

HOUSE RESEARCH

Bill Summary

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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 based on a threat to physical safety. 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.