

STATE OF MINNESOTA

DISTRICT COURT

COUNTIES OF CARVER, DAKOTA,
GOODHUE, LESUEUR, MCLEOD,
SCOTT AND SIBLEY

FIRST JUDICIAL DISTRICT

**In re the Temporary Reinstatement of Driving
Privileges and/or License Plates in Implied Consent Cases**

**AMENDED
STANDING ORDER**

Whereas, in the interest of public safety and the timely and effective resolution of cases, the First Judicial District strives to expedite the processing of alcohol-related traffic offenses;

Whereas, on May 8, 2020, the Judges of the First Judicial District voted to authorize the adoption of a First District policy to manage the scheduling of implied consent cases;

Now, therefore,

IT IS ORDERED:

1. A Petition for Judicial Review under Minn. Stat. § 169A.53, Subd. 2 ("implied consent petition") filed in any First Judicial District County by an attorney shall be eFiled in the respective County's Civil division of the Court. Attorneys shall add themselves on the eService list for that case as soon as possible.
2. Unless a petitioner demands a hearing within sixty days, the hearing on an implied consent petition under Minn. Stat. § 169A.53, Subd. 3 (hereinafter "implied consent hearing") will not be scheduled until the related criminal case is resolved. This does not apply to cases where a Commercial Driver's License (CDL) is at issue.
3. When no criminal case has issued within thirty (30) days after the implied consent petition is filed, an implied consent hearing may be scheduled at the request of a party or court administration.
4. When an implied consent petition is eFiled with the Court, the Court will eFile and eServe on petitioner a letter that advises the petitioner of the procedure to request a temporary reinstatement of driving privileges pending resolution of the criminal case.
5. The procedure to request a temporary reinstatement of driving privileges shall be as follows:
 - a. Petitioner shall prepare a letter addressed to the First Judicial District Chief Judge or Assistant Chief Judge requesting that the balance of petitioner's driver's license revocation and license plate impoundment

periods be stayed until the resolution of the implied consent case. This letter must include petitioner's full name, date of birth, implied consent court file number, drivers' license number, and license plate number(s) if applicable.

- b. Petitioners who are not represented by an attorney may send the letter by U.S. Mail to the First District Chief Judge or Assistant Chief Judge at the following address (current through June 30, 2021):

First District Chief Judge Kathryn D. Messerich
Dakota County Judicial Center
1560 Highway 55 W
Hastings, MN 55033

First District Assistant Chief Judge David L. Knutson
Dakota County Judicial Center
1560 Highway 55 W
Hastings, MN 55033

- c. Attorneys shall use the procedures specified below for filing and service.
- d. Attorneys shall eFile the letter using the "Correspondence" Filing Code and typing "Request for Temporary Reinstatement of DL and/or Plates" in the Filing Description field of the eFiling system.
- e. Attorneys shall use the "Courtesy Copies" function of the eFiling system to provide a courtesy copy of the request for the Chief Judge or Assistant Chief Judge. The e-mail addresses to be used for August 1, 2020 to June 30, 2021 are:

1stImpliedConsents@courts.state.mn.us

- f. A request will not be processed until petitioner's driver's license record reflects the implied consent incident at issue, petitioner's driving privileges are in a revoked status, and the implied consent petition has been filed and assigned a district court file number.
- g. For petitions (x) whose driving privileges remain valid: or (y) do not have a valid Minnesota (CONAX) identification, in either case for longer than thirty (30) calendar days, submission of the request for temporary reinstatement of driving privileges, will be administratively stayed and not considered. Petition or Petitioner's counsel may by letter request reactivation of request thereafter once revocation occurs.

- h. Failure to follow any of these procedures will result in the request for temporary reinstatement being delayed or denied.
 - i. The Chief Judge or Assistant Chief Judge will eFile and eServe an order granting or denying a reinstatement request. Orders will not be sent to attorneys by fax, email or U.S. Mail. Orders will be mailed to petitioners who do not have a lawyer.
6. A request for temporary reinstatement of driving privileges will be denied, and an implied consent hearing will be scheduled within sixty (60) days of the filing of the implied consent petition, if:
- a. Petitioner has demanded a hearing within sixty (60) days of the filing of the implied consent petition;
 - b. Petitioner's drivers' license is canceled as inimical to public safety (IPS);
 - c. Petitioner was under twenty-one (21) years of age at the time of the incident;
 - d. Petitioner had another implied consent incident within one (1) year of the current incident;
 - e. Petitioner's probation or conditional release on another criminal case has been violated by this implied consent incident;
 - f. It is clear on the face of the implied consent petition that it was not filed in a timely manner;
 - g. The related criminal case has already been resolved and the implied consent hearing can be scheduled within sixty (60) days of the reinstatement request;
 - h. Petitioner has failed to follow the specified procedures to request temporary reinstatement;
 - i. Petitioner seeks temporary reinstatement of a Commercial Driver's License (CDL).
 - j. Other facts indicate petitioner is a significant threat to public safety, including, but not limited to, multiple pending alcohol or drug related offenses.

Within ten (10) days of the final disposition of the criminal case, petitioner may waive his or her implied consent hearing, or schedule a hearing on the petition. **To schedule**

an implied consent hearing, petitioner must file a Request to Schedule Implied Consent Hearing within ten (10) days of the final disposition of the criminal case or the petition will be dismissed. The Request to Schedule Implied Consent Hearing shall be substantially the same as the form attached to this Order and must identify the issues to be litigated at the implied consent hearing and contain an implied consent hearing date obtained from court administration. If the Request to Schedule Implied Consent Hearing is e-filed, the filing code "Request for Hearing" should be used and the filing description "Implied Consent" should be used.

7. Parties who waive the implied consent hearing while on the record in the related criminal case should also file a written waiver of the hearing in the implied consent case as soon as possible. In eFiling a waiver, the filing code "Waiver of Right to Contested Hearing" should be used and the filing description "Waiver of IC Hearing and Voluntary Dismissal of Petition" should be used.
8. Any request to reopen an implied consent matter must be made by written motion that is eFiled and eServed. The motion must include the appropriate motion filing fee. The motion to reopen will be heard on an implied consent calendar. If granted, the implied consent hearing will be held within sixty (60) days of the order re-opening the case. There will be no temporary reinstatement of driving privileges after an implied consent petition has been dismissed, even if the case is subsequently re-opened.

BY THE COURT:

Kathryn D. Messerich
Chief Judge
First Judicial District

