

## DWI and the B-Card: A Type of Restricted Driver's License for Repeat Offenders

The B-Card is a “restricted driver’s license” with a no-alcohol/drug restriction. The B-Card provides a repeat DWI offender with an opportunity to become validly relicensed to drive after cancellation for a third or subsequent impaired driving incident. To be eligible, the offender must complete chemical dependency treatment and a rehabilitation period described in law. Any violation of that no-alcohol/drug restriction, irrespective of whether the violation involved driving, carries stiff consequences for the violator, including both administrative sanctions and, if the person was driving, criminal penalties. Thus with the B-Card, the repeat-DWI offender gets another chance to legally drive, but only if he or she remains permanently chemically free.

***When is a person’s driver’s license cancelled?***

The Department of Public Safety (DPS) may cancel a person’s driver’s license when it deems that the person’s operation of a motor vehicle is inimical to public safety. Pursuant to this authority, DPS cancels a person’s license when he or she has three impaired driving incidents within ten years or four incidents on record.

***What counts as an impaired driving incident?***

An alcohol- or controlled substance-related driving violation that results in either an administrative loss of driver’s license, a criminal conviction for a DWI, or criminal vehicular homicide constitutes an impaired driving incident. Even if a DWI criminal charge is dropped or reduced to a lesser charge, the implied consent revocation alone counts as a qualified prior impaired driving incident.

***What is a restricted driver’s license?***

[Minnesota Statutes, section 171.09](#), authorizes the DPS to issue a driver’s license to certain drivers, contingent upon the applicant’s written agreement to certain restrictions deemed appropriate for public safety. Such a license is referred to as a “restricted driver’s license.”

***What is a B-Card?***

When a restricted driver’s license is issued to a rehabilitated repeat-DWI offender, he or she must absolutely abstain from alcohol and illicit drugs permanently. This restricted license is commonly referred to as a “B-Card.”

***What are the restrictions of a B-Card?***

Following a repeat DWI violation, a person must successfully complete chemical dependency treatment, as well as rehabilitation (following a third or subsequent impaired driving incident), before he or she can be validly relicensed to drive—and then only with a B-Card. However, that B-Card license is contingent upon the person maintaining complete abstinence from alcohol and illegal drugs. The revoked driver must agree in writing to the abstinence restriction before being issued the B-Card.

***Is the “no-alcohol” restriction permanent?***

The “no alcohol/drugs” restriction of a B-Card applies continuously for the remainder of the person’s life. It even prohibits small amounts of alcohol as would be consumed with wine in a religious ceremony, in certain cough medicine, in low-alcohol “near-beer,” and so on. Furthermore, this restriction applies whether or not

the person is or has been driving a motor vehicle. The restriction is quite absolute and exact: when a person agrees to the condition of a B-Card license, he or she is informed that the license is immediately cancelled when he or she consumes alcohol or an illicit drug.

***Can a B-Card be cancelled without the person getting another DWI?***

DPS will cancel a person's B-Card if any police report or other authoritative information indicates that the person has consumed alcohol. Sometimes that information arises from a DWI arrest. More often, it stems from a traffic stop that involves alcohol but does not constitute impaired driving. Other times, the drinking is discovered by officers called to a domestic altercation or is reported by a spouse, neighbor, or other source. There does not need to be an arrest or conviction for any crime for a person's drinking to trigger cancellation of the B-Card. In *Ascher v. the Commissioner of Public Safety* (1994), the Minnesota Court of Appeals ruled that even when the consumption information is obtained through an unconstitutional police stop, DPS may use it to cancel a person's B-Card.

***What are the consequences for cancellation of a B-Card?***

The consequences of a B-Card cancellation are quite severe, since before the person can again become validly licensed with a B-Card, he or she must again successfully complete chemical dependency treatment and rehabilitation. According to DPS rules, the rehabilitation process for obtaining a B-Card requires documented proof of alcohol/drug abstinence for a minimum period of:

- one year, for a person's first rehabilitation;
- three years, for the person's second rehabilitation; and
- six years, for the person's third or subsequent rehabilitation.

***What criminal penalties apply?***

In addition to the administrative sanctions, the law also provides for gross misdemeanor criminal penalties upon conviction for a violation of the no-alcohol/drug restriction of the B-Card license while driving ([Minn. Stat. § 171.09\(d\)\(1\)](#)).

***Must the "no alcohol" restriction stay on the plastic driver's license?***

The 2005 Legislature enacted a temporary law that allowed B-Card licensees who had no repeat alcohol-related driving violations during the previous ten years to request a duplicate driver's license without the no-alcohol restriction showing on the card. This law expired on July 31, 2006. Duplicate licenses issued under that law remain in effect until renewal. However, all other B-Card licenses issued before and after the effective period of that law must continue to show the restriction. The restriction applies regardless of whether or not it appears on a person's driver's license.

***How long does it stay on the driving record?***

Since the "no alcohol" restriction of a B-Card lasts for the person's lifetime, it must remain permanently on the person's driving record, as maintained by DPS.

**For more information:** See the House Research publication [An Overview of Minnesota's DWI Laws](#), November 2008.

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