

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0773**

Todd Robert Reihs, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

**Filed January 21, 2025
Affirmed
Bjorkman, Judge**

Blue Earth County District Court
File No. 07-CV-23-4025

Jacob M. Birkholz, Michelle K. Olsen, Birkholz & Associates, LLC, Mankato, Minnesota
(for appellant)

Keith Ellison, Attorney General, Ryan Pesch, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Bjorkman, Presiding Judge; Johnson, Judge; and
Klaphake, Judge.*

SYLLABUS

A district court does not have subject-matter jurisdiction under Minn. Stat. § 171.19
(2022) to review the extension of a driver’s license-revocation period.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

OPINION

BJORKMAN, Judge

Appellant Todd Robert Reihs challenges the order denying his petition filed under Minn. Stat. § 171.19. He argues that the district court erred in determining that it lacks subject-matter jurisdiction to consider a challenge to respondent Minnesota Commissioner of Public Safety's extension of his license-revocation period following his violation of the Ignition Interlock Device Program. Because the unambiguous language of Minn. Stat. § 171.19 does not authorize district courts to review license-revocation extensions, we affirm.

FACTS

In April 2023, the commissioner revoked Reihs's driver's license pursuant to Minn. Stat. § 169A.52 (2022) (the implied-consent law). The following month, Reihs enrolled in the commissioner's Ignition Interlock Device Program (the interlock program), which enabled him to regain driving privileges subject to the requirements laid out in the interlock-program guidelines. The interlock-program guidelines require participants to submit to two types of alcohol-detecting breath tests via a device installed in their vehicle: an initial test and rolling tests. The participant must pass the initial test to legally start their vehicle. The device then periodically requests rolling tests at intervals of five to 45 minutes while the vehicle is running. If a participant violates the interlock-program guidelines, the commissioner must extend their license-revocation period. Minn. Stat. § 171.306, subd. 5(a) (2022).

Reihs's program-participant data reflects that he failed to complete multiple rolling tests. Because of this, in July 2023, the commissioner sent him a warning letter stating that he had violated the interlock-program guidelines and that further violations would result in an extension of his program enrollment. In September, after Reihs again missed rolling tests, the commissioner informed him that his license-revocation period was extended for 180 days pursuant to Minn. Stat. § 171.306, subd. 5(a). And when Reihs thereafter continued to miss rolling tests, the commissioner advised him that his revocation period was extended for an additional year. Both extension notices included language informing Reihs that he had "the right to judicial review" as "outlined in Minnesota Statutes, section 171.19."

After receiving the second extension notice, Reihs filed a petition in district court under Minn. Stat. § 171.19, challenging the extension and seeking reinstatement of his driver's license. The district court held a hearing during which Reihs admitted that he missed requested rolling tests in violation of the interlock-program guidelines. But Reihs contended that equitable relief was warranted because he was not using alcohol and the violations occurred because he needed to leave his diesel truck running while he was outside of the truck doing farm work. The court took the matter under advisement.

Subsequently, the district court issued an order asking the parties to submit written arguments addressing whether it had subject-matter jurisdiction to hear Reihs's challenge. Reihs responded with arguments supporting jurisdiction; the commissioner took no position on the issue. After considering the submissions, the district court issued an order

denying Reihs's petition, reasoning that it lacks subject-matter jurisdiction because extension of a revocation is not one of the five acts enumerated in Minn. Stat. § 171.19.

Reihs appeals.

ISSUE

Does the district court have subject-matter jurisdiction under Minn. Stat. § 171.19 to review the commissioner's license-revocation extension based on a participant's violation of the interlock-program guidelines?

ANALYSIS

Subject-matter jurisdiction is “a court's authority to hear and determine cases that are presented to it.” *Rued v. Comm'r of Hum. Servs.*, 13 N.W.3d 42, 46 (Minn. 2024). A defect in subject-matter jurisdiction may be raised at any time and cannot be waived. *Williams v. Smith*, 820 N.W.2d 807, 813 (Minn. 2012). Jurisdiction is a question of law, which we review the issue de novo. *Underdahl v. Comm'r of Pub. Safety (In re Comm'r of Pub. Safety)*, 735 N.W.2d 706, 710 (Minn. 2007).

Here, the jurisdiction inquiry turns on the interpretation of a statute, which we also review de novo. *State v. Defatte*, 928 N.W.2d 338, 340 (Minn. 2019). The objective of statutory interpretation is to “ascertain and effectuate the intention of the legislature.” Minn. Stat. § 645.16 (2022). In doing so, we first determine whether the language of the statute is clear or ambiguous. *Westby v. Comm'r of Pub. Safety*, 742 N.W.2d 443, 445 (Minn. App. 2007). Statutory language is ambiguous if it is “subject to more than one reasonable interpretation.” *State v. Cummings*, 2 N.W.3d 528, 533 (Minn. 2024) (quotation omitted). We interpret unambiguous statutory language according to its plain meaning and refrain from further construction. *Westby*, 742 N.W.2d at 446. When the legislature does

not define a statute’s relevant terms, we may consult dictionary definitions to determine a word’s “plain and ordinary meaning.” *State v. Beganovic*, 991 N.W.2d 638, 643 (Minn. 2023).

Minn. Stat. § 171.19 provides, in pertinent part:

Any person whose driver’s license has been *refused, revoked, suspended, canceled, or disqualified* by the commissioner, except where the license is revoked or disqualified under section 169A.52, 171.177, or 171.186, may file a petition for a hearing in the matter in the district court . . . and it shall be its duty . . . to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, disqualification, or refusal of license, and shall render judgment accordingly.

Minn. Stat. § 171.19 (emphasis added). Reihs invoked this statute to challenge the commissioner’s decision to extend the period of his license revocation under Minn. Stat. § 171.306, subd. 5(a) (“If a[n] [interlock] program participant . . . violates the program guidelines . . . , the commissioner shall extend the person’s revocation period . . .”). He contends that the extension is subject to judicial review because it constitutes a revocation or a refusal by the commissioner under Minn. Stat. § 171.19.¹ Neither argument persuades us to reverse.

First, Reihs asserts that extending a license-revocation period constitutes a “revocation” under Minn. Stat. § 171.19 because there is “no material difference” between

¹ In his brief to this court, Reihs also contends that the notice he received from the commissioner stating that he had the right to judicial review under Minn. Stat. § 171.19 suggests the district court has “full authority” to review his challenge. But he agreed during oral argument that subject-matter jurisdiction cannot be “conferred by consent of the parties.” *Seehus v. Bor-Son Constr., Inc.*, 783 N.W.2d 144, 147 (Minn. 2010) (quotation omitted).

a revocation and an extension of revocation. He suggests that an extension of a revocation period is, effectively, a “re-revocation.” We disagree.

The term “revocation” is not statutorily defined. *See* Minn. Stat. § 171.01 (2022). Therefore, we may look to dictionary definitions to determine its plain meaning. *Cummings*, 2 N.W.3d at 533. Dictionaries define “revocation” as “[t]he act or an instance of revoking,” *The American Heritage Dictionary of the English Language* 1503 (5th ed. 2018), and “[t]he action of revoking, rescinding, or annulling; withdrawal,” 13 *The Oxford English Dictionary* 838 (2d ed. 1989). Similarly, dictionaries define “revoke” to mean “[t]o invalidate or cause to no longer be in effect, as by voiding or canceling,” *The American Heritage Dictionary of the English Language* 1503, and “[t]o annul, repeal, rescind, [or] cancel,” 13 *The Oxford English Dictionary* 838.²

All of these definitions connote an action that removes or restricts a status, privilege, or authorization. Applying them to Minn. Stat. § 171.19 persuades us that “revocation” plainly means the initial act or instance of withdrawing a person’s driver’s license. Because an extension of a revocation period is not an initial instance of license withdrawal but a continuation of a withdrawal that has already occurred, it is a distinct and separate action from the revocation itself. Simply put, a revocation extension does not alter the license status of the revoked person. Accordingly, we conclude that the plain meaning of the term

² *Merriam-Webster’s Collegiate Dictionary* offers comparable definitions. “Revocation” is defined as “an act or instance of revoking,” while “revoke” means “to annul by recalling or taking back” or to “rescind.” *Merriam-Webster’s Collegiate Dictionary* 1068 (11th ed. 2014).

“revocation,” as used in Minn. Stat. § 171.19, does not include an extension of a driver’s license revocation issued pursuant to Minn. Stat. § 171.306, subd. 5(a).

Second, Reihls argues that, if an extension of revocation is not a “revocation” under Minn. Stat. § 171.19, it is a “de facto *refusal* to restore [his] license.” This argument is no more convincing.

Like “revocation,” the term “refusal” is not statutorily defined. *See* Minn. Stat. § 171.01. Dictionaries define it as “[t]he act or an instance of refusing,” *The American Heritage Dictionary of the English Language* 1478, and “a denial or rejection of something demanded or offered,” 13 *The Oxford English Dictionary* 494. To “refuse” means to “indicate unwillingness to do, accept, give, or allow,” *The American Heritage Dictionary of the English Language* 1478, and to “decline to take or accept (something offered or presented); to reject [an] offer,” 13 *The Oxford English Dictionary* 495.³

The ordinary meaning of the term “refusal” clearly contemplates an action taken in response to a preceding request, application, or demand. Indeed, “indicat[ing] unwillingness” and “declin[ing] to accept” are both affirmative, responsive actions. Similarly, both definitional phrases imply discretion on the part of the refuser. It follows that an extension of revocation issued due to a violation of the interlock-program guidelines cannot be a “refusal.” This is so because an extension does not arise from any sort of request or application and it does not depend on the exercise of the commissioner’s

³ *Merriam-Webster’s Collegiate Dictionary* similarly defines “refusal” as “the act of refusing or denying,” and “refuse” as “to express oneself as unwilling to accept,” or “deny.” *Merriam-Webster’s Collegiate Dictionary* 1047.

discretion. Minn. Stat. § 171.306, subd. 5(a) (stating “[i]f a program participant . . . violates the program guidelines . . . , the commissioner *shall* extend the person’s revocation period” (emphasis added)). We conclude that the plain meaning of the term “refusal,” as used in Minn. Stat. § 171.19, does not encompass an extension of a driver’s license revocation issued under Minn. Stat. § 171.306, subd. 5(a).⁴

The fact that the district court lacks subject-matter jurisdiction over Reihs’s challenge does not leave Reihs without a remedy. The interlock-program guidelines provide that “[i]f a participant disagrees with an action taken by [the commissioner] on a violation, the participant may request an administrative review.”⁵ Minn. Dep’t Pub. Safety, *Minn. Ignition Interlock Device Program, Program Guidelines* 13 (2016),

⁴ In his brief, Reihs follows his plain-meaning argument by asserting that—if nothing else—Minn. Stat. § 171.19 should be construed as a “catch-all” grant of jurisdiction over all license-related disputes because its language is “encompassing” and “not restrictive.” Because we discern no ambiguity in the language of Minn. Stat. § 171.19, we do not reach this argument. *Westby*, 742 N.W.2d at 446 (stating that when statutory language is unambiguous, we “do not engage in further construction”). Regardless, we note that the plain language of the statute contradicts this assertion. Minn. Stat. § 171.19 expressly exempts challenges to revocations issued under Minn. Stat. § 169A.52, which governs revocations resulting from alcohol-concentration test refusal or failure. This exemption clearly distinguishes driving-while-impaired- and implied-consent-related revocations from other instances in which a license may be revoked for the purposes of Minn. Stat. § 171.19.

⁵ Because the issue is not before us, we offer no opinion as to whether the commissioner’s administrative decision would be subject to certiorari review by this court pursuant to Minn. Stat. §§ 14.63 or 606.01 (2022). But we note that in other circumstances, we reviewed a driver’s required participation in the interlock program on writ of certiorari following administrative review. *See Hughes v. Minn. Dep’t of Pub. Safety*, No. A21-0899, 2022 WL 90217, at *1 (Minn. App. Jan. 10, 2022).

<https://dps.mn.gov/divisions/dvs/programs/mn-ignition-interlock/Documents/Ignition-Interlock-ProgramGuidelines.pdf> [<https://perma.cc/T8JC-NFCM>].⁶

DECISION

A district court lacks subject-matter jurisdiction under Minn. Stat. § 171.19 to review the extension of a driver's license-revocation period. Accordingly, the district court did not err by denying Reih's petition.

Affirmed.

⁶ The commissioner referenced the interlock-program guidelines in responding to Reih's petition and the district court cited them in its order denying the petition.