

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

FILED  
2014 JUL 22 AM 9:01  
BY \_\_\_\_\_ DEPUTY  
HENN CO. DISTRICT COURT ADMINISTRATOR

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

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

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

Now, therefore,

**IT IS ORDERED:**

1. A Petition for Judicial Review under Minn. Stat. § 169A.53, Subd. 2 (hereinafter “implied consent petition”) filed by an attorney in Hennepin County shall be eFiled in the Hennepin Civil division of the court. Attorneys shall add themselves on the eService list for that case as soon as possible.
2. As a general rule, the hearing on a Petition for Judicial Review under Minn. Stat. § 169A.53, Subd. 3 (hereinafter “implied consent hearing”) will not be scheduled until the related criminal case is resolved.
3. 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.
4. The procedure to request a temporary reinstatement of driving privileges shall be as follows:
  - a. Petitioner shall prepare a letter addressed to the Chief Judge of the Fourth Judicial District 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. Petitioners who are not represented by an attorney may send the letter by U.S. Mail to the Chief Judge at the following address: 12-C Government Center, 300 South Sixth Street, Minneapolis, MN 55487. Attorneys shall use the procedures specified below for filing and service.
  - b. 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.

- c. Attorneys shall use the “Courtesy Copies” function of the eFiling system to serve a copy of the request on the Chief Judge of the Fourth Judicial District using the chambers email address of the Chief Judge published on mncourts.gov. Copies should not be sent by email.
  - d. 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.
  - e. Failure to follow any of these procedures will result in the request for temporary reinstatement being delayed or denied.
  - f. The Chief Judge will eFile and eServe an order granting or denying a reinstatement request. Absent compelling circumstances, the license plate for only one vehicle will be temporarily reinstated. 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.
5. A request for temporary reinstatement of driving privileges will be denied, and an implied consent hearing will be scheduled within sixty days of the filing of the implied consent petition, if:
- a. Petitioner’s drivers’ license is canceled as inimical to public safety (IPS);
  - b. Petitioner was under twenty-one years of age at the time of the incident;
  - c. Petitioner had another implied consent incident within one year of the current incident;
  - d. Petitioner’s probation or conditional release on another criminal case has been violated by this implied consent incident;
  - e. It is clear on the face of the implied consent petition that it was not filed in a timely manner;
  - f. The related criminal case has already been resolved and the implied consent hearing can be scheduled within sixty days of the reinstatement request;
  - g. Petitioner has failed to follow the specified procedures to request temporary reinstatement;
  - h. Other facts indicate petitioner is a significant threat to public safety, including, but not limited to, multiple pending alcohol or drug related offenses.
6. On the day the criminal case is resolved, the defendant/petitioner may waive his or her implied consent hearing, or schedule a hearing on the petition. **To schedule an implied consent hearing, the petitioner must file a scheduling order the day the criminal case is resolved before leaving the courthouse.** The scheduling order shall identify the issues to be addressed at the implied consent hearing. **If the**

**petitioner does not schedule an implied consent hearing on the day the criminal case is resolved, then the petition will be dismissed.** Attorneys who waive the implied consent hearing while on the record in the related criminal case should also eFile 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.

7. 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 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.
8. This Order replaces the Expedited Processing of Alcohol Related Offenses in the Fourth Judicial District Standing Order dated October 17, 2007.

BY THE COURT:



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Peter A. Cahill  
Chief Judge of District Court  
Chambers Email: 4thJudgeCahillChambers@courts.state.mn.us

DATED: July 22, 2014