

**2nd Judicial District Standard Operating Practice for Implied Consents and
Reinstatement of Driver's License**

Pursuant to

Minn. Stat. § 169A.53 and Minn. Stat. § 169A.60
(Revision Effective October 25, 2019)

1. Upon the filing of an Implied Consent petition, the case will be scheduled for hearing within 60 days as required by Minn. Stat. § 169A.53 and Minn. Stat. § 169A.60.
2. The petitioner may request in writing a waiver of their right to an implied consent hearing pending the resolution of the criminal matter.
 - a. Upon the conclusion of the corresponding criminal matter, the petitioner/petitioner's attorney shall immediately complete either a scheduling order which will set forth issues to be heard at the implied consent hearing or a waiver of the implied consent. (Scheduling Order and Waiver attached)
 - b. If Civil Assignment does NOT receive a a) proposed scheduling order or b) waiver form within 10 days of the conclusion of the criminal matter Civil Assignment will prepare a proposed Order for Dismissal for consideration by the Chief Judge.
 - c. Motions to vacate an Order for Dismissal will be decided by the Chief Judge or the Assistant Chief Judge, based on the submissions only. All motions will be subject to the applicable motion fee.
3. In cases in which the party has waived their right to an implied consent hearing pending the resolution of the criminal matter and requests a temporary stay of the balance of the revocation and/or impoundment of plates must be done by motion with required fee. ***(The motion will be decided by the Chief Judge or the Assistant Chief Judge, based on the submissions only or the motion will be placed on the next available implied consent calendar.)***
4. If a stay of the balance of revocation is granted the attached proposed order shall be used. *(See attached proposed order).*
5. When a Bench Warrant Has Been Issued in the Criminal Case
 - a. When a warrant is issued on a criminal case with a related implied consent file, Civil Assignment will enter a disposition of "Closed Administratively" in the implied consent file.
 - b. If the Petitioner's driver's license was temporarily reinstated, Civil Assignment will submit a proposed Order to the Chief Judge for the revocation of the temporary stay.

- c. Upon the conclusion of the corresponding criminal matter, the petitioner/petitioner's attorney shall immediately complete either a scheduling order which will set forth issues to be heard at the implied consent hearing or a waiver of the implied consent.
 - d. If Civil Assignment does NOT receive a a) proposed scheduling order or b) waiver form within 10 days of the conclusion of the criminal matter, Civil Assignment will prepare a proposed Order for Dismissal for the consideration by the Chief Judge.
6. Continuance Requests for Implied Consent Hearings or Hearings to Reinstate Drivers Licenses
- a. Upon initial notice of an implied consent hearing, a hearing date may be rescheduled if a request is made within 10 days of receipt of the notice. Only one request per party will be considered beyond the 10 day period. Any additional continuance requests require the requesting party to file a Notice of Motion and Motion and pay the required motion fee. The motion will be decided by the Chief Judge or Assistant Chief Judge, based on the submissions only.
7. For purposes of this policy, the conclusion of a criminal matter occurs upon the dismissal of criminal charges, an adjudication of guilt, or the entry of a stay of adjudication.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No.

Petitioner

ORDER

vs.

Respondent

The above-entitled matter has come on before the Honorable Chief Judge John H. Guthmann. The petitioner requests a judicial stay of the balance of the revocation period pursuant to Minn. Stat. § 169A.53 subd. 2(c) and impoundment of the license plates pursuant to Minn. Stat. § 169A.60 subd 10(b).

IT IS HEREBY ORDERED:

1. The balance of the Petitioner's implied consent revocation is hereby stayed pursuant to Minn. Stat. § 169A.53, subd. 2(c) and the impoundment of the license plates pursuant to Minn.Stat. §169A.60 subd 10(b) pending the resolution of the implied consent hearing.
2. Petitioner shall confirm the driver's license status as valid before driving. The stay of the implied consent revocation will not result in the reinstatement of driving privileges if the Petitioner is subject to any other order of suspension, revocation, cancellation, disqualification or denial.
3. Upon the issuance of a warrant in a corresponding criminal case and the Petitioner's driver's license has been temporarily stayed, a proposed Order will be submitted to the Chief Judge for the revocation of the temporary stay.
4. Upon the resolution of the corresponding criminal matter, the petitioner or petitioner's attorney shall immediately complete and file a scheduling order setting forth issues to be heard at the implied consent hearing or a waiver of the implied consent. Failure to

submit a scheduling order or a waiver within 10 days of resolution of the criminal matter shall result in an order for dismissal as determined to be appropriate by the Chief Judge or Assistant Chief Judge.

Date: _____

Chief Judge

**cc: Petitioner
Commissioner of Public Safety**