MINNESOTA · DWI CHECKLIST

Minnesota DWI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR FIRST DEADLINE

60 days to act on your Implied consent license revocation (judicial review petition)

60 days from receiving the Notice and Order of Revocation to file a petition for judicial review in the district court of the county where the offense occurred, served on the commissioner. Filing does not stop the revocation, and the hearing must be held within 60 days of filing. A separate administrative review by the commissioner can be requested at any time during the revocation. The officer's notice works as a temporary license for 14 days (§169A.52, subd. 7).

Who: Minnesota Department of Public Safety, Driver and Vehicle Services (DVS)

KEY FACTS

SUSPENSION, 1ST FAILED TEST

At least 90 days (180 days if under 21; 1 year if 0.16 or more)

SUSPENSION, 1ST REFUSAL

At least 1 year

1ST OFFENSE CHARGE

Fourth-degree DWI, misdemeanor (third-degree gross misdemeanor if 0.16+, a child under 16 in the car, or a test refusal)

1ST OFFENSE FINE

Up to $1,000 (up to $3,000 if gross misdemeanor)

1ST OFFENSE JAIL

Up to 90 days (up to 1 year if gross misdemeanor)

INSURANCE FILING

No special filing required

PRIOR OFFENSES

Priors within 10 years count

IGNITION INTERLOCK

Required to regain driving privileges for every repeat offender: one prior within 20 years, or two or more priors at any time. First offenders can choose the interlock program to drive with a restricted license instead of sitting out the revocation.

1 First 24 Hours

- [ ] **Implied consent license revocation (judicial review petition): act within 60 days. 60 days from receiving the Notice and Order of Revocation to file a petition for judicial review in the district court of the county where the offense occurred, served on the commissioner. Filing does not stop the revocation, and the hearing must be held within 60 days of filing. A separate administrative review by the commissioner can be requested at any time during the revocation. The officer's notice works as a temporary license for 14 days (§169A.52, subd. 7).**
- [ ] Read your Notice and Order of Revocation — The officer usually serves it at arrest and invalidates your license. The notice gives you a temporary license good for only 14 days.
- [ ] Mark the 60-day petition deadline — To challenge the revocation, file a petition for judicial review in district court within 60 days and serve the commissioner. Court form CIV110 explains how.
- [ ] Check whether interlock gets you driving sooner — First offenders can enroll in the DVS Ignition Interlock Device Program instead of waiting out the revocation. With a prior DWI in the past 20 years, the interlock program is the only way to get your license back.
- [ ] Know your charge degree — A 0.16+ test, a refusal, a child under 16 in the car, or a prior in 10 years each raises the degree. Two factors make it second-degree.
- [ ] Talk to a lawyer — The judicial review and the criminal case are separate. A lawyer can tell you whether to file the petition and how it affects the DWI case.

2 Court

- [ ] Arrest and charge — The prosecutor charges fourth-degree DWI (misdemeanor) or third-degree DWI (gross misdemeanor) in the district court for the county where you were arrested. Your license revocation runs separately through DPS.
- [ ] First appearance — The judge tells you the charge and your rights, including a public defender if you qualify. In most misdemeanor cases this hearing is also the arraignment, and you can enter a plea.
- [ ] Pretrial conference or omnibus hearing — For a misdemeanor, the court may set a pretrial conference. For a gross misdemeanor, an omnibus hearing is held, usually within 42 days, to decide motions such as challenges to the stop or the test.
- [ ] Chemical use assessment — If you are convicted, you must complete a chemical use assessment. The appointment is made within a week of your court appearance and must be done within three weeks. The report goes to the court and DPS.
- [ ] Trial or sentencing — If you don't plead guilty, the case goes to trial. At sentencing the judge uses the assessment's recommended level of care along with the penalties for the DWI degree.

3 Getting Your License Back

- [ ] Chemical use assessment (county alcohol safety program): Anyone convicted of a DWI must complete a chemical use assessment by a court-appointed assessor. It must be done within three weeks of the court appearance. The report recommends a level of care, which the judge can order as part of the sentence.

- [ ] Ignition interlock: Required to regain driving privileges for every repeat offender: one prior within 20 years, or two or more priors at any time. First offenders can choose the interlock program to drive with a restricted license instead of sitting out the revocation.
- [ ] Ask about a Limited license (work permit); ignition interlock restricted license: Apply through Driver and Vehicle Services (DPS). For a limited license, meet with a DVS evaluator by appointment and bring your employer's name and address, your work days, and your commute times. For the interlock program, follow the DVS Ignition Interlock Device Program steps.

Your full Minnesota DWI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/minnesota

Official source for your license deadline: https://dps.mn.gov/divisions/dvs/license-and-id/driver-compliance

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed Minnesota attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.