

Index

ACCIDENTS

Arrests, **5:8, 5:13**

ADMINISTRATIVE LAW

Drivers license forms, DWI courts, Hennepin County Adult DWI Court Informational Brochure, **App O**

License revocations, review of, **2:24**

ADMINISTRATIVE REVIEW

Safety Request for Administrative Review, MN DPS, **App M**

ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (ARIDE)

Driving while impaired, **7:18**

ADVICE OR ADVISORY BODIES OR OPINIONS

Breath Test Advisory, **2:4, App J**

Non-attorneys, limitations on legal advice, **6:7**

AFFIRMATIVE ACTS OR MATTERS

Conduct constituting refusal to drug and alcohol testing, **3:5**

AGGRAVATING FACTORS

Generally, **1:4**

Child in the vehicle and “stacking,” **1:13**

AIRPLANES

Flying while impaired, **9:3**

APPEAL AND ERROR

Arrests. See Arrests, this index

License revocations. See Licenses and Permits, this index

APPEARANCE

Audible clues, **7:4**

Flushed face, **7:6**

Observations of arresting officer, **7:2**

Visual clues, **7:3**

APPLICATIONS

Ignition interlock limited license application form, **App AA**

Special Registration Plates, **App II**

ARRESTS

Accident

criminal arrests after, **5:13**

single-vehicle, arrests due to, **5:8**

Appeal, standard of review, generally, **5:2**

ARRESTS—Cont'd

- Bail and recognizance, **13:1 to 13:11**
- Commercial motor vehicles, **5:9**
- Hot pursuit, **5:11**
- Investigatory detention, **5:12**
- Jurisdiction, beyond officer's, **5:10**
- Preliminary breath tests, **5:7, 5:14**
- Probable cause
 - generally, **5:1**
 - criminal vehicular operation, **10:4**
 - driving or physical control, **5:3**
 - field sobriety tests, **5:5, 5:6**
 - intoxication, **5:4**
- Search leading to arrest based on odor of marijuana alone, **5:15**
- Single-vehicle accident, **5:8**
- Standard of review, **5:2**

ASSESSMENTS

- Chemical use fee, **22:5**
- Fines and penalties, **22:6**

ATTORNEYS

- Consultation with counsel, **6:10**
- Court-appointed, right to counsel, **2:37**
- Personal consultation, **6:5**
- Preferred attorney, consultation with, **6:6**
- Private consultation, **6:4**
- Prosecution materials. See Prosecutors and Prosecution, this index
- Request to consult with counsel, **6:2**
- Right to counsel
 - court-appointed, **2:37**
 - drug and alcohol testing, *Friedman, Rosenbush*, **6:1**
 - physical impossibility, **6:3**
 - search warrant, evidentiary test obtained pursuant to, **6:16**
 - waiver of, **6:2**
- Search warrant, evidentiary test obtained pursuant to, **6:16**
- Subsequent contact with counsel, **6:11**
- Telephone, use of to contact counsel, **6:8**
- Time allowed for legal consultation prior to testing, **6:9**

AUTOMOBILE INSURANCE

- Vehicle forfeiture, **21:8**

AUTOMOBILES AND HIGHWAY TRAFFIC

- Driver's licenses. See License and Permits, this index
- DWI. Driving While Intoxicated, this index
- Investigatory stops. See Investigative Stops and Detentions, this index
- License plate impoundment. See License and Permits, this index
- Traffic stops. See Traffic Stops, this index

INDEX

BAIL AND RECOGNIZANCE

- Generally, **13:1**
- Arrest, **13:2**
- Booking, **13:3**
- Constitutional right to money bail, **13:10**
- Electronic alcohol monitoring, **13:8**
- Offense, level of, **13:7**
- Release
 - conditions of, **13:9**
 - eligibility, determination of, **13:4**
 - factors affecting, **13:6**
 - process, **13:5**
- Statute, **13:11**

BLOOD AND URINE TESTS

- Generally, **17:1**
- Accepted scientific principles, **17:5**
- Blood Specimen Collection Instructions, Minnesota Department of Public Safety, Department of Public Safety, **App D**
- Chain of custody, **17:4, 17:6**
- Challenging results, **17:2**
- Collection
 - Blood Specimen Collection Instructions, Minnesota Department of Public Safety, Department of Public Safety, **App D**
 - instructions, **App AAA**
 - urine tests, MN BCA Urine Specimen Collection Instructions, **App BBB**
- Confrontation, **17:6**
- Improperly withdrawn sample, **17:4**
- License plate impoundment where blood alcohol content higher than .16, **20:7**
- Medical Personnel Certificate, Department of Public Safety, **App E**
- Physical inability, **17:7**
- Physician-patient privilege, **17:3**
- Qualifications to draw samples, **17:4**
- Test refusal, **3:5, 17:7**
- Urine tests, MN BCA Urine Specimen Collection Instructions, **App BBB**
- Warrantless, refusal of, **3:5**

BOATS AND BOATING

- Driving while impaired, **9:1**

BODY SEARCH OR EXAMINATION

- Intoxilyzer, body temperature, **16:21**

BREATH TESTS

- DataMaster
 - BCA guide to obtaining reports, **App F**
 - Breath Testing Instrument Locations, **App H**
 - DMT Operator Manual Version 4.0, **App I**
 - FAQ Sheet, **App G**
- Intoxilyzer. See Intoxilyzer, this index

BREATH TESTS—Cont'd

- Preliminary breath test (PBT), **5:14, 8:1**
- Refusal
 - proof of operating officer's qualifications, **3:9**
- Refusals to submit to drug and alcohol testing, **3:8**
- Sample breath test advisory, **App J**

CANCELLATION

- Checklist for canceled drivers, MN DPS, **App X**
- License plate impoundment, driving after, **20:6**

CAPACITY OR INCAPACITY

- Drug and alcohol testing, refusals to submit to testing, **3:3**
- Incapacitated driver, implied consent law, **2:6**
- Unconscious driver, implied consent law, **2:6**

CERTIFICATES AND CERTIFICATION

- Intoxilyzer, test machine certification, **16:3**
- Medical Personnel Certificate, blood and urine testing, **App E**
- Safety Request for Administrative Review, MN DPS, **App M**

CHAIN OF CUSTODY

- Blood and urine tests, **17:4**

CHALLENGES

- Blood and urine test results, **17:2**
- License plate impoundment, **20:13**

CHILDREN AND MINORS

- Alcohol consumption and DWI, **12:1 to 12:4**
- Child in the vehicle and "stacking," aggravating factor, **1:13**
- DWI, child endangerment, **20:7**

CITATION

- Driving under the influence, **1:15**

CLINICS

- MN DPS list of DWI clinics, 2023, **App K**

COLLECTION

- Blood and Urine Tests, this index

COMMERCIAL DRIVERS

- Generally, **11:1**
- Arrests, **5:9**
- Commercial motor vehicle defined, **11:2**
- Driver's license classification system, **11:3**
- DWI violations in private passenger vehicle, effect of, **11:6**
- Impaired driving
 - generally, **11:4**
 - Minnesota and Federal, **App C**
- Implied consent law, disqualification, **2:21**
- License plate impoundment, **20:5**

INDEX

COMMERCIAL DRIVERS—Cont'd

Out of service order, **11:5**

COMMERCIAL MOTOR VEHICLES

Commercial Drivers, this index

COMPLAINTS

Driving under the influence, **1:17**

COMPROMISE AND SETTLEMENT

Vehicle forfeiture, **21:12**

CONDUCT

Evasive conduct, traffic stop based on, **4:8**

CONSENT OR APPROVAL

Datamaster use, **16:12**

Implied Consent Law, this index

Intoxilyzer use, **16:12**

CONSTITUTIONAL LAW

Attorneys, this index

Collateral estoppel, **6:15**

Court-appointed counsel, right to, **2:37**

Double jeopardy, **6:14**

Due process and implied consent warning advisory, prejudice, **3:19**

Miranda warnings, **6:12**

Scales recording issues, **6:13**

Legal advice, limitations on, **6:7**

License revocation, **2:35**

Prejudice, testing refusal, due process and implied consent warning advisory, **3:19**

Refusal to submit to testing, **3:2**

Right to

additional drug and alcohol testing, **18:1**

money bail, **13:10**

Subsequent contact with counsel, **6:11**

Telephone, use of to contact counsel, **6:8**

Testing refusal, due process and implied consent warning advisory, prejudice, **3:19**

Time allowed for legal consultation prior to testing, **6:9**

CONTAMINATION

Intoxilyzer

defense to, **16:11**

foreign substances in, **16:14**

CONTROLLED SUBSTANCES

See Drugs and Alcohol, this index

COST OR EXPENSE

DWI, fines and penalties, **22:1 to 22:8**

COURTS

- Attorneys, right to court-appointed counsel, **2:37**
- Discovery, inherent authority over, **14:10**
- Drivers license forms, DWI courts, Hennepin County Adult DWI Court Informational Brochure, **App O**
- DWI Courts. See DWI Court, this index
- Probation, repeat offender court, **24:6**
- Regulation of discovery, DWI, **14:9**
- Sua sponte court order regarding discovery in DWI, **14:6**
- Trial court orders rescinding or sustaining license revocation, **2:33**

CRASH RISK

- Drugs and Alcohol, this index

CRIMINAL LAW

- Bail and Recognizance, this index
- Test refusal for DWI defendant, jury instructions, **3:20**
- Traffic
 - stops
 - criminal activity has previously occurred in the area, **4:11**
 - recently reported crime in the area, **4:10**
 - scene of crime, vehicle observed at, **4:9**
 - violations, **4:4**
- Vehicular operation. See Criminal Vehicular Operation, this index

CRIMINAL PENALTIES

- Fines and Penalties, this index

CRIMINAL VEHICULAR OPERATION

- Gross negligence, **10:2**
- Implied consent advisory warning, right to, **10:4**
- License consequences, **10:5**
- Penalties, **10:3**
- Probable cause to arrest, **10:4**
- Statutory provisions, **10:1**

DATAMASTER DMT-G

- Generally, **16:7 to 16:9, App I**
- Admissibility and reliability of results, **16:2**
- Approval, **16:12**
- Breath Testing Instrument Locations, **App H**
- DataMaster, **App G**
- Drug and alcohol testing, **3:10, 16:7, 16:8**
- Error messages, **16:9**
- Guide to obtaining reports, **App F**
- Operator Manual Version 4.0, **App I**
- Running test with, **16:8**

DEFENSES

- Drug and alcohol testing, physical inability defense to refusal, **3:4**
- Intoxilyzer contamination, **16:11**

INDEX

DEFENSES—Cont'd

Necessity, DWI, **1:12**

DENIALS

Drug and alcohol testing, denial of driving, **3:16**

DEPARTMENT OF CORRECTION

Felony DWI Report 2022, **App MM**

DEPARTMENT OF PUBLIC SAFETY

Annual report, 2021, **App NN**

Blood Specimen Collection Instructions, **App D**

Checklist for canceled drivers, MN DPS, **App X**

Complaint form, **App EE**

DWI Courts, Hennepin County Adult DWI Court

Informational Brochure, **App O**

Program Participant Handbook, **App P**

Ignition Interlock Device, this index

Impaired Driving

drug impaired driving, **App VV**

Facts, **App RR**

Last Use Statement, **App L**

List of DWI Clinics, 2023, **App K**

Medical Personnel Certificate, blood tests, **App E**

Safety Request for Administrative Review, MN DPS, **App M**

Sample Notice and Order of License Revocation Form, **App N**

Statistical Information, this index

DISCOVERY

DWI. See Driving While Impaired, this index

License revocations, **2:30**

Prior DWI offenses, admission of, **15:1**

DOUBLE JEOPARDY

Drug and alcohol testing, **6:13**

DRIVER IMPROVEMENT CLINICS

MN DPS list of DWI clinics, 2023, **App K**

DRIVING UNDER THE INFLUENCE

Driving While Impaired, this index

DRIVING WHILE IMPAIRED

Generally, **1:1 to 1:20**

Advanced roadside impaired driving enforcement (ARIDE) program, **7:18**

Aggravating factors, **1:4**

Airplanes, **9:3**

Charging practices, **1:19**

Citation, **1:15**

Commercial drivers

generally, **11:4**

Minnesota and Federal, **App C**

DRIVING WHILE IMPAIRED—Cont'd

Complaint, **1:17**

Consecutive sentences

 mandatory, **19:6**

 permissive, **19:7, 19:8**

Continuation of charges, **1:18**

Courts. DWI Courts, this index

Criminal penalties, **19:1 to 19:12**

Degrees of impaired driving

 generally, **1:3**

 first-degree, **1:9, 19:4**

 fourth-degree, **1:6, 19:1**

 second-degree, **1:8, 19:3**

 third-degree, **1:7, 19:2**

Discovery

 disclosures required by statute or rules, **14:5**

 evidence notices, **14:4**

 exculpatory evidence, disclosure of, **14:7**

 felony, **14:2**

 gross misdemeanor, **14:2**

 inherent authority of the court, **14:10**

 motion, **14:6**

 parties, by agreement of, **14:8**

 petty misdemeanor, **14:3**

 prior offenses, admission of, **15:1**

 regulation of, **14:9**

 sample forms, **14:11**

 scope and purpose of rules, **14:1**

 sua sponte court order, **14:6**

Driver's license revocations. See Licenses and Permits, this index

Drug evaluation and classification (DEC) program, **7:17**

DWI

 license plates, traffic stop based on, **4:6**

 violation charging, **1:14**

DWI Courts, this index

Enhanced penalty, notice of, **19:12**

Facts, **App RR**

Felony DWI, sentencing guidelines, **19:5**

Field sobriety tests, **5:5, 5:6, 7:1 to 7:18**

Horizontal gaze nystagmus, **7:10 to 7:12**

Identity of driver, **1:11**

Ignition interlock device, **23:1**

Implied consent to evidentiary chemical testing. See Implied Consent Law, this index

Intoxication, **5:4**

License plate impoundment. See Licenses and Permits, this index.

Long-term monitoring, **19:10**

Military vehicles, **9:4**

INDEX

DRIVING WHILE IMPAIRED—Cont'd

- Motorboats, **9:1**
- Motor vehicle, defined, **1:10**
- Multiple convictions, **1:20**
- Necessity defense, **1:12**
- One-leg stand test, **7:14**
- Penalty, notice of enhancement, **19:12**
- Prior offenses, admission of, **15:1**
- Probation
 - generally, **24:1 to 24:7**
 - felony supervision, **24:4**
 - Hennepin County, **24:4 to 24:6**
 - one-day program, **24:5**
 - procedure, **24:3**
 - repeat offender court, **24:6**
- Qualified prior impaired driving incident, **1:5**
- Recreational vehicles, **9:1**
- School buses, **9:2**
- Staggered sentencing, **19:11**
- Stay of execution of sentence, **19:9**
- Stops. Stops, this index
- Tab charge, **1:16**
- Test refusal, **1:2**
- Underage offenders
 - generally, **12:1 to 12:4**
 - drinking age law, **12:2**
 - zero tolerance, **12:3**
- Vehicle forfeiture, **21:1 to 21:14**
- Venue of offense, **1:11**
- Walk-and-turn test, **7:13**

DRUG AND ALCOHOL TESTING

- Additional testing, right to, **18:1**
- Admissibility and reliability of results, **16:2**
- Advanced Roadside Impaired Driving Enforcement (ARIDE) program, **7:18**
- Blood and urine tests
 - generally, **17:1 to 17:7**
 - required subsequent to breath test, **2:10**
 - warrantless, refusal of, **3:5**
- Body temperature, effect on breath test results, **16:21**
- Breath samples
 - body temperature, effect on, **16:21**
 - low correlation between, **16:15**
 - minimum adequate breath sample, **16:18**
- Chemical tests that may be required, **2:14**
- Constitutional issues in criminal refusal cases, **3:2**
- Datamaster DMT-G, this index
- Deficient test, **16:16**

DRUG AND ALCOHOL TESTING—Cont'd

- Drug Evaluation and Classification (DEC) program, **7:17**
- Due process, implied consent warning advisory, prejudice, **3:19**
- Equipment
 - admissibility and reliability of results, **16:2**
 - Datamaster DMT-G, this index
 - Guth simulator, **16:5, 16:10**
 - Intoxilyzer, this index
- Foreign substances, **16:14**
- Guth simulator, **16:5, 16:10**
- Implied consent, second independent tests, **2:17**
- Intoxilyzer, this index
- Low correlation between breath samples, **16:15**
- Machine malfunction, **16:17, 16:20**
- Margin of error, **16:19**
- Minimum adequate breath sample, **16:18**
- Mouth alcohol and other contamination defenses, **16:11**
- Observation period, **16:13**
- Prejudice, due process, implied consent warning advisory, **3:19**
- Privacy during urine test, **2:18**
- Refusals to submit to testing
 - generally, **3:1 to 3:20**
 - absence of increased penalties warning in advisory, prejudice, **3:19**
 - affirmative conduct constituting refusal, **3:5**
 - breath test, **3:3**
 - capacity to refuse, **3:3**
 - change of mind, **3:7**
 - constitutional issues, **3:2**
 - criminal test refusal, **1:2, 3:20**
 - denial of driving, **3:16**
 - driving while impaired, **1:2**
 - Intoxilyzer/Datamaster, four minute window, **3:10**
 - jury instructions, criminal test refusal, **3:20**
 - law enforcement, mistrust of, **3:18**
 - physical inability defense, **3:4**
 - post-driving consumption, **3:17**
 - reasonable refusals
 - generally, **3:11**
 - advice of counsel, **3:14**
 - burden or proof, **3:12**
 - confusion, **3:13**
 - unreasonable, driver not “immediately” taken before judge, **3:15**
 - silence or non-cooperation deemed test refusal, **3:6**
 - testing equipment, mistrust of, **3:18**
 - warrantless blood/urine test refusals, **3:5**
 - withdrawal of refusal, **3:7**
- Right to additional testing, **18:1**

INDEX

DRUG AND ALCOHOL TESTING—Cont'd

Urine or blood test required subsequent to breath test, **2:10**

DRUG EVALUATION AND CLASSIFICATION (DEC) PROGRAM

Driving while impaired, **7:17**

DRUGS AND ALCOHOL

Crash risk. Risk of crash, below

Motor vehicle crashes, NHTSA summary of, 2021, **App PP**

NHTSA

Marijuana-Impaired Driving Report to Congress, **App AAA**

Traffic Safety Facts, Drug and Alcohol Crash Risk, **App SS**

Risk of crash

digest of impaired driving and selected beverage control laws (edited)

NHTSA 2016, **App XX**

Fatal Motor Vehicle Crashes Traffic Safety Facts, 2021, **App WW**

NHTSA

Drug and Alcohol Crash Risk Study, **App QQ**

Traffic Safety Facts on Drug and Alcohol Crash Risk, **App SS**

Substance testing. See Drug and Alcohol Testing, this index

Testing. Drug and Alcohol Testing, this index

DUE PROCESS

Prejudice, test refusals, contents of implied consent warning advisory, **3:19**

Test refusals, contents of implied consent warning advisory, prejudice, **3:19**

DUI

Driving While Impaired, this index

DWI

Driving While Impaired, this index

DWI COURTS

Drivers license forms, DWI courts, Hennepin County Adult DWI Court Informational Brochure, **App O**

Hennepin County

Adult DWI Court

Informational Brochure, **App O**

Program Participant Handbook, **App P**

One-Day DWI Program

generally, **24:5**

Brochure, **App Q**

Ramsey County

DWI Participant Handbook, **App T**

informational brochure, **App S**

DWI GENERAL INFORMATION

DPS Publication DWI Consequences Impaired Driving Penalties and Sanctions, **App U**

ELECTRONICS

Electronic alcohol monitoring during bail, **13:8**

ELECTRONICS—Cont'd

Ignition interlock device, **23:1**

ESTIMATES

NHTSA Traffic Safety Fact Sheet, State Alcohol-Impaired-Driving Estimates, 2021, **App OO**

EVIDENCE

Exculpatory evidence, disclosure of, **14:7**

Intoxilyzer. See Intoxilyzer, this index

Motor vehicle operation, proof of intoxicated person driving, operating or otherwise controlling, **2:15**

Notices on, discovery of, **14:4**

Search warrant, evidentiary test obtained pursuant to, **6:16**

FACT SHEETS

Ignition interlock, **App Z**

NHTSA

Alcohol-Impaired Driving Fact Sheet, 2023, **App RR**

Traffic Safety Fact Sheet, State Alcohol-Impaired-Driving Estimates, 2021, **App OO**

FEES

Ignition interlock reduced fee form, **App DD**

FELONIES

Driving while impaired, discovery of evidence, **14:2**

DWI, sentencing guidelines, **19:5**

Felony DWI Report 2022, **App MM**

Supervised probation, DWI, **24:4**

FIELD SOBRIETY TESTS

Accuracy of, **7:15**

Audible clues, **7:4**

Description of tests, **7:7**

Flushed face, **7:6**

Horizontal gaze nystagmus

generally, **7:10**

proper procedures, **7:12**

standardized elements, **7:11**

Impact of the .08 law, **7:16**

Nature of tests, **7:1**

Observations of arresting officer, **7:2**

One-leg stand test, **7:14**

Probable cause, **5:4 to 5:6**

Questioning techniques, **7:5**

Standardized field sobriety tests, **7:8**

Validated tests, **7:9**

Visual clues, **7:3**

Walk-and-turn test, **7:13**

INDEX

FINES AND PENALTIES

- Generally, **22:1 to 22:8**
- Assessments, **22:6**
- Chemical use assessment fee, **22:5**
- Criminal vehicular operation, **10:3**
- Driving while impaired, **19:1 to 19:12**
- Drug and alcohol testing, absence of increased penalties warning for refusal in advisory, prejudice, **3:19**
- DWI Consequences Impaired Driving Penalties and Sanctions, DPS Publication, **App U**
- Ignition interlock device, **23:1**
- Indian reservations, vehicle forfeiture on, **21:14**
- License
 - plate impoundment, **20:1 to 20:15**
 - reinstatement fee, **22:7**
- Plate impoundment fees, **22:3**
- Towing and storage fees, **22:2**
- Vehicle forfeiture
 - generally, **21:1 to 21:14**
 - costs, **22:4**
 - DWI, use during, **21:3**
 - ignition interlock, return of a vehicle, **21:13**
 - Indian reservations, **21:14**
 - insurance proceeds, **21:8**
 - prerequisites for designated
 - license revocation, **21:5**
 - offense, **21:4**
 - qualifying vehicles, **21:2**
 - restrictions on sale of forfeited vehicle, **21:9**
 - sample petition, **21:15**
 - security interests and leases, **21:7, 21:11**
 - selective forfeiture, **21:9**
 - settlement of forfeiture action, **21:12**
 - timelines for vehicle claimant, **21:10**
 - vehicle ownership, **21:6**

FORFEITURE OF VEHICLE

- Fines and Penalties, this index

FORMS

- Drivers license forms. See Licenses and Permits, this index
- Driving while impaired sample discovery forms, **14:11**
- Forfeiture petitions, sample forms, **21:15**

FOURTH AMENDMENT

- Traffic stops, **4:1**

FRIEDMAN

- Drug and alcohol testing, pretest right to counsel, **6:1**

GROSS MISDEMEANOR

Discovery, DWI, **14:2**

GROSS NEGLIGENCE

Criminal vehicular operation, **10:2**

GUTH SIMULATOR

Intoxilyzer, **16:5, 16:10**

Solution change every 31 days, **16:6**

HAZARDOUS PROPERTY OR SUBSTANCES

Urine or blood test required subsequent to breath test, implied consent, **2:10**

HEARING IMPAIRED DRIVER

Implied consent law, intoxicated driver, **2:9**

HENNEPIN COUNTY

DWI Courts, this index

Felony DWI supervision, **24:4**

One-day DWI program

generally, **24:5**

One-day DWI Program

Brochure, **App Q**

HORIZONTAL GAZE NYSTAGMUS

Field Sobriety Tests, this index

HOT PURSUIT

Arrests, **5:11**

IGNITION INTERLOCK DEVICE

Generally, **23:1**

Canceled drivers checklist, MN DPS, **App X**

Certified Manufacturers List, MN DPS, **App V**

Change of record form, MN DPS, **App W**

Checklists

Canceled drivers, MN DPS, **App X**

Revoked drivers, **App Y**

Complaint form, **App EE**

Employment exemption form, **App HH**

Fee form, **App CC**

Limited license application form, **App AA**

MN Department of Public Safety guidelines, **App AA**

Participation agreement, **App Z**

Program guidelines, **App CC**

Reduced fee form, **App DD**

Request for reinstatement, **App BB**

Revoked drivers, checklist, **App Y**

Special Review Awareness form, Minnesota Department of Public Safety, **App**

GG

Vehicle forfeiture, return of a vehicle, **21:13**

Voluntary ignition interlock device program withdrawal form, **App FF**

INDEX

IGNITION INTERLOCK DEVICE—Cont'd

Waiver of rights form, **App DD**

Waiver of rights form, **App DD**

IMPAIRED DRIVING

Driving While Impaired, this index

IMPLIED CONSENT LAW

Generally, **2:1 to 2:38**

Additional tests, **2:10**

Advisory

blood draw where driver unconscious or incapacitated, **2:7**

due process, contents of advisory, prejudice, **3:19**

hearing impaired driver, **2:9**

incapacitated driver, blood draw, **2:7**

Minnesota

Breath Test Advisory, **2:4**

jurisdiction, **2:11**

non-English speaking driver, **2:9**

requirements, **2:12, 2:13**

search warrant-required testing advisory, **2:6**

unconscious driver, blood draw, **2:7**

use outside of Minnesota, **2:11**

Applicability of implied consent law, **2:2**

Blood or urine test required subsequent to breath test, implied consent, **2:10**

Breath test advisory form, **2:5**

Bypassing procedures, criminal vehicular operation and accident cases, **2:8**

Commercial license disqualification, **2:21**

Defined, **2:1**

Department of Public Safety Last Use Statement, **App L**

Drug and alcohol testing. Drug and Alcohol Testing, this index

Hearing impaired driver, advisory, **2:9**

Incapacitated driver, blood draw, **2:7**

License revocation. Licenses and Permits, this index

Minnesota's Breath Test Advisory, **2:4**

Motor vehicle operation, proof of intoxicated person driving, operating or otherwise controlling, **2:15**

Non-English speaking driver, advisory of, **2:9**

Physician-patient privilege does not extend to paramedics, **2:19**

Preliminary breath test (PBT), **2:3**

Safety Request for Administrative Review, MN DPS, **App M**

Sample implied consent petition, **2:38**

Search warrant-required testing advisory, **2:6**

Temporal connection between intoxication and driving, **2:16**

Unconscious driver, blood draw, **2:7**

Urine or blood test required subsequent to breath test, implied consent, **2:10**

Venue of revocation hearing, **2:28**

IMPOSSIBILITY

Right to counsel, physical impossibility, **6:3**

INDIAN RESERVATIONS

Vehicle forfeiture, **21:14**

INFORMANTS

Anonymous, **4:16**

Identifiable, **4:15**

Tips, traffic stops based on, **4:14**

INSTRUCTIONS

Jury instructions, criminal test refusal, **3:20**

INSURANCE LAW AND PRACTICE

Automobile insurance proceeds, forfeiture, **21:8**

INTOXILYZER

Admissibility and reliability of results, **16:2**

Approval, **16:12**

Body temperature, **16:21**

Contamination defenses, **16:11**

Deficient test, **16:16**

Drug and alcohol testing, **3:10**

Evidentiary breath testing, **16:1**

Foreign substances, **16:14**

Guide to obtaining reports, **App F**

Intoxilyzer 5000, **16:4**

Low correlation between samples, **16:15**

Machine malfunction, **16:17**

Malfunction, **16:20**

Margin of error, **16:19**

Minimum adequate breath sample, **16:18**

Minnesota BCA Guide to Obtaining Intoxilyzer Results, **App F**

Observation period, **16:13**

Program withdrawal form, **App FF**

Test machine certification, **16:3**

INVESTIGATIVE STOPS AND DETENTIONS

Arrests, **5:12**

Criminal DWI test refusal, jury instructions, **3:20**

DWI, questioning techniques, **7:5**

Stationary vehicles, **4:2**

Traffic stops, **4:3, 4:13**

JURISDICTION

Arrests beyond officer's, **5:10**

LAST USE STATEMENT

Drivers license form, **App L**

INDEX

LAW ENFORCEMENT OFFICERS

Arrests beyond officer's jurisdiction, **5:10**

Observations of arresting officer, **7:2**

LEASES

Vehicle forfeiture, **21:7, 21:11**

LICENSE PLATES

Application for Special Registration Plates, **App II**

Impoundment. See Licenses and Permits, this index

LICENSES AND PERMITS

Appeal of revocation. See Revocations, below

Consequences, criminal vehicular operation, **10:5**

Department of Public Safety Last Use Statement, **App L**

Drivers license

classification system, **11:3**

forms

Department of Public Safety Last Use Statement, **App L**

DWI Courts, Hennepin County Adult DWI Court, **App O**

Program Participant Handbook, **App P**

Last Use Statement, **App L**

Public Safety Last Use Statement, **App L**

Safety Request for Administrative Review, MN DPS, **App M**

Sample Notice and Order of License Revocation Form, **App N**

DWI Courts, Hennepin County Adult DWI Court

Informational Brochure, **App O**

Program Participant Handbook, **App P**

DWI license plates, traffic stop based on, **4:6**

Hearings. Revocations, below

Hennepin County

Adult DWI Court, **App O**

Program Participant Handbook, **App P**

Ignition interlock limited license application form, **App AA**

Invalid driver's license, traffic stop based on information of, **4:5**

Judicial review. Revocations, below

License plate impoundment

generally, **20:1**

blood alcohol content higher than .16, **20:7**

challenging, **20:13**

child endangerment, **20:7**

commercial driver, **20:5**

driving after cancellation, **20:6**

fees, **22:3**

"flagged" record, **20:15**

implied consent driver's license revocation, **20:3**

plate impoundment, vehicle use and transfer restrictions after, **20:12**

prior impaired driving incident, **20:8**

process, **20:2**

LICENSES AND PERMITS—Cont'd

License plate impoundment—Cont'd

reissuance of regular plates, **20:11**

return of regular plates, **20:14**

revocation following conviction, based on, **20:4**

vehicles subject to plate impoundment, **20:9, 20:10**

Public Safety Last Use Statement, **App L**

Reinstatement fee for license, **22:7**

Revocations

administrative review, **2:24**

challenging license revocation, **2:23**

commercial license disqualification, **2:21**

constitutionality, **2:35**

duration, **2:36**

hearings

judicial review, scope of review of license revocation hearing, **2:32**

Minnesota Rules of Civil Procedure, **2:30**

implied consent, **20:3**

judicial review

appellate review, **2:34**

contents of petition for, **2:29**

discovery, **2:30**

filing and service of petition, **2:26**

petition for, **2:25, 2:29**

scheduling, **2:31**

scope of review of license revocation hearing, **2:32**

timeliness of petition, **2:27**

notice of, **2:22**

order rescinding or sustaining license revocation, **2:33**

reinstatement fee, **22:7**

trial court orders rescinding or sustaining license revocation, **2:33**

vehicle forfeiture, **21:5**

where test results are .08 or higher, **2:20**

MALFUNCTION

Intoxilyzer, **16:17, 16:20**

MANUFACTURERS

Certified Manufacturers List, MN DPS, **App V**

MEDICAL PERSONNEL CERTIFICATE

Blood testing, Department of Public Safety certificate, **App E**

MILITARY AND CIVIL DEFENSE

Vehicles, driving while impaired, **9:4**

MINNESOTA'S IMPLIED CONSENT ADVISORY (MICA)

Generally. See Implied Consent Law, this index

MIRANDA WARNINGS

Drug and alcohol testing, constitutional law, **6:12**

INDEX

MISTAKE OR ERROR

Traffic stops, **4:18, 4:19**

MOTIONS

Discovery, DWI, **14:6**

MOTORBOATS

Driving while impaired, **9:1**

NATIVE AMERICAN LANDS

Vehicle forfeiture, **21:14**

NECESSITY

Defense, driving under the influence, **1:12**

NEGLIGENCE

Criminal vehicular operation, **10:2**

NHTSA

Alcohol-Impaired Driving Fact Sheet, 2023, **App RR**

Challenges and Defenses II, **App KK**

Drug and Alcohol Crash Risk Study

generally, **App QQ**

Fatal Motor Vehicle Crashes Traffic Safety Facts, 2021, **App WW**

Marijuana-Impaired Driving Report to Congress, **App AAA**

Motor vehicle crashes, summary of, 2021, **App PP**

Prosecutors and Prosecution, this index

Statistical Information, this index

Traffic Safety

countermeasures, alcohol impaired driving, **App UU**

estimates, traffic Fatalities and fatality rate, 2022, **App TT**

Facts, Drug and Alcohol Crash Risk, **App SS**

Fact Sheet, State Alcohol-Impaired-Driving Estimates, 2021, **App OO**

NON-ENGLISH SPEAKER

Implied consent law, intoxicated driver, **2:9**

NOTICE OR KNOWLEDGE

Drivers license forms

Sample Notice and Order of License Revocation Form, **App N**

Enhanced penalty for DWI, notice of, **19:12**

License revocations, **2:22**

OBSERVATION PERIOD

Intoxilyzer, **16:13**

ONE-DAY PROGRAM

Probation for DWI, **24:5**

ONE-LEG STAND TEST

Field sobriety tests, **7:14**

ORDERS

Commercial drivers, out of service order, **11:5**

ORDERS—Cont'd

Drivers license forms

Sample Notice and Order of License Revocation Form, **App N**

License revocations, rescinding or sustaining revocation, **2:33**

Sua sponte court order regarding discovery in DWI, **14:6**

OUT OF SERVICE ORDER

Commercial drivers, **11:5**

OWNERSHIP

Vehicle forfeiture, **21:6**

PARTIES

Discovery, by agreement of parties in DWI, **14:8**

PEACE OFFICERS

See Law Enforcement Officers, this index

PENALTIES

Fines and Penalties, this index

PETITION

Implied consent, sample implied consent petition, **2:38**

License revocations, judicial review, **2:25, 2:27, 2:29**

PETTY OFFENSES

DWI misdemeanor, discovery, **14:3**

POLICE

See also Law Enforcement Officers, this index

Drug and alcohol testing, mistrust of causing refusal, **3:18**

PREJUDICE

Due process and implied consent warning advisory, drug and alcohol testing,
3:19

PRELIMINARY BREATH TEST (PBT)

Generally, **8:1**

Arrests, **5:7, 5:14**

Implied consent law, **2:3**

PRETRIAL RELEASE

Bail and Recognizance, this index

PRIOR ACTS AND MATTERS

DWI, admission of prior offenses, **15:1**

Impaired driving incident, license plate impoundment, **20:8**

PRIVILEGED AND CONFIDENTIAL INFORMATION

Physician-patient, blood and urine tests, **17:3**

PROBABLE CAUSE

Driving or physical control, **5:3**

DWI arrests, **5:1**

Field sobriety tests, **5:5, 5:6**

INDEX

PROBABLE CAUSE—Cont'd

Intoxication, **5:4**

PROBATION

Driving while impaired, **24:1 to 24:6**

PROCEDURE

Probation, DWI, **24:3**

PROCESS AND SERVICE OF PROCESS AND PAPERS

License revocations, filing and service of petition for judicial review, **2:26**

PROSECUTORS AND PROSECUTION

NHTSA

Challenges and Defenses II, **App KK**

DWI Prosecutor Handbook, **App JJ**

Visual Detection of DWI Motorists, **App LL**

PUBLIC SAFETY

Department of Public Safety Last Use Statement
form, **App L**

QUALIFICATION OR DISQUALIFICATION

Blood and urine tests, qualifications to draw samples, **17:4**

Prior impaired driving incident, **1:5**

QUESTIONNAIRES

Client questionnaire, **App B**

RAMSEY COUNTY

DWI Courts, this index

REASONABLENESS

Refusal to submit to drug and alcohol testing

generally, **3:11**

advice of counsel, **3:14**

burden or proof, **3:12**

confusion, **3:13**

unreasonable, driver not “immediately” taken before judge, **3:15**

RECORDS AND RECORDING

“Flagged” record, license plate impoundment, **20:15**

Scales recording issues, **6:13**

License plate impoundment, “flagged” record, **20:15**

RECREATIONAL VEHICLES

Driving while impaired, **9:1**

REFUSAL

Breath tests

proof of operating officer’s qualifications, **3:9**

REFUSALS OR DENIAL

Drug and Alcohol Testing, this index

REGISTRATION

Application for Special Registration Plates, **App II**

REINSTATEMENT

License reinstatement fee, **22:7**

Request for
ignition interlock device, **App BB**

RELEASE OR DISCHARGE

Conditions of bail, **13:9**

Eligibility for bail, determination of, **13:9**

Factors affecting bail, **13:9**

Process for bail, **13:9**

REPEAT OFFENDERS

DWI, probation, **24:6**

REPORTS

Felony DWI Report 2022, **App MM**

Intoxilyzer BCA Guide to Obtaining Reports, **App F**

RETURN

License plate impoundment, return of regular plates, **20:14**

REVOCAION OR SUSPENSION

Conviction, based on, **20:4**

Drivers license

See Licenses and Permits, this index

forms, Sample Notice and Order of License Revocation Form, **App N**

Ignition interlock, checklist for revoked drivers, **App Y**

Venue of revocation hearing, **2:28**

RISK OF CRASH

Crash Risk, this index

ROSENBUSH

Drug and alcohol testing, pretest right to counsel, **6:1**

RULES AND REGULATIONS

Discovery, regulation of in DWI, **14:9**

DWI, discovery rules, scope and purpose, **14:1**

SANCTIONS

DPS Publication DWI Consequences Impaired Driving Penalties and Sanctions,
App U

SCALES

Recording issues, **6:13**

SCHEDULING

Revocation hearings, **2:31**

SCHOOLS

Buses, driving while impaired, **9:2**

INDEX

SEARCHES AND SEIZURES

Warrant, entry into private residence without, **4:17**

SECURITY INTERESTS

Vehicle forfeiture, **21:7, 21:11**

SENTENCE AND PUNISHMENT

Consecutive sentences, DWI, **19:6 to 19:8**

Criminal penalties, DWI, **19:1 to 19:12**

DWI, degrees of, **19:1 to 19:4**

Enhanced penalty for DWI, notice of, **19:12**

Ignition interlock device, **23:1**

Long-term monitoring, **19:10**

Mandatory consecutive sentences, DWI, **19:6**

Permissive consecutive sentences, DWI, **19:7**

Staggered sentencing, **19:11**

Stay of execution of sentence for DWI, **19:9**

SERVICE OF PROCESS

License revocations, filing and service of petition for judicial review, **2:26**

SILENCE RIGHT

Drug and alcohol testing, refusal to submit to, **3:6**

SIMULATOR

Guth simulator, **16:5, 16:10**

STATISTICAL INFORMATION

Department of Public Safety. MN DPS, below

Felony DWI Report 2022, **App MM**

Impaired Driving

Facts, **App RR**

NHTSA

Alcohol-Impaired Driving Fact Sheet, 2023, **App RR**

Drug and Alcohol Crash Risk Study

generally, **App QQ**

Fatal Motor Vehicle Crashes Traffic Safety Facts, 2021, **App WW**

Impaired Driving Digest, **App YY**

motor vehicle crashes, summary of, 2021, **App PP**

state laws, digest of, **App ZZ**

Traffic Safety

Facts, Drug and Alcohol Crash Risk, **App SS**

Fact Sheet, State Alcohol-Impaired-Driving Estimates, 2021, **App OO**

STATUTES

Criminal vehicular operation, **10:1**

Discovery, disclosures required by statute or rules, **14:5**

Drinking age law, **12:2**

Implied consent law. See Implied Consent Law, this index

Selected Minnesota laws regarding DWI, **App A**

STORAGE

Fees for vehicle storage, **22:2**

TAB CHARGE

Driving under the influence, **1:16**

TELECOMMUNICATION

Telephone, use of to contact counsel, **6:8**

TIME OR DATE

Drug and alcohol testing, refusals to submit to testing, **3:17**

DWI, connection between intoxication and driving, **2:16**

Intoxilyzer simulator solution change every 31 days, **16:6**

Legal consultation prior to drug or alcohol testing, time allowed, **6:9**

Vehicle forfeiture, timelines for vehicle claimant, **21:10**

TOWING

Fees, fines and penalties, **22:2**

TRAFFIC STOPS

Generally, **4:1 to 4:19**

Anonymous informants, **4:16**

Crime, stop of vehicle

criminal activity has previously occurred in the area, **4:11**

recently reported crime in the area, **4:10**

scene of crime, vehicle observed at, **4:9**

DWI license plates, stop based on, **4:6**

Evasive conduct, stop based on, **4:8**

Fourth Amendment standard, **4:1**

Identifiable informants, **4:15**

Informants, **4:15, 4:16**

Initial contact, **4:2**

Invalid driver's license, stop based on information of, **4:5**

Investigatory vehicle stops. Investigative Stops and Detentions, this index

Length and intrusiveness of, **4:13**

Mistake of

fact, **4:19**

law, **4:18**

Moving vehicle stops, **4:3**

Stationary vehicles, **4:2**

Suspicious activity

DWI, suspicion of, **4:7**

stop based on, **4:12**

Tips, stops based on, **4:14**

Traffic violations, **4:4**

Warrant, entry into private residence without, **4:17**

TRIBAL LANDS

Vehicle forfeiture, **21:14**

INDEX

URINE AND BLOOD TESTS

Blood and Urine Tests, this index

USE OF VEHICLE

DWI, **21:3**

License plate impoundment, vehicle use and transfer restrictions after, **20:12**

Vehicle forfeiture, **21:3**

VEHICLE FORFEITURE

Fines and Penalties, this index

VENUE

Driving under the influence, **1:11**

Driving while intoxicated, **2:28**

VOLUNTARY ACTS OR MATTERS

Ignition Interlock, voluntary ignition interlock device program withdrawal form,
App FF

WAIVER

Counsel, right to consult with, **6:2**

WALK-AND-TURN TEST

Field sobriety tests, **7:13**

WARRANTS

Blood and urine tests, refusal of, warrantless, **3:5**

Implied consent law, search warrant-required testing advisory, **2:6**

Incapacitated driver, blood draw, **2:7**

Search warrant, evidentiary test obtained pursuant to, **6:16**

Traffic stops, entry into private residence without warrant, **4:17**

Unconscious driver, blood draw, **2:7**

WITHDRAWAL

Drug and alcohol testing, withdrawal of refusal, **3:7**

ZERO TOLERANCE

Commercial drivers, out of service order, **11:5**

Underage offenders, **12:3**