

Effective January 1, 2015
2nd Judicial District Procedures for Implied Consents and
Reinstatement of Driver's License

Pursuant to

Minn. Stat. § 169A.53 and Minn. Stat. § 169A.60

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 resolution 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 completion of trial or the entry of a plea 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 resolution 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 completion of trial or the entry of a plea, 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 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.

The 2nd Judicial District Policy and Procedures for Implied Consents and Reinstatement of Driver's License along with proposed scheduling orders, orders staying balance of revocation and waivers can be found under Civil Division at www.mncourts.gov/district/2/