

Felony DWI

If you are arrested for your fourth DWI in a 10-year period, you have previously been convicted of a felony DWI, or have a prior felony conviction for an impaired driving related criminal vehicular homicide/injury, you may be charged with a felony. A fourth offense may result in a loss of license for four years and until rehabilitation and other reinstatement requirements are met. The criminal penalties for felony DWI are up to seven years in prison with a 5-year conditional release to follow and a \$14,000 fine.

Criminal Vehicular Operations

| Degree | Arrest | Criminal Penalties | Driver's License Sanctions |
|--|---------------------|--|--|
| Manslaughter/ Death to an unborn child | ● Felony | ● 10 years in prison and/or ● \$20,000 fine | ● Immediate 1-year suspension and ● 15-year revocation for conviction |
| Any other fatal | ● Felony | ● 10 years in prison and/or ● \$3,000 fine | ● Immediate 1-year suspension and ● 10-year revocation |
| Great bodily harm/ Injury to unborn child | ● Felony | ● 5 years in prison and/or ● \$10,000 fine | ● Immediate 1-year suspension and ● 5-year revocation |
| Substantial bodily harm | ● Felony | ● 3 years in prison and/or ● \$10,000 fine | ● Immediate 1-year suspension and ● 3-year revocation |
| Bodily harm | ● Gross Misdemeanor | ● 1 year in prison and/or ● \$3,000 fine | ● 1-year revocation |

Impaired Driving Penalties and Driver's License Sanctions

Loss of Driving Privileges for Commercial Drivers

Drivers with a class A, B, or C commercial driver's license (CDL) and/or who operate commercial motor vehicles are also subject to disqualification of commercial driving privileges. A CDL holder or a person required to have a CDL will be disqualified for one year if he or she refuses to be tested for alcohol or drugs or is convicted of DWI while operating any type of motor vehicle. If the driver is transporting hazardous materials at the time, a three-year disqualification is imposed. A subsequent incident will result in lifetime disqualification of commercial driving privileges.

Drivers that have a class A, B, or C license and arrested for a DWI in their passenger vehicle are unable to receive a class A, B, or C work permit for the entire revocation period.

Driving Minnesota Toward Zero Deaths



This information is a guide and should not be considered legal advice.

The Law

If your alcohol-concentration level is 0.08 or higher (0.04 in a commercial vehicle) and you are in control of a moving or parked vehicle, you can be arrested for DWI. If a law enforcement officer can prove that alcohol caused you to commit driving errors, you can be convicted of DWI at lower alcohol concentrations.

Penalties and Sanctions

Each year, over 30,000 people are arrested in Minnesota for DWI. Each person may experience unique criminal penalties in addition to administrative license sanctions, depending on the arrest situation and previous driving violations and criminal record. The following information serves as a guideline for penalties and sanctions you may experience if you are arrested for impaired driving. There are additional laws, penalties, and sanctions for individuals under 21. These guidelines are based on offenses that occur within 10 years.

All alcohol-related revocations of a driver's license require a \$680 reinstatement fee, DWI knowledge test, a driver's license application with fees, and a chemical assessment.

DWI First Offense

| BAC | Arrest | Criminal Penalties | Driver's License Sanctions |
|---|--|---|---|
| Under 0.20 | <ul style="list-style-type: none"> ● Misdemeanor | <ul style="list-style-type: none"> ● 90 days in jail and/or ● \$1,000 fine | <ul style="list-style-type: none"> ● 90-day license revocation ● 30-day if plead guilty to DWI |
| 0.20 or over | <ul style="list-style-type: none"> ● Gross Misdemeanor ● License plates impounded ● Jail and maximum bail or electronic monitoring | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 180-day license revocation |
| Child in vehicle and under 0.20 | <ul style="list-style-type: none"> ● Gross Misdemeanor ● License plates impounded | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 90-day license revocation |
| Child in vehicle and 0.20 or over | <ul style="list-style-type: none"> ● Gross Misdemeanor ● Vehicle forfeited and plates impounded ● Jail until first court appearance | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 180-day license revocation |
| Refused Test (additional charge to DWI) | <ul style="list-style-type: none"> ● Gross Misdemeanor | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 1-year license revocation ● 30-day if plead guilty to DWI, or 90-day if plead guilty to test refusal |

DWI Second Offense

| BAC | Arrest | Criminal Penalties | Driver's License Sanctions |
|---|---|--|--|
| Under 0.20 | <ul style="list-style-type: none"> ● Gross Misdemeanor ● License plates impounded | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 180-day license revocation ● Notice that additional offense will result in license cancellation |
| 0.20 or over | <ul style="list-style-type: none"> ● Gross Misdemeanor ● Vehicle forfeited and plates impounded ● Jail and maximum bail or electronic monitoring | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 1-year license revocation ● Notice that additional offense will result in license cancellation |
| Any level Child in vehicle | <ul style="list-style-type: none"> ● Gross Misdemeanor ● Vehicle forfeited and plates impounded ● Jail and maximum bail or electronic monitoring | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 180-day license revocation ● Notice that additional offense will result in license cancellation |
| Refused Test (additional charge to DWI) | <ul style="list-style-type: none"> ● Gross Misdemeanor ● Vehicle forfeited and plates impounded | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 1-year license revocation ● Notice that additional offense will result in license cancellation |

DWI Third Offense

| BAC | Arrest | Criminal Penalties | Driver's License Sanctions |
|--|---|--|--|
| Any level and/or Refused Test | <ul style="list-style-type: none"> ● Gross Misdemeanor ● Vehicle forfeited and plates impounded ● Jail and maximum bail or electronic monitoring | <ul style="list-style-type: none"> ● 1 year in jail and/or ● \$3,000 fine | <ul style="list-style-type: none"> ● 1-year minimum loss of license ● License cancelled ● Treatment and rehabilitation (minimum 1-year proof of abstinence) ● Lifetime abstinence required after reinstatement |