

EIGHTH JUDICIAL DISTRICT

**ORDER STAYING THE BALANCE OF THE LICENSE
REVOCATION PERIOD IN ALL CASES WHERE THE HEARING
IS NOT HELD WITHIN SIXTY (60) DAYS AFTER THE FILING OF A
PETITION PURSUANT TO MINN. STAT. § 169A.53, SUBD.1**

ORDER 19

WHEREAS, the Minnesota Supreme Court, in *Fedziuk v. Commissioner of Public Safety*, No. A04-2328, 2005 WL 1175929 (Minn. May 19, 2005), held that the 2003 amendments to the Implied Consent Law that removed the requirement that the Petition for Review of a license revocation be held not later than 60 days following the filing of the Petitioner were unconstitutional; and

WHEREAS, it may not be feasible to schedule all Petitions for Review of license revocation within the required sixty (60) day time period given the number of cases pending at the time of the issuance of the Supreme Court's decision in *Fedziuk*.

**NOW, THEREFORE, FOR THE FOREGOING REASONS, THE COURT HEREBY
MAKES THE FOLLOWING:**

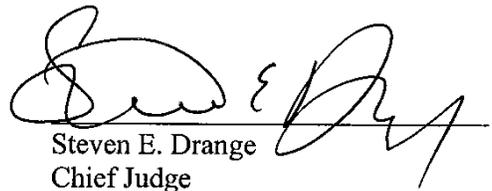
ORDER

1. When an individual has filed a Petition for review of license revocation under Minn. Stat. § 169A.53, Subd. 1, and the hearing cannot be held within sixty (60) days after filing of the Petition, the balance of the license revocation

period of the Petitioner shall be stayed pending the hearing and the issuance of the Order from said hearing.

2. This Order shall only apply to those Petitions which were pending prior to the issuance of the Supreme Court's opinion in *Fedziuk v. Commissioner of Public Safety*, No. A04-2328, 2005 WL 1175929 (Minn. May 19, 2005);¹ hearings on all Petitions filed subsequent to May 19, 2005 shall be scheduled within the required sixty (60) day time period.

Dated: 6/13/05


Steven E. Drange
Chief Judge
Eighth Judicial District

¹ This Order is intended specifically to address the scheduling problems generated by the Supreme Court's decision in Fedziuk, and is not intended to operate in perpetuity.