169.91 ARREST.

Subdivision 1. **Procedure.** When any person is arrested for any violation of any law or ordinance relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction over the offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) when a person arrested demands an immediate appearance before a judge;

(2) when a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;

(3) when the person is arrested upon a charge of negligent homicide;

(4) when the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;

(5) when the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(6) when there is reasonable cause for believing that the person arrested may leave the state, except as provided in subdivision 4.

Subd. 2. MS 1969 [Repealed, Ex1971 c 27 s 49]

Subd. 3. **Notice to appear.** When a person is arrested for any violation of any law or ordinance relating to motor vehicles, their registration or their operation, or the use of the highways, the arresting officer shall prepare a written notice to appear in court. This place must be before a judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest. If the offense is a petty misdemeanor, the notice to appear must include a statement that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Subd. 4. **Reciprocal agreements.** (a) The commissioner of public safety is empowered to enter into and carry out reciprocal agreements with duly authorized representatives of other states, districts, territories and possessions of the United States and provinces of foreign countries having laws or compacts authorizing the release of residents of party jurisdictions upon personal recognizance following arrest for violation of a law or ordinance relating to the operation of a motor vehicle.

(b) When a reciprocal agreement is in effect, a law enforcement officer observing a violation of any traffic rule by a resident of a party jurisdiction shall issue an appropriate citation and shall not, subject to the provisions of paragraph (c), require the nonresident to post bond or collateral to secure appearance for trial but shall accept the nonresident's personal recognizance, except the nonresident has the right upon request to post bond or collateral in a manner provided by law and in that case the provisions of this subdivision do not apply.

(c) A nonresident shall not be entitled to be released on personal recognizance if immediate appearance before a judge is required by subdivision 1 or the offense is:

(1) one which, upon conviction, would result in the revocation of a person's driver's license under the laws of this state; or

(2) a violation of a highway weight limitation; or

(3) a violation of a law governing transportation of hazardous materials; or

(4) driving a motor vehicle without a valid driver's license.

History: *(2720-284, 2720-285) 1937 c 464 s 134,135; 1939 c 430 s 28,29; 1947 c 428 s 35; 1955 c 845 s 1; Ex1961 c 19 s 4; Ex1971 c 27 s 18; 1978 c 783 s 1-3; 1983 c 359 s 12; 1985 c 248 s 70; 1986 c 444; 1988 c 681 s 9,10; 1989 c 333 s 1*