

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 291  
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**Subject:** DWI Implied Consent

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The bill amends the DWI implied consent law to specifically authorize a petitioner to raise the affirmative defense of necessity. Under common law, necessity is a defense “in emergency situations where the peril is instant, overwhelming, and leaves no alternative but the conduct in question.”

This bill is in response to a recent Minnesota Supreme Court ruling (*Axelberg v. Commissioner of Public Safety*) holding that the common law affirmative defense of necessity is not available in DWI implied consent proceedings.