

Should one File an Implied Consent petition in Court after his or her License is Revoked for DWI?

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In the State of Minnesota, failing or refusing a test will almost always result in immediate license revocation. This Guide discusses the considerable benefits of filing to have a judge review your license revocation.

1

You have only 30 days to Challenge the Revocation

The Implied Consent must be challenged within 30 days (or 33 days from the date of your mailed revocation notice, if mailed). The process of filing and serving an Implied Consent petition is cumbersome and should be done by, or with the assistance of, counsel. You are also allowed to challenge any license plate impoundment (whiskey plates) in the same petition, and relief can be afforded on either or both the license and plates.

2

There is only Upside to challenging an Implied Consent revocation

Aside from a filing fee and minimal attorney's fees (many attorneys will even cover this hearing for free if you have retained them in the criminal matter) there are huge advantages to filing the Implied Consent petition. One benefit is that your license may be reinstated while the case is pending, which can often take months, or even years. If you do get temporarily reinstated, even a conviction for DWI could then shorten the revocation period. Secondly, failure to file the Implied Consent petition will result in a permanent blemish on your driving record, which will likely impact insurance rates, possibly employment, and certainly any future DWI prosecutions that may be brought against you. Third, the revocation can be beat, and sometimes it is as simple as the officer(s) not appearing in court. If all required officers do appear in court, the revocation can be contested on a host of grounds, some merely having to do with improper paperwork rather than guilt or innocence. Lastly, a positive result of the Implied Consent proceeding can lead to dismissal of criminal proceedings against you.

3

Minnesota law has Fewer and Fewer Avenues for a Hardship License (or Work Permit)

Your Implied Consent hearing may be one of the only ways to reduce or avoid the impact of your license revocation. The law now affords a work permit only for certain first-time offenders. More importantly, Implied Consent proceedings may carry considerable benefits for anyone facing a license complication. Your presence in court at the hearing is not required, but you should discuss your appearance with an attorney.

Additional Resources

[Implied Consent Law](#) is contained within Minn. Stat. 169A.50 - .53

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