

**171.178 REVOCATION, DENIAL, AND REINSTATEMENT; DRIVING WHILE IMPAIRED; CRIMINAL VEHICULAR HOMICIDE AND OPERATION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Ignition interlock device" has the meaning given in section 171.306, subdivision 1.

(c) "Qualified prior impaired driving incident" has the meaning given in section 169A.03, subdivision 22.

Subd. 2. **Qualified prior impaired driving incident; determination.** Section 169A.09 applies for determining the number of qualified prior impaired driving incidents under this section.

Subd. 3. **Test refusal; period of license revocation.** A revocation by the commissioner as required under section 169A.52, subdivision 3, or 171.177, subdivision 4, must be for the following periods:

(1) if the person has no qualified prior impaired driving incidents within the past 20 years, not less than one year; or

(2) if the person has one qualified prior impaired driving incident within the past 20 years, or two or more qualified prior impaired driving incidents, until the commissioner determines that the person used an ignition interlock device in compliance with section 171.306 for the period of time described in subdivision 8.

Subd. 4. **Test failure; period of license revocation.** A revocation by the commissioner as required under section 169A.52, subdivision 4, or 171.177, subdivision 5, must be for the following periods:

(1) if the person has no qualified prior impaired driving incidents within the past 20 years:

(i) not less than 90 days;

(ii) not less than 180 days if the person is under 21 years of age and the test results indicate an alcohol concentration of less than twice the legal limit; or

(iii) not less than one year if the test results indicate an alcohol concentration of twice the legal limit or more; or

(2) if the person has one qualified prior impaired driving incident within the past 20 years, or two or more qualified prior impaired driving incidents, until the commissioner determines that the person used an ignition interlock device in compliance with section 171.306 for the period of time described in subdivision 8.

Subd. 5. **Driving while impaired conviction or adjudication; period of license revocation.** (a) Notwithstanding the periods specified in subdivisions 3 and 4 and except as provided in section 169A.54, subdivision 7, a revocation by the commissioner as required under section 169A.54, subdivision 1, or 171.17, subdivision 1, paragraph (a), clause (3) or (10), for conviction of an offense in another state that would be grounds for revocation in this state under section 169A.54, subdivision 1, must be for the following periods:

(1) if the person has no qualified prior impaired driving incidents within the past 20 years:

(i) not less than 30 days if the person is convicted of an offense under section 169A.20, subdivision 1 (driving while impaired);

(ii) not less than 90 days if the person is convicted of an offense under section 169A.20, subdivision 2 (refusal to submit to chemical test);

(iii) not less than 180 days if the person is under 21 years of age and the test results indicate an alcohol concentration of less than twice the legal limit; or

(iv) not less than one year if the test results indicate an alcohol concentration of twice the legal limit or more; or

(2) if the person has one qualified prior impaired driving incident within the past 20 years, or two or more qualified prior impaired driving incidents, until the commissioner determines that the person used an ignition interlock device in compliance with section 171.306 for the period of time described in subdivision 8.

(b) Whenever department records show that the violation involved personal injury or death to any person, at least 90 additional days must be added to the base periods provided in paragraph (a), clause (1), items (i) to (iv).

**Subd. 6. Criminal vehicular operation or homicide conviction; period of license revocation.** Notwithstanding the periods specified in subdivisions 3 to 5, a revocation by the commissioner under section 171.17, subdivision 1, paragraph (a), clause (2), after the commissioner receives a record of a conviction for a violation of section:

(1) 609.2112, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6);

(2) 609.2113, subdivision 1, clause (2), (3), (4), (5), or (6);

(3) 609.2113, subdivision 2, clause (2), (3), (4), (5), or (6);

(4) 609.2113, subdivision 3, clause (2), (3), (4), (5), or (6); or

(5) 609.2114, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6); or subdivision 2, clause (2), (3), (4), (5), or (6),

must be until the commissioner determines that the person used an ignition interlock device in compliance with section 171.306 for the period of time described in subdivision 8.

**Subd. 7. Driving while impaired; license cancellation and denial.** (a) The commissioner must designate a person with two or more qualified prior impaired driving incidents as inimical to public safety pursuant to section 171.04, subdivision 1, clause (10), if the person is convicted of a violation of section:

(1) 169A.20, subdivision 1;

(2) 169A.20, subdivision 2;

(3) 609.2112, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6);

(4) 609.2113, subdivision 1, clause (2), (3), (4), (5), or (6);

(5) 609.2113, subdivision 2, clause (2), (3), (4), (5), or (6);

(6) 609.2113, subdivision 3, clause (2), (3), (4), (5), or (6);

(7) 609.2114, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6); or

(8) 609.2114, subdivision 2, clause (2), (3), (4), (5), or (6).

(b) The commissioner must cancel the person's driver's license pursuant to section 171.14 and must not issue the person a driver's license until the person complies with the provisions of this section and establishes rehabilitation according to standards established by the commissioner.

**Subd. 8. Ignition interlock periods; treatment; alcohol-related violations.** (a) Until the commissioner reinstates a person's full driving privileges, the following persons must not operate a motor vehicle, off-road recreational vehicle, or a motorboat unless the person participates in the ignition interlock device program:

(1) a person whose license or permit to drive, or nonresident operating privilege, is revoked as described in subdivision 3, 4, or 5, at a time when the person has one qualified prior impaired driving incident within the past 20 years, or two or more qualified prior impaired driving incidents; and

(2) a person whose license or permit to drive, or nonresident operating privilege, is revoked as described in subdivision 6, at a time when the person has one qualified prior impaired driving incident.

(b) The commissioner must not reinstate full driving privileges for a person described in paragraph (a) until the person completes a licensed substance use disorder treatment or rehabilitation program and participates in the ignition interlock device program in compliance with section 171.306 for a period of not less than:

(1) two years if the commissioner revokes the person's license or permit to drive, or nonresident operating privilege as described in:

(i) subdivision 3, 4, or 5 when the person has one qualified prior impaired driving incident within the past 20 years; or

(ii) subdivision 6 when the violation resulted in bodily harm or substantial bodily harm to another and the person has no qualified prior impaired driving incidents;

(2) five years if the commissioner revokes the person's license or permit to drive, or nonresident operating privilege as described in subdivision 6 when the violation resulted in bodily harm or substantial bodily harm to another and the person has one qualified prior impaired driving incident;

(3) six years if the commissioner revokes the person's license or permit to drive, or nonresident operating privilege as described in:

(i) subdivision 3, 4, or 5 when the person has two qualified prior impaired driving incidents;

(ii) subdivision 6 when the violation resulted in great bodily harm to another and the person has no qualified prior impaired driving incidents; or

(iii) subdivision 6 when the violation resulted in death to another and the person has no qualified prior impaired driving incidents;

(4) eight years if the commissioner revokes the person's license or permit to drive, or nonresident operating privileges described in subdivision 6 when the violation resulted in:

(i) great bodily harm to another and the person has one qualified prior impaired driving incident; or

(ii) bodily harm or substantial bodily harm to another and the person has two qualified prior impaired driving incidents;

(5) ten years if the commissioner revokes the person's license or permit to drive, or nonresident operating privileges described in:

(i) subdivision 6 when the violation resulted in great bodily harm to another and the person has two or more qualified prior impaired driving incidents;

(ii) subdivision 3, 4, or 5 when the person has three or more qualified prior impaired driving incidents; or

(iii) subdivision 6 when the violation resulted in bodily harm or substantial bodily harm to another and the person has three or more qualified prior impaired driving incidents;

(6) 15 years if the commissioner revokes the person's license or permit to drive, or nonresident operating privileges as described in subdivision 6 when the violation resulted in death to another and the person has one qualified prior impaired driving incident; or

(7) for the remainder of the person's life if the commissioner revokes the person's license or permit to drive, or nonresident operating privileges as described in subdivision 6 when the violation resulted in death to another and the person has two or more qualified prior impaired driving incidents.

(c) The commissioner must establish standards allowing a person to submit proof that the person completed a licensed substance use disorder treatment or rehabilitation program. A person seeking reinstatement of full driving privileges must submit proof of completion in the form and manner established by the commissioner.

(d) Nothing in this section prohibits the commissioner from extending the period of time that a person must use an ignition interlock device pursuant to section 171.306, subdivision 5.

(e) If the commissioner learns that a person who is a participant in the ignition interlock device program and who completed a licensed substance use disorder treatment or rehabilitation program subsequently (1) registers a positive breath alcohol concentration of 0.02 or higher on an ignition interlock device, or (2) is convicted of, or adjudicated delinquent for, an offense involving the use of alcohol that did not involve driving, operating, or being in physical control of any motor vehicle, the commissioner must extend the time period that the person must use an ignition interlock device until the participant demonstrates abstinence for a period equal to the applicable period under paragraph (b). A person whose time period is extended under this paragraph must be given credit for one-half of the amount of time that the person participated in the ignition interlock device program before the violation.

(f) If a participant in the ignition interlock device program commits an act that results in a license revocation as described in subdivision 3, 4, 5, or 6, the commissioner must terminate the person from the ignition interlock device program. The person may reenter the program but is not entitled to credit for time spent in the program before termination. If the person reenters the program, the commissioner must not reinstate the person's full driving privileges until the person participates in the ignition interlock device program in compliance with section 171.306 for a period of not less than the longer of:

(1) the applicable period under paragraph (b) that applies to the new act; or

(2) the full period under paragraph (b) that was previously required to be completed, including any extensions imposed pursuant to section 171.306, subdivision 5.

**History:** 2025 c 29 s 13; 1Sp2025 c 8 art 2 s 109,110