	9.88	10.69	9.52	7.90	7.68		
26	14.11	12.02	12.28	11.99	11.22	11.37	11.42	11.98	10.45	10.97	9.92	8.27	7.86		
27	14.39	12.56	12.83	12.44	11.77	11.92	11.75	12.45	10.88	11.25	10.35	8.43	8.15		
28	14.91	13.08	13.27	12.89	12.30	12.32	12.03	12.92	11.21	11.63	10.69	8.87	8.47		
29	15.28	13.46	13.71	13.37	12.66	12.75	12.17	13.37	11.48	11.85	10.92	9.10	8.80		
30	15.65	13.91	14.18	13.82	12.98	13.25	12.45	13.81	11.73	12.16	11.22	9.47	9.05		
31	16.11	14.33	14.55	14.24	13.47	13.68	12.76	14.19	12.03	12.47	11.38	9.70	9.12		
32	16.39	14.75	14.96	14.58	13.87	14.05	13.18	14.55	12.42	12.78	11.78	10.07	9.38		
33	16.97	15.10	15.43	15.07	14.49	14.33	13.73	14.90	12.73	13.00	12.12	10.37	9.70		
34	17.37	15.58	15.77	15.51	14.75	14.48	13.96	15.28	13.06	13.31	12.32	10.80	9.99		
35	17.86	15.97	16.14	15.79	15.01	14.79	14.26	15.55	13.42	13.81	12.62	10.93	10.39		
36	18.17	16.26	16.35	16.03	15.27	15.01	14.71	15.85	13.58	14.09	12.82	11.20	10.57		
37	18.56	16.58	16.75	16.38	15.60	15.29	15.01	16.29	13.88	14.40	13.22	11.30			
38	18.93	16.81	17.09	16.72	16.22	15.60	15.38	16.55	14.15	14.87	13.42	11.77			
39	19.30	17.16	17.56	17.31	16.58	16.06	15.77	16.82	14.55	15.21	13.62	11.97			
40	19.76	17.51	17.66	17.55	16.84	16.49	16.16	16.97	14.82	15.31	13.91	12.10			
41	20.22	17.93	18.14	17.97	17.14	16.74	16.43	17.26	15.09	15.65	14.05	12.20			
42	20.62	18.25	18.65	18.49	17.36	17.17	16.88	17.44	15.42	15.84	14.41	12.43			
43	20.87	18.51	18.92	18.90	17.72	17.54	17.16	17.82	15.55	16.18	14.75	12.67			
44	21.11	18.89	19.19	19.25	18.08	17.94	17.41	18.15	15.94	16.43	14.95	12.93			
45	21.51	19.22	19.49	19.66	18.54	18.38	17.52	18.47	16.15	16.90	15.25	13.27			
46	21.85	19.51	20.00	20.11	18.77	18.81	17.88	18.83	16.42	17.08	15.71	13.43			
47	22.28	19.89	20.47	20.39	19.13	19.12	18.16	19.09	16.64	17.27	16.05	13.77			
48	22.58	20.21	20.78	20.70	19.29	19.27	18.38	19.39	16.85	17.49	16.31	13.90			
Percent not recidivating within 48 months															
	77.42	79.79	79.22	79.30	80.71	80.73	81.62	80.61	83.15	82.51	83.69	86.10			
Persons in cohort (number on which percentages are based)															
	3,259	3,112	2,955	2,894	3,058	3,238	3,590	3,389	3,300	3,208	3,004	3,000	2,762	2,497	2,596
Average age of persons in cohort															
	36.9	37.0	37.5	37.7	37.8	37.4	37.8	37.7	37.7	38.2	38.8	38.7	38.5	39.1	39.4

V. ALCOHOL-RELATED CRASH STATISTICS BY COUNTY

A century of impaired driving and traffic deaths

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

Defining a traffic crash

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

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

Defining "alcohol-related"

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

related," and anyone who died or got injured in the crash is counted as an alcohol-related death or injury. So, if a pedestrian with only a .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.

Defining "drunk driving-related"

The term "drunk driving-related" is a more restrictive term than "alcohol-related." A crash is classified as "drunk driving-related" if a motor vehicle driver in a fatal crash tested positive for alcohol at the .08% level or above. Pedestrians, bicyclists and officer perception are not included. Once a crash is so classified, every fatality in the crash is classified as drunk-driving related.

'Known' alcohol-involved crashes

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

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

^{§§} To be precise, the following procedure is used: If an alcohol test result is positive for any driver, bicyclist, or pedestrian, the crash is classified as alcohol-related. If a test was not performed, but the reporting officer 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 2015 were classified as alcohol-related or not using both techniques. Using officer perception alone, 69 (17%) of the 411 fatalities were classified as alcohol-related. Using officer perception and test results together, 137 (33%) of the 411 fatalities were classified as alcohol-related. This represents a 23% increase from 2014 when 111 of the 361 fatalities were classified as alcohol-related.***

General crash trends

The number of crashes that are reported has been declining in recent years, from over 100,000 in year 2000, to about 75,000 in 2015. About one-half of one percent of all reported crashes are fatal, causing death to one or more persons and perhaps injury to other persons as well. About a third of all crashes involve injuries to people, but no deaths. 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 2015, 4% of property damage crashes, 7% of injury crashes, and 26% of fatal crashes were classified as alcohol-related.

Cost of alcohol-related traffic crashes

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

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

and legal costs; (4) motor vehicle damage; and, (5) employer costs for crashes involving workers."†††

Using this approach, for example, the National Safety Council estimates costs for the 2015 calendar year as follows:

Death	\$1,512,000
Incapacitating (A) Injury	\$88,500
Non-incapacitating (B) Injury.....	\$25,600
Possible (C) Injury.....	\$21,000
Property Damage Vehicle.....	\$4,200

The other approach estimates the "comprehensive costs" and attempts to include "a measure of the value of lost quality of life associated with the deaths and injuries, that is, what society is willing to pay to prevent them."††† Using that approach yields the following cost estimates for the 2015 year per injured person:

Death	\$9,887,000
Incapacitating (A) Injury	\$1,082,000
Non-incapacitating (B) Injury.....	\$298,000
Possible (C) Injury.....	\$138,100
No Injury	\$45,700

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

In a particular crash, when there is evidence that at least one driver or pedestrian tested positive for alcohol at the .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 2015 was: \$234,164,592.

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 2015 was: \$285,159,162.

*** 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: www.nsc.org, 2015: *Estimating the Cost of Unintentional Injuries*.

††† Ibid

TABLE 5.01

MINNESOTA TRAFFIC FATALITIES, 1910 - 2015

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

Figure 5.01

**Minnesota Traffic Fatalities, 1910 - 2015, and
Fatality Rates Per 100 Million Vehicle Miles Traveled, 1961 - 2015**

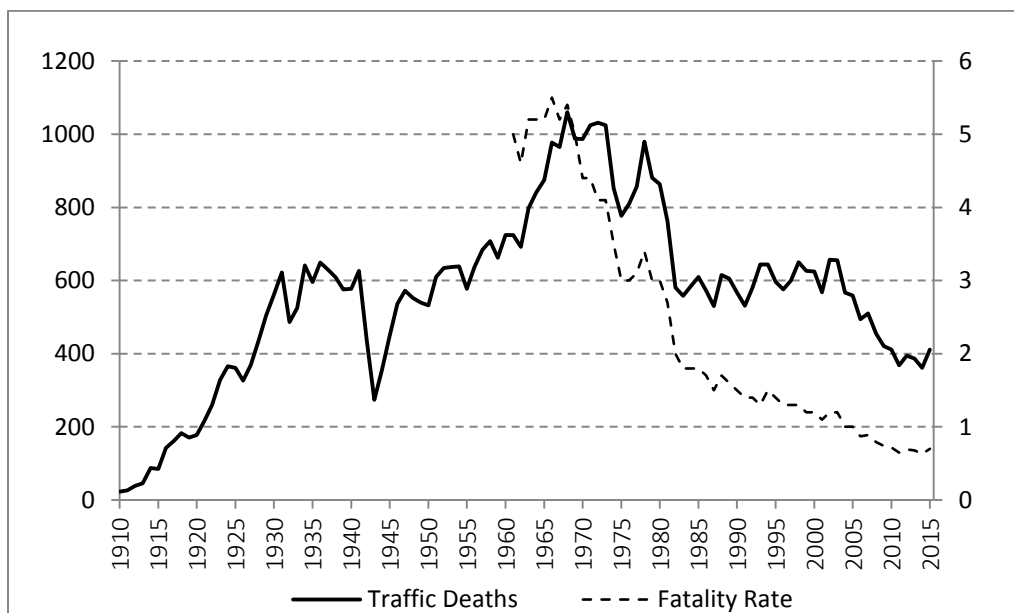


TABLE 5.02

OVERVIEW OF TRAFFIC SAFETY AND ALCOHOL STATISTICS, 1966 - 2015

<u>Year</u>	<u>Total Crashes</u>	<u>Total Deaths</u>	<u>Licensed Drivers (million)</u>	<u>Reg. Vehicles (million)</u>	<u>State Population</u>	<u>Miles Traveled (billion)</u>	<u>Fatality Rate</u>	<u>DWI Arrests</u>	<u>Deaths 'Any' Alcohol</u>	<u>% of Col (3)</u>	<u>Deaths .08% + Alcohol</u>	<u>% of Col (3)</u>	<u>Deaths Drunk Driving (.08%+ Alcohol)</u>	<u>% of Col (3)</u>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1996	105,332	576	3.46	3.70	4,657,800	45.9	1.27	30,927	205	36%	169	29%	157	27%
1997	98,626	600	3.49	3.77	4,685,549	46.9	1.28	31,384	178	30%	151	25%	142	24%
1998	92,926	650	3.53	3.90	4,735,830	48.5	1.34	32,429	273	42%	222	34%	206	32%
1999	96,813	626	3.54	3.92	4,775,508	50.7	1.24	34,569	195	31%	156	25%	147	24%
2000	103,591	625	3.65	4.20	4,919,479	52.4	1.19	35,018	245	39%	212	34%	203	33%
2001	98,984	568	3.69	4.38	4,977,976	53.2	1.07	33,546	211	37%	167	29%	157	28%
2002	94,969	657	3.76	4.49	5,033,661	54.4	1.21	33,160	239	36%	185	28%	174	27%
2003	n/a	655	3.79	4.56	5,088,006	55.4	1.18	32,355	255	39%	205	31%	196	30%
2004	91,274	567	3.85	4.63	5,145,106	56.5	1.00	34,359	177	31%	155	27%	143	25%
2005	87,813	559	3.87	4.69	5,205,091	56.5	0.99	37,078	197	35%	164	29%	150	27%
2006	78,745	494	3.87	4.76	5,231,106	56.6	0.87	42,007	166	34%	141	29%	134	27%
2007	81,505	510	3.91	4.82	5,263,493	57.4	0.89	38,765	190	37%	170	33%	164	32%
2008	79,095	455	3.94	4.86	5,287,976	57.3	0.79	35,869	163	36%	137	30%	129	28%
2009	73,498	421	3.95	4.87	5,300,942	56.9	0.74	32,995	141	34%	112	27%	101	24%
2010	74,073	411	4.00	4.92	5,303,925	56.8	0.72	30,099	131	32%	121	29%	112	27%
2011	72,117	368	4.01	4.98	5,332,246	56.7	0.65	29,504	136	37%	111	30%	103	28%
2012	69,236	395	4.04	5.02	5,379,139	57.0	0.69	28,658	131	33%	104	26%	95	24%
2013	77,707	387	4.07	5.09	5,401,186	57.0	0.68	26,032	117	30%	95	25%	81	21%
2014	78,396	361	4.12	5.14	5,457,173	57.0	0.63	25,386	111	31%	91	25%	88	24%
2015	74,772	411	4.12	5.45	5,453,218	59.1*	0.70	25,027	137	33%	107	26%	95	23%

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

Note: Column (10) lists the number of alcohol-related deaths resulting from fatal crashes where at least one driver, pedestrian or bicyclist was suspected to be drinking or tested positive for alcohol at the .01% level or above. Column (12) lists the number of impaired-related deaths resulting from fatal crashes where at least one driver, pedestrian or bicyclist tested positive for alcohol at the .08% level or above. Column (14) lists the number of drunk driving-related deaths resulting from fatal crashes where at least one driver tested positive for alcohol at the .08% level or above.

TABLE 5.03

TRAFFIC CRASHES, FATALITIES, AND INJURIES - TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2015

COUNTY (1)	FATAL TRAFFIC CRASHES			INJURY TRAFFIC CRASHES			TRAFFIC CRASHES WITH PROPERTY DAMAGE ONLY			TOTAL CRASHES			PERSONS KILLED			PERSONS INJURED		
	All (2)	.08% + Alc (3)	% Alc (4)	All (5)	Alco- hol (6)	% Alc (7)	All (8)	Alco- hol (9)	% Alc (10)	All (11)	Alco- hol (12)	% Alc (13)	All (14)	.08% + Alc (15)	% Alc (16)	All (17)	Alco- hol (18)	% Alc (19)
Aitkin	3	1	33.3	44	4	9.1	127	4	3.1	174	9	5.2	6	1	16.7	80	10	12.5
Anoka	10	4	40.0	1,114	78	7.0	2,005	56	2.8	3,129	138	4.4	11	4	36.4	1,556	121	7.8
Becker	1	0	0.0	113	15	13.3	189	13	6.9	303	28	9.2	1	0	0.0	167	22	13.2
Beltrami	6	5	83.3	121	13	10.7	249	7	2.8	376	25	6.6	6	5	83.3	172	18	10.5
Benton	6	3	50.0	156	20	12.8	387	18	4.7	549	41	7.5	7	4	57.1	224	29	12.9
Big Stone	1	0	0.0	16	1	6.3	15	2	13.3	32	3	9.4	1	0	0.0	22	1	4.5
Blue Earth	10	3	30.0	303	19	6.3	861	31	3.6	1,174	53	4.5	12	3	25.0	415	28	6.7
Brown	2	0	0.0	71	5	7.0	158	9	5.7	231	14	6.1	2	0	0.0	107	8	7.5
Brown	7	2	28.6	108	14	13.0	236	13	5.5	351	29	8.3	9	3	33.3	163	23	14.1
Carver	4	2	50.0	292	10	3.4	766	29	3.8	1,062	41	3.9	5	3	60.0	413	12	2.9
Cass	4	2	50.0	106	15	14.2	165	10	6.1	275	27	9.8	4	2	50.0	164	26	15.9
Chippewa	3	0	0.0	29	6	20.7	70	5	7.1	102	11	10.8	4	0	0.0	63	10	15.9
Chisago	4	1	25.0	188	27	14.4	388	11	2.8	580	39	6.7	4	1	25.0	256	31	12.1
Clay	2	1	50.0	214	19	8.9	437	13	3.0	653	33	5.1	3	2	66.7	291	30	10.3
Clearwater	2	1	50.0	10	1	10.0	29	2	6.9	41	4	9.8	2	1	50.0	21	1	4.8
Cook	0	0	0.0	28	3	10.7	51	3	5.9	79	6	7.6	0	0	0.0	37	3	8.1
Cottonwood	5	2	40.0	30	2	6.7	53	0	0.0	88	4	4.5	6	3	50.0	56	2	3.6
Crow Wing	5	0	0.0	285	24	8.4	532	23	4.3	822	47	5.7	5	0	0.0	428	44	10.3
Dakota	10	2	20.0	1,516	115	7.6	3,777	149	3.9	5,303	266	5.0	11	2	18.2	2,085	167	8.0
Dodge	2	0	0.0	63	5	7.9	127	2	1.6	192	7	3.6	2	0	0.0	82	5	6.1
Douglas	2	1	50.0	167	15	9.0	332	6	1.8	501	22	4.4	2	1	50.0	236	15	6.4
Faribault	4	1	25.0	49	8	16.3	79	2	2.5	132	11	8.3	4	1	25.0	63	12	19.0
Fillmore	2	0	0.0	53	5	9.4	121	7	5.8	176	12	6.8	2	0	0.0	84	10	11.9
Freeborn	2	0	0.0	116	9	7.8	330	11	3.3	448	20	4.5	2	0	0.0	158	12	7.6
Goodhue	7	4	57.1	204	19	9.3	491	25	5.1	702	48	6.8	8	5	62.5	293	25	8.5
Grant	0	0	0.0	28	9	32.1	45	0	0.0	73	9	12.3	0	0	0.0	32	12	37.5
Hennepin	31	8	25.8	6,640	322	4.8	16,12	528	3.3	22,79	858	3.8	33	9	27.3	9,063	448	4.9
Houston	4	0	0.0	35	5	14.3	121	11	9.1	160	16	10.0	5	0	0.0	47	6	12.8
Hubbard	3	0	0.0	70	9	12.9	79	3	3.8	152	12	7.9	3	0	0.0	86	9	10.5
Isanti	12	2	16.7	113	9	8.0	227	10	4.4	352	21	6.0	15	2	13.3	192	15	7.8
Itasca	5	2	40.0	167	21	12.6	285	15	5.3	457	38	8.3	6	3	50.0	227	30	13.2
Jackson	5	0	0.0	31	3	9.7	66	3	4.5	102	6	5.9	6	0	0.0	45	7	15.6
Kanabec	2	0	0.0	44	3	6.8	44	1	2.3	90	4	4.4	2	0	0.0	68	5	7.4
Kandiyohi	7	1	14.3	163	11	6.7	419	9	2.1	589	21	3.6	8	1	12.5	240	14	5.8
Kittson	0	0	0.0	5	0	0.0	5	0	0.0	10	0	0.0	0	0	0.0	7	0	0.0
Koochiching	1	0	0.0	35	3	8.6	54	4	7.4	90	7	7.8	1	0	0.0	46	7	15.2
Lac Qui Parle	2	1	50.0	15	2	13.3	14	2	14.3	31	5	16.1	2	1	50.0	18	2	11.1
Lake	2	1	50.0	35	7	20.0	67	5	7.5	104	13	12.5	3	2	66.7	55	8	14.5
Lake of the Woods	0	0	0.0	7	1	14.3	6	0	0.0	13	1	7.7	0	0	0.0	9	1	11.1
Le Sueur	5	1	20.0	113	14	12.4	200	6	3.0	318	21	6.6	6	1	16.7	157	17	10.8
Lincoln	0	0	0.0	9	1	11.1	36	2	5.6	45	3	6.7	0	0	0.0	14	1	7.1
Lyon	3	0	0.0	67	4	6.0	148	4	2.7	218	8	3.7	3	0	0.0	107	6	5.6
McLeod	4	1	25.0	119	11	9.2	252	10	4.0	375	22	5.9	4	1	25.0	170	15	8.8
Mahnomen	1	0	0.0	11	2	18.2	17	4	23.5	29	6	20.7	1	0	0.0	19	2	10.5
Marshall	1	1	100.0	13	2	15.4	19	2	10.5	33	5	15.2	1	1	100.0	19	6	31.6
Martin	1	0	0.0	57	10	17.5	153	8	5.2	211	18	8.5	1	0	0.0	76	13	17.1
Meeker	3	1	33.3	58	7	12.1	109	7	6.4	170	15	8.8	4	1	25.0	85	10	11.8
Mille Lacs	3	1	33.3	92	11	12.0	136	8	5.9	231	20	8.7	4	1	25.0	150	16	10.7
Morrison	7	2	28.6	101	9	8.9	140	5	3.6	248	16	6.5	9	2	22.2	145	12	8.3
Mower	2	0	0.0	116	8	6.9	260	8	3.1	378	16	4.2	2	0	0.0	161	10	6.2
Murray	1	1	100.0	19	1	5.3	34	0	0.0	54	2	3.7	1	1	100.0	20	1	5.0
Nicollet	2	0	0.0	101	11	10.9	324	10	3.1	427	21	4.9	2	0	0.0	151	17	11.3
Nobles	2	1	50.0	84	10	11.9	190	3	1.6	276	14	5.1	3	1	33.3	128	15	11.7
Norman	2	0	0.0	17	1	5.9	26	1	3.8	45	2	4.4	3	0	0.0	23	1	4.3

TABLE 5.03 (Continued)

TRAFFIC CRASHES, FATALITIES, AND INJURIES - TOTAL AND ALCOHOL-RELATED BY COUNTY IN MINNESOTA, 2015

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	14	0	0.0	635	53	8.3	1,483	52	3.5	2,132	105	4.9	14	0	0.0	905	74	8.2
Otter Tail	8	2	25.0	200	20	10.0	409	21	5.1	617	43	7.0	9	2	22.2	274	31	11.3
Pennington	3	1	33.3	57	4	7.0	57	3	5.3	117	8	6.8	3	1	33.3	86	4	4.7
Pine	9	4	44.4	114	8	7.0	223	19	8.5	346	31	9.0	9	4	44.4	164	12	7.3
Pipestone	2	0	0.0	22	2	9.1	16	1	6.3	40	3	7.5	2	0	0.0	36	4	11.1
Polk	4	2	50.0	91	13	14.3	192	8	4.2	287	23	8.0	4	2	50.0	132	18	13.6
Pope	0	0	0.0	28	7	25.0	56	3	5.4	84	10	11.9	0	0	0.0	34	8	23.5
Ramsey	18	4	22.2	2,334	142	6.1	8,597	289	3.4	10,949	435	4.0	18	4	22.2	3,114	193	6.2
Red Lake	0	0	0.0	7	0	0.0	4	0	0.0	11	0	0.0	0	0	0.0	13	0	0.0
Redwood	2	1	50.0	41	6	14.6	65	2	3.1	108	9	8.3	2	1	50.0	65	7	10.8
Renville	2	0	0.0	54	7	13.0	78	9	11.5	134	16	11.9	2	0	0.0	92	9	9.8
Rice	4	0	0.0	212	26	12.3	356	10	2.8	572	36	6.3	5	0	0.0	285	31	10.9
Rock	0	0	0.0	32	3	9.4	70	2	2.9	102	5	4.9	0	0	0.0	40	3	7.5
Roseau	0	0	0.0	23	2	8.7	25	1	4.0	48	3	6.3	0	0	0.0	43	5	11.6
St. Louis	16	6	37.5	657	48	7.3	2,184	85	3.9	2,857	139	4.9	16	6	37.5	888	67	7.5
Scott	7	3	42.9	423	33	7.8	883	36	4.1	1,313	72	5.5	7	3	42.9	643	44	6.8
Sherburne	10	1	10.0	262	32	12.2	690	23	3.3	962	56	5.8	11	1	9.1	402	43	10.7
Sibley	6	0	0.0	36	6	16.7	89	4	4.5	131	10	7.6	6	0	0.0	50	6	12.0
Stearns	12	3	25.0	688	53	7.7	1,668	51	3.1	2,368	107	4.5	12	3	25.0	969	67	6.9
Steele	4	0	0.0	130	12	9.2	363	16	4.4	497	28	5.6	4	0	0.0	174	16	9.2
Stevens	1	0	0.0	33	3	9.1	64	4	6.3	98	7	7.1	1	0	0.0	45	5	11.1
Swift	3	2	66.7	23	6	26.1	36	1	2.8	62	9	14.5	3	2	66.7	26	6	23.1
Todd	2	1	50.0	88	12	13.6	122	4	3.3	212	17	8.0	2	1	50.0	124	17	13.7
Traverse	0	0	0.0	9	1	11.1	26	0	0.0	35	1	2.9	0	0	0.0	10	1	10.0
Wabasha	3	0	0.0	63	3	4.8	114	5	4.4	180	8	4.4	3	0	0.0	82	4	4.9
Wadena	4	0	0.0	43	4	9.3	71	3	4.2	118	7	5.9	4	0	0.0	58	5	8.6
Waseca	1	0	0.0	46	6	13.0	110	11	10.0	157	17	10.8	1	0	0.0	73	6	8.2
Washington	12	7	58.3	744	65	8.7	1,874	85	4.5	2,630	157	6.0	12	7	58.3	1,034	75	7.3
Watonwan	1	0	0.0	36	2	5.6	66	4	6.1	103	6	5.8	1	0	0.0	47	2	4.3
Wilkin	0	0	0.0	29	4	13.8	82	2	2.4	111	6	5.4	0	0	0.0	32	5	15.6
Winona	1	0	0.0	179	13	7.3	328	7	2.1	508	20	3.9	1	0	0.0	225	19	8.4
Wright	8	1	12.5	395	31	7.8	860	36	4.2	1,263	68	5.4	8	1	12.5	587	44	7.5
Yellow Medicine	3	1	33.3	21	1	4.8	44	5	11.4	68	7	10.3	4	1	25.0	33	1	3.0
Minnesota	375	98	26.1	21,516	1,587	7.4	52,881	1,922	3.6	74,772	3,607	4.8	411	107	26.0	29,981	2,203	7.3

FIGURE 5.02

KILLED DRIVERS TESTED FOR ALCOHOL: 1980 - 2015

Percent Over .01 Alcohol Level and Percent Over Legal Limit
(The legal limit in Minnesota was lowered to .08 in 2005)

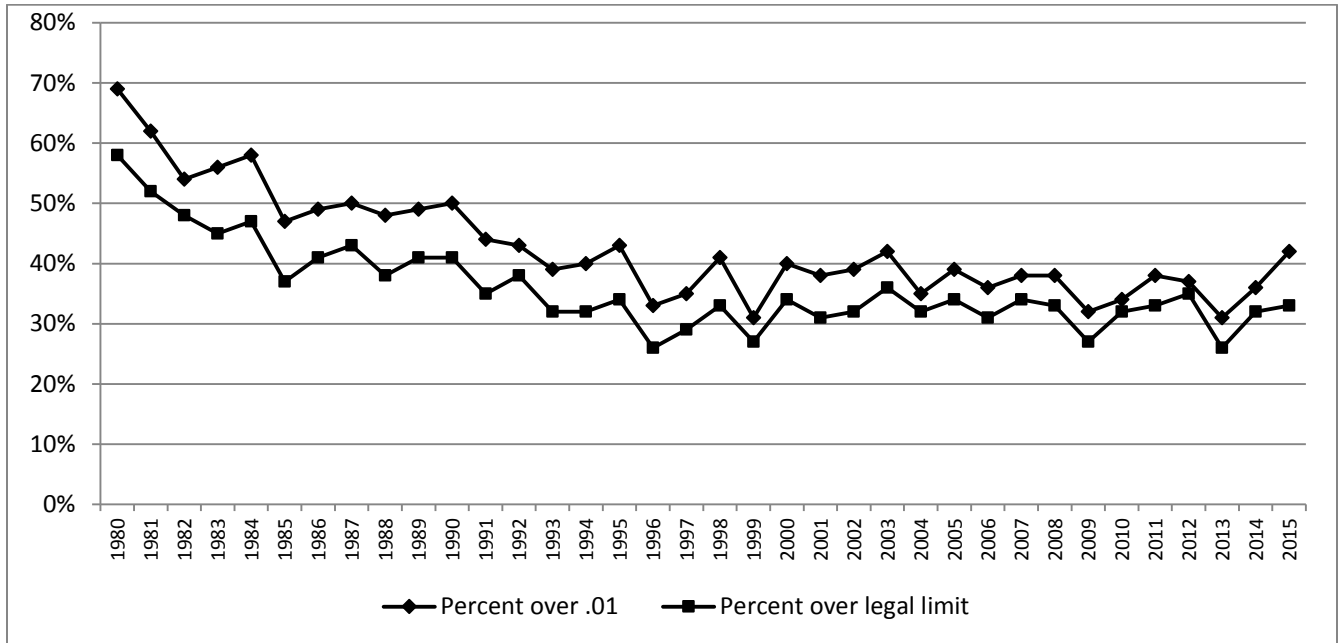


FIGURE 5.03

PERCENT OF DRIVERS KILLED WHO HAD BEEN DRINKING, BY AGE, 2015

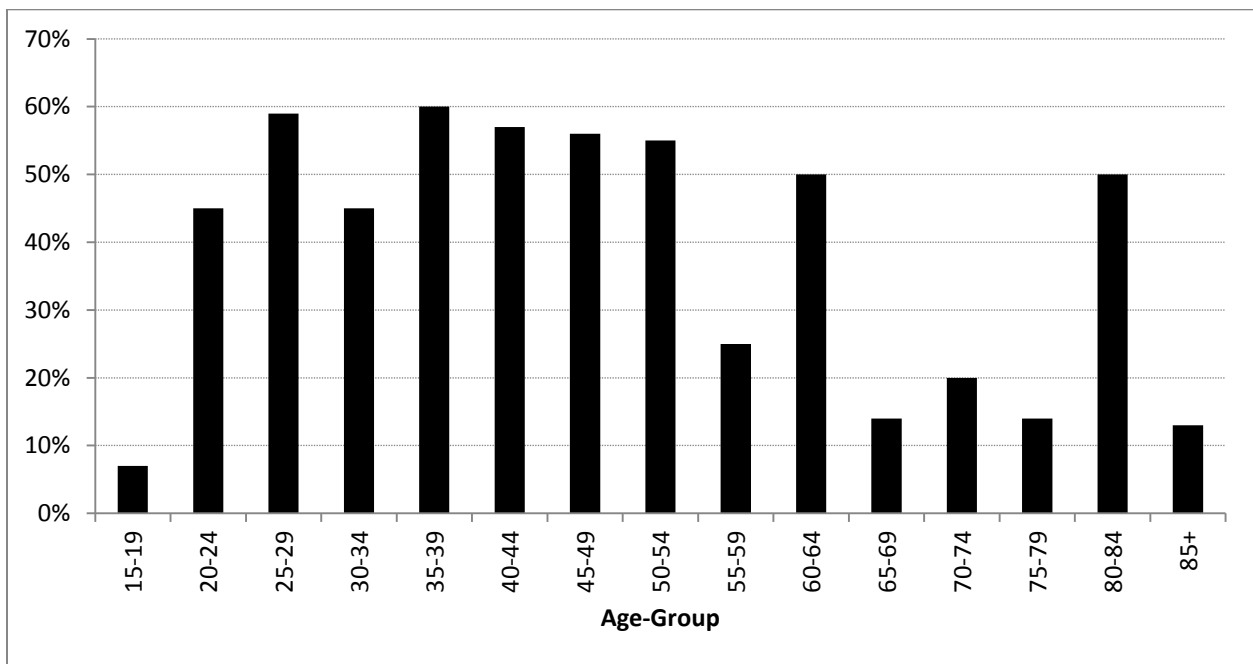


TABLE 5.04

2015 DRIVER FATALITIES' LEVEL OF ALCOHOL CONCENTRATION BY AGE

			Alcohol Concentration								Alcohol Concentration						
			.00		.01 - .07		.08 - .09		.10+								
			num- ber	per- cent	num- ber	per- cent	num- ber	per- cent	num- ber	per- cent	.00	.01- .04	.05- .09	.10- .14	.15- .19	.20- .24	.25+
Age	Killed	Tested															
00 - 14	0	0	0		0		0		0		0	0	0	0	0	0	
15	0	0	0		0		0		0		0	0	0	0	0	0	
16	4	4	4		0		0		0		4	0	0	0	0	0	
17	2	2	2		0		0		0		2	0	0	0	0	0	
18	4	4	4		0		0		0		4	0	0	0	0	0	
19	6	5	4		0		0		1		4	0	0	0	0	1	
20	10	10	7		1		1		1		7	1	1	1	0	0	
< 21	26	25	21		1		1		2		21	1	1	1	0	1	
00 - 14	0	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0	0	0	0	0	
15 - 19	16	15	14	93.3%	0	0.0%	0	0.0%	1	6.7%	14	0	0	0	0	1	
20 - 24	35	31	17	54.8%	2	6.5%	1	3.2%	11	35.5%	17	2	1	3	3	3	
25 - 29	22	22	9	40.9%	2	9.1%	0	0.0%	11	50.0%	9	1	1	1	3	4	
30 - 34	26	20	11	55.0%	0	0.0%	0	0.0%	9	45.0%	11	0	0	0	3	2	
35 - 39	15	15	6	40.0%	1	6.8%	0	0.0%	8	53.3%	6	1	0	1	5	1	
40 - 44	16	14	6	42.9%	1	7.1%	1	7.1%	6	42.9%	6	1	1	0	1	3	
45 - 49	17	16	7	43.8%	2	12.5%	0	0.0%	7	43.8%	7	1	1	2	3	1	
50 - 54	33	31	14	45.2%	3	9.7%	3	9.7%	11	35.5%	14	2	4	1	4	4	
55 - 59	22	16	12	75.0%	1	6.3%	0	0.0%	3	18.8%	12	1	0	1	0	2	
60 - 64	18	14	7	50.0%	5	35.7%	0	0.0%	2	14.3%	7	3	2	1	0	1	
65 - 69	21	14	12	85.7%	1	7.1%	0	0.0%	1	7.1%	12	1	0	1	0	0	
70 - 74	13	10	8	80.0%	1	10.0%	0	0.0%	1	10.0%	8	1	0	0	0	0	
75 - 79	12	7	6	85.7%	1	14.3%	0	0.0%	0	0.0%	6	0	1	0	0	0	
80 - 84	11	6	3	50.0%	2	33.3%	0	0.0%	1	16.7%	3	1	1	0	0	0	
85+	12	8	7	87.5%	0	0.0%	1	12.5%	0	0.0	7	0	1	0	0	0	
Total	289	239	139	58.2%	22	9.2%	6	2.5%	72	30.1%	139	15	13	11	21	22	

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

FIGURE 5.04

2015 DRUNK DRIVING-RELATED FATAL CRASHES BY TIME OF DAY

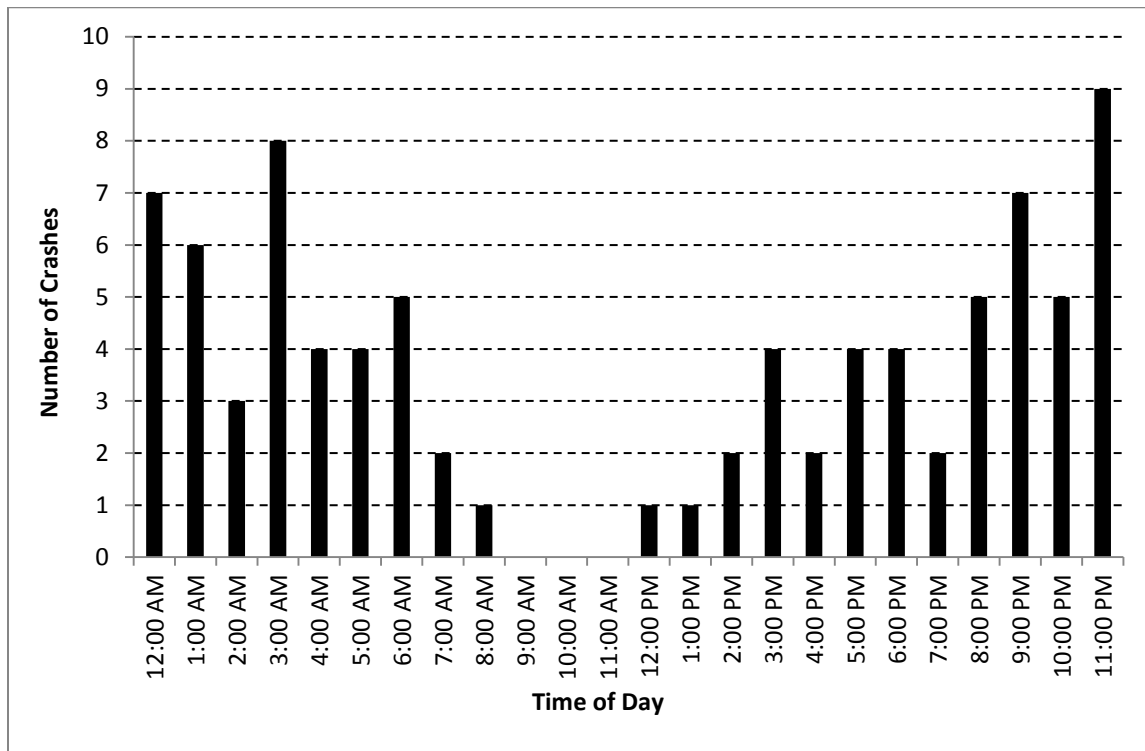


FIGURE 5.05

2015 DRUNK DRIVING-RELATED FATAL CRASHES BY DAY OF WEEK

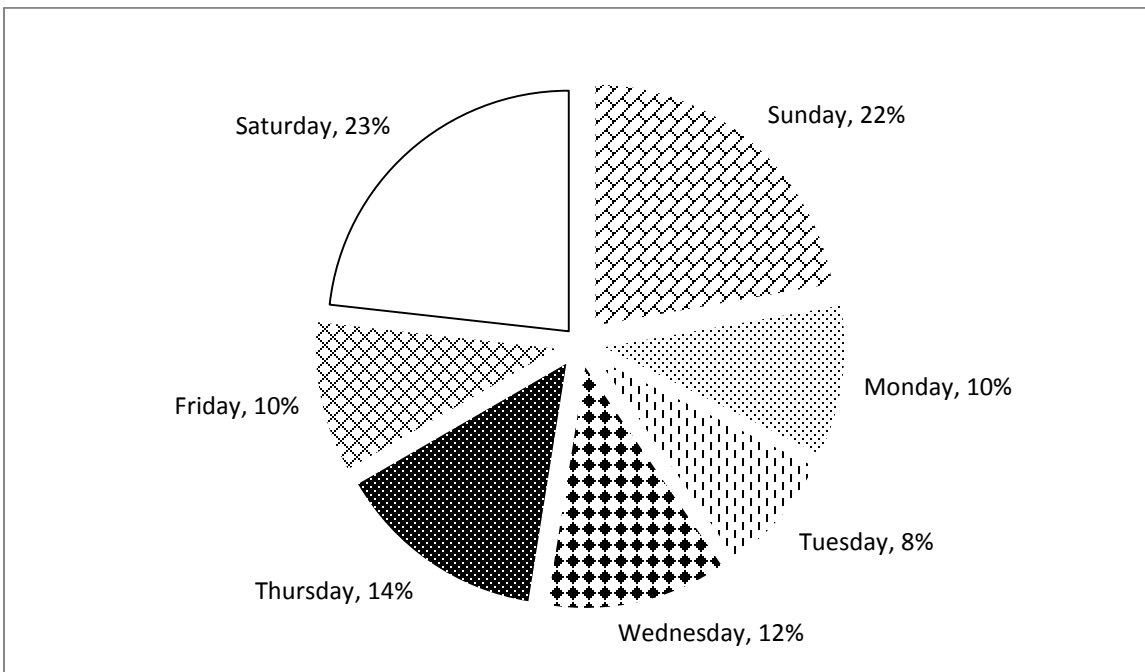


TABLE 5.05

**COST OF ALCOHOL-RELATED TRAFFIC CRASHES,
IMPAIRED-RELATED FATALITIES,
AND ALCOHOL-RELATED INJURIES, BY COUNTY, 2015**

COUNTY	COST	COUNTY	COST	COUNTY	COST
Aitkin	\$1,829,436	Itasca	\$5,500,908	Pope	\$266,602
Anoka	9,676,482	Jackson	231,870	Ramsey	12,508,908
Becker	779,104	Kanabec	109,370	Red Lake	0
Beltrami	8,134,906	Kandiyohi	1,880,804	Redwood	1,744,236
Benton	6,874,108	Kittson	0	Renville	380,302
Big Stone	34,000	Koochiching	186,868	Rice	1,135,378
Blue Earth	5,498,644	Lac Qui Parle	1,629,934	Rock	148,100
Brown	282,670	Lake	3,308,134	Roseau	113,936
Carlton	5,110,910	Lake of the Woods	21,034	St. Louis	11,424,690
Carver	5,144,568	Le Sueur	1,998,772	Scott	5,857,212
Cass	4,058,774	Lincoln	96,900	Sherburne	3,076,644
Chippewa	447,436	Lyon	161,268	Sibley	156,702
Chisago	2,323,380	McLeod	1,968,938	Stearns	6,795,092
Clay	3,985,074	Mahnomen	126,334	Steele	516,870
Clearwater	1,546,000	Marshall	1,660,302	Stevens	131,102
Cook	80,268	Martin	518,572	Swift	3,163,536
Cottonwood	4,578,068	Meeker	1,842,036	Todd	2,304,872
Crow Wing	1,437,048	Mille Lacs	2,116,504	Traverse	25,600
Dakota	8,313,496	Morrison	3,518,070	Wabasha	114,268
Dodge	185,602	Mower	271,336	Wadena	131,468
Douglas	1,889,238	Murray	1,533,034	Waseca	181,536
Faribault	1,912,306	Nicollet	683,140	Washington	13,046,628
Fillmore	464,968	Nobles	1,872,072	Watonwan	130,900
Freeborn	384,338	Norman	29,800	Wilkin	383,434
Goodhue	8,573,840	Olmsted	2,086,898	Winona	595,940
Grant	338,138	Otter Tail	4,282,176	Wright	2,931,616
Hennepin	27,875,524	Pennington	1,748,234	Yellow Med	1,621,500
Houston	249,002	Pine	6,479,636		
Hubbard	287,636	Pipestone	92,902		
Isanti	3,485,504	Polk	3,540,206		

Minnesota Total

\$ 234,163,592

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

VI. THE IGNITION INTERLOCK PROGRAM

Ignition Interlock

Impaired driving is a serious problem in Minnesota. In 2015, 137 people died, more than 2,203 were injured, and costs amounted to more than \$234 million due to crashes identified as alcohol-related.

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

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

The Interlock program promotes safety and reduces costs related to illegal driving by providing individuals an additional option for driving legally after a DWI. It is estimated that at least 70 percent of people continue driving after their license has been revoked or cancelled¹². When people have a viable option to drive legally and chose to do so, the state reaps the public safety benefit since people are driving sober and insured. State agencies and the criminal justice system save the costs associated with violations and sanctions for illegal and impaired driving. For example, when an impaired driving violation is prevented, the public sector saves the money associated with a court case and jail or prison time.

History of Interlocks in Minnesota

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

First Interlock Pilot (2002)

The state's first Interlock pilot was established when DPS and Anoka County Community Corrections enrolled nine participants in a voluntary program to test how the Interlock program could best be administered under DWI laws and licensing operational procedures. Participants were eligible for a limited-use license after certain conditions were met. Only people that were "cancelled as inimical to public safety" were eligible to enroll in the program, and the device was installed for an average of four months. Results¹³ indicated that: "in no instance has any participant had the vehicle 'lock-out' for registered alcohol usage. No major malfunctions occurred in which a participant was unable to operate the vehicle when necessary. Overall, participants were satisfied with the program and indicated it was useful for their individual situation."

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

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

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

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

¹² Griffin III, L.I. & DeLaZerda, S. (2000). *Unlicensed to Kill*. Washington, D.C: AAA Foundation for Traffic Safety.

¹³ Minnesota Department of Public Safety (2002). *Ignition Interlock Pilot Program: A Summary Report to the Legislature*. (MINN. DOC. NO. 02-0208). St. Paul, MN.

Statewide program (effective July 1, 2011)

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

Highlights of the legislation include:

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

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

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

TABLE 6.01

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

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

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

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.

In 1961, Minnesota passed the civil "Implied Consent" law, defining the principle that by driving on a public roadway, a person by implication gives

^{††††} 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.

consent to a test for alcohol upon being stopped by an officer having probable cause to suspect impairment. If the driver refused the test, the State would revoke the person's driving license for six months.

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

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

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

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

The driver potentially could incur the following violations. The alcohol test failure is a criminal offense under MS 169A.20(1). It is also a civil law

^{****} 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.

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 MS 169A.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. 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. 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. 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. 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 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. 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)
	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: <div><div>1. a fatality.</div><div>2. great bodily harm.</div><div>3. substantial bodily harm.</div><div>4. bodily harm (new).</div><div>5. death to an unborn child.</div><div>6. injury to an unborn child.</div></div> (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: <div><div></div><div><div>AC less than 0.20%</div><div>AC 0.20%+</div></div></div> <div><div>First incident</div><div>90 days</div><div>180 days</div><div>Second incident within 5 years</div><div>180 days</div><div>360 days</div><div>Incident by violator under 21</div><div>6 months</div><div>one year</div></div> (1/1/98)

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 divers 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 an overview of the major components of DWI laws, which are mainly codified in Minnesota Statutes, chapter 169A.

Contents	Page
Prohibited Behaviors.....	63
Implied Consent Law	64
Administrative Sanctions	65
Limited and Restricted Licenses	68
Reinstatement After Cancellation	70
Driver's License Reinstatement Fees.....	70
Criminal Penalties	71
Records and Expungement	75
Criminal Vehicular Operation: Homicide and Injury	75
Special Laws	76
Glossary	78

Copies of this publication may be obtained by calling 651-296-6753. This document can be made available in alternative formats for people with disabilities by calling 651-296-6753 or the Minnesota State Relay Service at 711 or 1-800-627-3529 (TTY). Many House Research Department publications are also available on the Internet at: www.house.mn/hrd/.

Prohibited Behaviors

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

(1) to drive, operate, or be in physical control¹ of any motor vehicle anywhere in the state while:

- under the influence of alcohol, a controlled substance, or a hazardous substance (knowingly), or any combination of these;
- having an alcohol concentration (AC) of .08 or more at the time or within two hours of doing so;
- having any amount or the metabolites of a schedule I or II controlled substance, other than marijuana, in the body; or
- if the vehicle is a commercial motor vehicle, having an AC of .04 or more at the time or within two hours of doing so; or

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

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

Consequences

The consequences of a DWI arrest are twofold. There are administrative and criminal sanctions, and the severity of these sanctions depends upon the person's current and past record of impaired driving offenses.

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

If the arrest results in criminal charges being filed, a separate criminal action is commenced. The consequences of a criminal conviction may include incarceration, probation, fines, chemical dependency treatment, and monitoring. If a person cannot afford a defense attorney, the court may appoint a public defender. A conviction results in a criminal record.

¹ The court has held that "to be in physical control" of a vehicle, the person must be in a position to exercise domain or control over the vehicle. *State v. Starfield*, 481 N.W. 834 (Minn. 1992). The courts have found persons "to be in physical control" of their vehicles while sleeping in the vehicle or being outside their vehicle. *See State v. Fleck*, 777 N.W.2d 233 (Minn. 2010) (evidence that person was asleep behind the wheel with keys in the console could lead a jury to find the person was "in physical control" of the vehicle); *Frisch v. State*, 2014 WL 3016152 (Minn. Ct. App. July 7, 2014) (unpublished) (person was "in physical control" of a vehicle even though he was 15 to 20 feet from the vehicle, when the keys were in the ignition and the vehicle was running).

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

Implied Consent Law

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

- has been arrested for a DWI violation;
- has been involved in a motor vehicle accident or collision involving bodily injury, death, or property damage;
- has refused to take the DWI preliminary screening test; or
- has taken the screening test and it shows an AC of .08 or more. To build probable cause,

the officer may:

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

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.² Before administering the test, the officer must read the implied consent advisory statement to the person explaining that testing is mandatory, test refusal is a crime,³ and the person has the right to consult an attorney before taking the test.

The officer is not required to give the advisory if there is probable cause of a criminal vehicular operation (CVO) (see page 14) violation and the officer is not pursuing an implied consent revocation. If the person is unconscious, consent is *not* deemed withdrawn and the chemical test may be administered.

² Please consult the most current case law for constitutional requirements regarding warrantless searches.

In *State v. Bernard*, the Minnesota Supreme Court upheld the constitutionality of a warrantless *breath* test as a valid search-incident-to-arrest. 859 N.W.2d 762 (Minn. 2015) *cert. granted* (Dec. 11, 2015). However, the court of appeals declined to extend the search-incident-to-arrest exception to *blood* and *urine* tests, and found the warrantless tests, in both cases, unconstitutional. See *State v. Trahan*, 870 N.W.2d 396, 399 (Minn. App. 2015), *review granted* (Minn. Nov. 25, 2015); *State v. Thompson*, 2015 WL 9437538 (Minn. App. Dec. 28, 2015).

³ *Supra* note 2.

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). If blood and urine tests are analyzed by the Bureau of Criminal Apprehension (BCA), the laboratory may certify chemical test results directly to the Department of Public Safety (DPS).

Administrative Sanctions

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

License Revocation

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 refusal. The person is given a seven-day temporary license to drive before the withdrawal becomes effective. The period of license withdrawal is based on the current offense and number of prior impaired incidents.⁴

DWI	Impaired Incidents				
	1st	2nd in 10 Years or 3rd on Record	3rd in 10 years or 4th on record	4th in 10 years	5th + on record
	Revocation		Cancelled and Denied		
AC Under .16	90 days*/180 days if under age 21	1 year	3 years	4 years	6 years
AC .16 or Over	1 year	2 years	3 years	4 years	6 years
Test Refusal	1 year*	2 years	3 years	4 years	6 years
* The revocation period may be reduced upon a conviction. <i>See</i> Minn. Stat. § 169A.54.					

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

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

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

Certain offenders have the option of regaining driving privileges sooner if they apply for a limited license or enroll in the ignition interlock device program. (See pages 7 and 8.)

License Plate Impoundment

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

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 AC of .16 or more
- having a child under age 16 present in the vehicle (when driver is at least 3 years older)
- 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 and
- 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 orders seizure of the plates and issues a temporary vehicle permit valid for seven days (or 45 days if the violator is not the owner). The violator or registered owner may apply for new registration plates, which are specially coded and signify to law enforcement that the regular plates have been impounded for an impaired driving violation.

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

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

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

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

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

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

Vehicle Forfeiture

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

DWI law defines "designated license revocation" as a license revocation or commercial license disqualification for an implied consent violation within ten years of two or more qualified prior impaired driving incidents. The term "designated offense" includes a DWI violation in the first or second degree (see table on page 10) or involving a person whose driver's license is cancelled as inimical to public safety or subject to B-Card (no alcohol/controlled substance) restrictions.

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

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

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

Other vehicles owned by the offender are not subject to forfeiture. In the event the owner of the vehicle is not the offender, the law states that a motor vehicle is not subject to forfeiture if its owner can demonstrate that he or she did not know, or should not have known, of the unlawful or intended use of the vehicle, or that he or she took reasonable steps to stop the offender. This is the innocent owner defense. In the case of joint ownership of a vehicle, *all* owners must be innocent for any owner to employ the defense.

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

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

⁷ Also referred to as "small claims" court.

a sale by the arresting agency. The proceeds, after deduction of certain expenses, go to the financial institution.

Limited and Restricted Licenses

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

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

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

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

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

Licensing options available (and in certain cases, waiting periods) depend on the individual's current and past record, as follows:

First-time test refusal or test failure with AC under .16 may:

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

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

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

Third implied consent or DWI offense in ten years, or fourth or subsequent DWI offense on record may:

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

Criminal vehicular injury involving alcohol may:

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

Criminal vehicular injury not involving alcohol, or vehicular homicide or manslaughter may:

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

Ignition Interlock

The ignition interlock program allows certain offenders to regain driving privileges sooner through issuance of a restricted and/or limited license that requires the person to drive only vehicles equipped with an ignition interlock.⁸ (See licensing options pages 7 and 8.)

An ignition interlock device is installed in a vehicle to measure an individual's AC level. To start the vehicle, the person must blow into the device and a photo is taken. The vehicle will not start if alcohol is detected, and rolling retests are taken and recorded while driving.

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

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

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

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

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

Reinstatement After Cancellation

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

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

When an individual's license carries a "no alcohol/drugs" restriction, the individual is informed that the license is subject to cancellation upon satisfactory evidence of a violation *at any time*, regardless of whether the violation involves driving. Violation of this restriction *while operating a motor vehicle* is a gross misdemeanor. (If the individual is impaired, there may also be DWI charges.)

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

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

Driver's License Reinstatement Fees

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

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

Certain persons who are eligible for a public defender may pay the reinstatement fee and surcharge in two installments. A handling fee may be imposed for utilizing the installment plan. The driver's license expires in two years unless the second installment is paid. 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.

Criminal Penalties

Apart from administrative licensing sanctions, criminal charges may be filed against an offender. 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	<ul style="list-style-type: none"> DWI violation without test refusal or any aggravating factors*
Third Degree DWI	Gross misdemeanor, punishable by up to one year of jail and a \$3,000 fine	<ul style="list-style-type: none"> DWI violation with test refusal or one aggravating factor
Second Degree DWI	Gross misdemeanor, punishable by up to one year of jail and a \$3,000 fine	<ul style="list-style-type: none"> DWI violation with test refusal and one aggravating factor; or DWI violation with two aggravating factors
First Degree DWI	Felony, punishable by up to seven years' imprisonment and a \$14,000 fine	<ul style="list-style-type: none"> fourth impaired driving incident within ten years; or following a previous felony DWI or criminal vehicular operation conviction

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

Mandatory Hold and Conditional Release Pretrial

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 bail⁹ is imposed, a person charged with any of the following nonfelony 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 AC of .16 or more, or a child under 16 is in the vehicle.

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

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

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

Chemical Dependency Assessment and Treatment

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

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

Sentencing

Mandatory Minimums

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

second DWI offense within ten years:

30 days 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

⁹ \$12,000 for gross misdemeanor DWI.

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

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

Alternatives to the Mandatory Minimum Period of Incarceration

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

Long-term Monitoring Required

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

Intermediate Sanctions and Probation

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

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

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

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

Penalty Assessment

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

Felony DWI

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

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

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

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

Unlike nonfelony DWI crimes, being arrested with a high AC (.16 or more) or under circumstances of child endangerment are not defined as aggravating factors for felony DWI; 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 or adjudication 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 presume a stayed sentence of 36 months, 42 months, and 48 months for a felony DWI conviction for a person with zero, one, or two criminal history points respectively, and they specify a presumptive commit-to-prison for a person with a criminal history score of three or more.

Records and Expungement

A person may apply to have a misdemeanor or gross misdemeanor DWI sentence expunged (i.e., sealed) under certain conditions.¹⁰ However, records of administrative license actions and DWI convictions must be retained permanently on the official driving record and are also used in future sentencing decisions.

Criminal Vehicular Operation: Homicide and Injury

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

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

A common element to each of these CVO crimes is that the person causes the specified harm to another person as a result of operating a motor vehicle¹¹ under any of the following conditions:

- in a grossly negligent manner
- in a negligent manner while in violation of any of the elements of regular DWI law
- where the driver who causes the accident leaves the scene in violation of Minnesota's hit-and-run law

¹⁰ See Minn. Stat. ch. 609A.

¹¹ The definition of a "motor vehicle" for CVO offenses is "a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air."

- 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 carries a presumptive commit to prison for 48 months, for an offender with no other criminal history points.

Special Laws

Youth Under Age 21

Impaired driving

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

Zero tolerance - underage drinking and driving

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

Open Bottle Law

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

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

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 nonfelony criminal penalty 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. However, the violation may be used to enhance future DWI offenses.

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

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

Aircraft

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

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

Glossary

AC - Alcohol concentration

BCA - Bureau of Criminal Apprehension

CVI - Criminal vehicular injury

CVH - Criminal vehicular homicide

CVO - Criminal vehicular operation

DPS - Department of Public Safety

DWI - Driving while impaired

REAM - Remote electronic alcohol monitoring

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