

**CHAPTER 7409**  
**DEPARTMENT OF PUBLIC SAFETY**  
**DRIVING PRIVILEGES; LOSS, REINSTATEMENT**

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**7409.0100 DEFINITIONS.**

*[For text of subs 1 and 1a, see M.R.]*

Subp 1b **Certificate of insurance.** "Certificate of insurance" means a policy of vehicle liability insurance as required by Minnesota Statutes, section 65B.48, or a completed insurance certificate form from the authorized representative of the insurance carrier authorized to do business in the state stating that the vehicle will be covered by a plan of reparation security as required by Minnesota Statutes, section 65B 48, for one calendar year or that the operator will be covered by a plan of reparation security for a period of one year.

Subp 2. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22

A commercial motor vehicle does not include.

A a farm truck as defined in Minnesota Statutes, section 171.01, subdivision 25,

B a fire truck or other emergency fire equipment, or

C recreational equipment operated by a person within the scope of Minnesota Statutes, section 171 02, subdivision 2, paragraph (a)

*[For text of subs 3 to 6a, see M.R.]*

Subp 7. **License.** "License" means a driver's license or other license or permit to operate a motor vehicle issued or issuable by the commissioner including:

A a temporary license, instruction permit, or provisional license,

B the privilege of a person to drive a motor vehicle, whether or not that person holds a valid license, and

C a nonresident's driving privilege.

*[For text of subp 7a, see M.R.]*

Subp. 7b **Personal injury.** "Personal injury" means a class A, incapacitating injury, other than a fatal injury, that prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred, such as a severe laceration, broken or distorted limb, skull, chest, or abdominal injury; an injury resulting in unconsciousness at or when taken from the accident scene, due to the injury, by medical personnel or law enforcement; or an injury resulting in the person being unable to leave the accident scene without assistance.

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## 7409.0100 DRIVING PRIVILEGES; LOSS, REINSTATEMENT

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*[For text of subps 7c to 11, see M.R.]*

**Statutory Authority:** *MS s 14 06; 169 792, 169 795, 169 798, 299A 01*

**History:** *27 SR 466*

### 7409.0150 OFFENSE PERIOD.

For purposes of this chapter and the administration of the statutes referenced in this chapter, the commissioner shall use the date of the driving incident to establish the number of violations within a period of time

**Statutory Authority:** *MS s 14 06, 169 792, 169.795; 169 798, 299A 01*

**History:** *27 SR 466*

### 7409.0200 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

*[For text of subps 1 to 3, see M.R.]*

**Subp 4 Manufacture, sale, or distribution of controlled substance.** Upon receiving a record of conviction for an offense, specified in Minnesota Statutes, section 171.165, subdivision 3, clause (3), the disqualification period is for life.

**Subp 5. Serious traffic violation.** Upon receiving a record of conviction for a serious traffic violation as described in Minnesota Statutes, section 171.165, subdivision 4, the commissioner shall disqualify a person from holding a commercial driver's license for the offenses and time specified in Minnesota Statutes, section 171 165, subdivision 4

**Subp 6 Reduction of lifetime disqualification.** The commissioner shall reduce the lifetime disqualification period imposed under subpart 1, item C, subpart 2, item C, or subpart 3, item C, to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in Minnesota Statutes, section 171 165, subdivision 1, or if the person's license is not revoked under Minnesota Statutes, section 169A.52 or 169A 54, or a statute or ordinance from another state in conformity with it.

**Subp. 7. Lifetime disqualification without reduction.** Following reinstatement of the commercial motor vehicle driving privileges under subpart 6, a person is subject to a lifetime disqualification, without reduction, if the person subsequently commits another disqualifying offense set forth in Minnesota Statutes, section 171.165, subdivision 1 or 2, or a statute of another state or ordinance in conformity with it, or any combination of those offenses

**Subp 8. Grade crossing violations.** The commissioner shall disqualify a person from holding a commercial driver's license if the person is convicted of a railroad crossing violation as specified in U. S. Code of Federal Regulations, title 49, section 383 51. A driver is disqualified for:

A 60 days if convicted of a first violation,

B. 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents, and

C one year, if the driver is convicted of a third or subsequent violation in separate incidents in any three-year period

**Subp. 9. Out-of-service order violations.** The commissioner shall disqualify a person from holding a commercial driver's license on receipt of a conviction issued pursuant to U.S. Code of Federal Regulations, title 49, section 383 51, for violating an out-of-service order while driving a commercial motor vehicle. A driver is disqualified for:

A 90 days for the first violation;

B one year for the second violation in a separate incident within ten years, or

C three years for the third or subsequent violation in a separate incident within ten years.

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Subp 10. **Hazardous materials and passenger out-of-service order violations.** The commissioner shall disqualify a driver from holding a commercial driver's license if notified of a conviction of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, United States Code, title 49, chapter 51, or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, for:

A. 180 days for the first violation; and

B. three years for any subsequent violation arising out of a separate incident within ten years

**Statutory Authority:** *MS s 14 06; 169.792, 169.795, 169.798, 299A.01*

**History:** *27 SR 466*

### 7409.0300 NOTICE OF LICENSE ACTION.

*[For text of subpart 1, see MR ]*

Subp. 2. **Notice of disqualification.** The commissioner shall notify a person who is disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (2), (3), or (4), subdivision 3; or subdivision 4, or when requirements from a previous disqualification have not been satisfied. The disqualification will be effective when all available possibilities of administrative review under Minnesota Statutes, section 171.166, have been completed. The notification must be in writing and sent by first class mail to the address shown on department records. The notice must contain the information specified in this subpart and may contain other information provided by the commissioner that the commissioner considers appropriate:

*[For text of items A to F, see MR ]*

G. the length of the disqualification period, and

H. a statement informing the person of the requirements to restate the commercial driver's license

*[For text of subp 3, see MR ]*

**Statutory Authority:** *MS s 14 06, 169.792, 169.795, 169.798, 299A.01*

**History:** *27 SR 466*

### 7409.0400 CLASS D LICENSE ELIGIBILITY DURING DISQUALIFICATION.

Subpart 1 [Repealed, 27 SR 466]

Subp 2. [Repealed, 27 SR 466]

*[For text of subps 3 and 4, see M.R.]*

Subp. 5. **Class A, B, or C license status.** The commissioner shall issue to the disqualified person the original class A, B, or C license when the person has fulfilled the reinstatement requirements under parts 7409.0600, and 7410.4000 to 7410.5600.

**Statutory Authority:** *MS s 14 06; 169.792; 169.795, 169.798; 299A.01*

**History:** *27 SR 466*

7409.0500 [Repealed, 27 SR 466]

### 7409.1000 VEHICULAR HOMICIDE OR INJURY; MANSLAUGHTER.

The commissioner shall revoke the driver's license of a person upon receiving a record of conviction, for a period of:

A. 15 years, if the person is convicted under Minnesota Statutes, section 609.20, manslaughter in the first degree, resulting from the operation of a motor vehicle;

B. ten years, if the person is convicted under:

(1) Minnesota Statutes, section 609.21, subdivision 1, clause (1) or (7), or subdivision 3, clause (1) or (7), or

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(2) Minnesota Statutes, section 609 205, manslaughter in the second degree, resulting from the operation of a motor vehicle,

C five years, if the person is convicted under Minnesota Statutes, section 609.21, subdivision 2, clause (1) or (7), or subdivision 4, clause (1) or (7),

D three years, if the person is convicted under Minnesota Statutes, section 609 21, subdivision 2a, clause (1) or (7), or

E one year, if the person is convicted under Minnesota Statutes, section 609.21, subdivision 2b, clause (1) or (7)

**Statutory Authority:** *MS s 14 06, 169 792, 169 795; 169 798, 299A 01*

**History:** *27 SR 466*

## 7409.1100 REVOCATION; FLEEING IN MOTOR VEHICLE FROM PEACE OFFICER.

The commissioner shall revoke the driver's license of a person upon receiving a record of conviction under Minnesota Statutes, section 609 487, subdivision 3 or 4, or an ordinance in conformity with those subdivisions pertaining to use of a motor vehicle to flee a peace officer as specified in Minnesota Statutes, section 171 174. The commissioner shall revoke for

A one year for the first offense under Minnesota Statutes, section 609 487, subdivision 3,

B three years for the second offense under Minnesota Statutes, section 609 487, subdivision 3,

C. ten years for an offense under Minnesota Statutes, section 609.487, subdivision 4, paragraph (a);

D seven years for an offense under Minnesota Statutes, section 609 487, subdivision 4, paragraph (b); and

E five years for an offense under Minnesota Statutes, section 609 487, subdivision 4, paragraph (c).

**Statutory Authority:** *MS s 14.06, 169 792, 169.795; 169.798, 299A.01*

**History:** *27 SR 466*

## 7409.1200 FELONY WITH MOTOR VEHICLE.

The commissioner shall revoke the driver's license of a person for a period of one year upon receiving a record of conviction of a felony in the commission of which a motor vehicle was used, other than felony manslaughter with a motor vehicle under Minnesota Statutes, sections 609 20 and 609 205, criminal vehicular homicide and injury under Minnesota Statutes, section 609.21, or fleeing a peace officer in a motor vehicle under Minnesota Statutes, section 609 487

**Statutory Authority:** *MS s 14.06; 169 792; 169 795, 169 798, 299A 01*

**History:** *27 SR 466*

## 7409.1500 ONE OR MORE MISDEMEANOR, GROSS MISDEMEANOR OFFENSES.

Subpart 1. **Offenses within 12-month period.** Except for the school bus offenses specified in subparts 2, 3, and 4, the commissioner shall revoke the driver's license of a person upon receiving a record of a certified misdemeanor or gross misdemeanor conviction under Minnesota Statutes, chapter 169, for a period of

A 30 days, if the person has been convicted of three misdemeanor or gross misdemeanor offenses under Minnesota Statutes, chapter 169, occurring within a 12-month period,

B. 90 days, if the person has been convicted of four misdemeanor or gross misdemeanor offenses under Minnesota Statutes, chapter 169, occurring within a 12-month period, or

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C one year, if the person has been convicted of five or more misdemeanor or gross misdemeanor offenses under Minnesota Statutes, chapter 169, occurring within a 12-month period

Subp 2 **Revocation for school bus-related misdemeanors.** The commissioner shall revoke the driver's license of a person upon receiving a record of a conviction for a school bus-related misdemeanor under Minnesota Statutes, section 171.17, subdivision 1, paragraph (a), clause (7), or 169.444, subdivision 2, paragraph (a), for

- A 30 days for the second offense within five years;
- B 90 days for the third offense within five years,
- C. 180 days for the fourth offense within five years, and
- D. one year for the fifth and subsequent offense within five years

Subp 3. **Revocation for school bus-related gross misdemeanors.** The commissioner shall revoke the driver's license of a person upon receiving a record of a conviction for a school bus-related gross misdemeanor under Minnesota Statutes, section 171 17, subdivision 1, paragraph (a), clause (8), or 169.444, subdivision 2, paragraph (b), for:

- A 90 days for the first offense on the driver's record,
- B 180 days for the second offense on the driver's record, and
- C. one year for the third and subsequent offense on the driver's record

Subp. 4. **Revocation of school bus endorsement.** Pursuant to Minnesota Statutes, section 171 17, subdivision 1, paragraph (b), the commissioner shall revoke the school bus endorsement of a person to drive a school bus upon receipt of a record of a conviction under Minnesota Statutes, section 169 443, for

- A. 90 days for the first offense on the driver's record, and
- B. one year for the second or any subsequent offense on the driver's record.

**Statutory Authority:** *MS s 14 06; 169 792, 169.795; 169 798; 299A 01*

**History:** *27 SR 466*

### 7409.1600 INSURANCE-RELATED OFFENSES.

*[For text of subpart 1, see MR ]*

Subp. 2. **Failure to produce proof of insurance.** The commissioner shall revoke the driver's license of a person who fails to produce proof of insurance under Minnesota Statutes, section 169 791 or 169.792 The revocation period is

A. 30 days or until the person files proof of insurance held at the time of the incident if the person has no other violations of Minnesota Statutes, section 169 791, 169.792, or 169 797, within five years,

B. 90 days or until the person files proof of insurance held at the time of the most recent incident if the person has two violations of any combination of Minnesota Statutes, section 169 791, 169 792, or 169.797, within five years;

C. 180 days or until the person files proof of insurance held at the time of the most recent incident if the person has three violations of any combination of Minnesota Statutes, section 169 791, 169 792, or 169.797, within five years; and

D one year or until the person files proof of insurance held at the time of the most recent incident if the person has four or more violations of any combination of Minnesota Statutes, section 169 791, 169 792, or 169 797, within a five-year period.

**Statutory Authority:** *MS s 14 06, 169 792, 169 795; 169 798; 299A 01*

**History:** *27 SR 466*

### 7409.2000 CRIMINAL VEHICULAR HOMICIDE AND INJURY; MANSLAUGHTER; FLEEING FROM PEACE OFFICER.

Subpart 1 **Suspension for criminal charge.** The commissioner shall suspend for one year the driver's license of a person upon receiving a record of a criminal charge arising out of the operation of a motor vehicle for:

- A. criminal vehicular homicide and injury;

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- B manslaughter; or
- C fleeing a peace officer

*[For text of subp 2, see MR]*

Subp. 3 **Converted to revocation.** If the person is later convicted of criminal vehicular homicide and injury, manslaughter, or fleeing a peace officer, the commissioner shall convert the suspension to a revocation. Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction of criminal vehicular homicide and injury, manslaughter, or fleeing a peace officer.

**Statutory Authority:** *MS s 14 06, 169 792, 169.795, 169 798; 299A 01*

**History:** 27 SR 466

## 7409.2100 VIOLATION RESULTING IN FATALITY OR PERSONAL INJURY.

The commissioner shall suspend the driver's license of a person upon receiving a record of conviction, other than a petty misdemeanor, under Minnesota Statutes, chapter 169, or an ordinance regulating traffic, except traffic laws specifically excluded from the driving record by statute, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another. Unless otherwise recommended by the court, the driver's license must be suspended for a period of

A. 90 days, if the violation upon which the conviction was based resulted in the personal injury of another person, or

B. 180 days, if the violation upon which the conviction was based resulted in the death of another person.

**Statutory Authority:** *MS s 14 06, 169 792; 169 795, 169 798; 299A 01*

**History:** 27 SR 466

## 7409.2200 HABITUAL VIOLATORS.

*[For text of subpart 1, see MR]*

Subp 2 **License, permit, and endorsement violations.** The commissioner shall suspend the driver's license of a person for a period of 30 days upon receiving a record of conviction of two or more violations of Minnesota Statutes, section 169.974, subdivision 2, 171.02, 171 05; or 171.321.

*[For text of subp 3, see MR.]*

Subp 4 **Driving after withdrawal.** The commissioner shall suspend the driver's license of a person upon receiving a record of conviction under Minnesota Statutes, section 171.24. The driver's license must be suspended for a period of

*[For text of items A to D, see MR]*

**Statutory Authority:** *MS s 14.06, 169.792; 169 795; 169 798; 299A 01*

**History:** 27 SR 466

## 7409.2250 SUSPENSION FOR SCHOOL BUS VIOLATIONS.

The commissioner shall suspend the driver's license of a person on receipt of a second conviction within five years of a prior conviction under Minnesota Statutes, section 169.444, subdivision 2, paragraph (a), or 171.18, subdivision 1, clause (8), for.

A. 30 days for the second offense within five years;

B. 90 days for the third offense within five years; and

C. one year for the fourth or any subsequent offense within five years.

**Statutory Authority:** *MS s 14 06; 169.792; 169 795; 169 798; 299A 01*

**History:** 27 SR 466

## 7409.2400 FAILURE TO MAINTAIN INSURANCE.

Subpart 1 **Authority; suspension periods.** Under Minnesota Statutes, section 169.797, subdivision 4a, the commissioner shall suspend the driver's license of a driver

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upon a showing by department records, including accident reports or other sufficient evidence, that a plan of reparation security had not been provided and maintained at the time of the incident. The driver's license must be suspended for a period of

*[For text of items A to D, see MR.]*

*[For text of subp 2, see MR.]*

Subp. 3 [Repealed, 27 SR 466]

**Statutory Authority:** *MS s 14 06; 169 792, 169 795, 169 798, 299A 01*

**History:** 27 SR 466

### 7409.2800 CANCELLATION; GROUNDS.

The commissioner shall cancel the driver's license of a person on determining that the person

*[For text of items A to C, see M.R.]*

D at the time of cancellation, would not have been entitled to receive a license under Minnesota Statutes, section 171 04;

E. has failed to submit to an examination under Minnesota Statutes, section 171.13, or

F. has a visual acuity of 20/80 or greater and the person is convicted of a traffic violation or is involved in a motor vehicle accident in which the commissioner determines the person was at fault

**Statutory Authority:** *MS s 14.06, 169 792; 169 795, 169.798; 299A 01*

**History:** 27 SR 466

### 7409.3000 MULTIPLE LICENSE WITHDRAWALS.

Subpart 1. **Concurrent withdrawals.** When a person is subject to more than one withdrawal period under this chapter, the withdrawal periods run concurrently with all other withdrawals under this chapter and chapter 7503, except as otherwise provided in this part.

Subp 2 [Repealed, 27 SR 466]

Subp. 3 [Repealed, 27 SR 466]

Subp. 4. [Repealed, 27 SR 466]

*[For text of subps 5 and 6, see M.R.]*

**Statutory Authority:** *MS s 14 06, 169 792; 169 795, 169.798, 299A 01*

**History:** 27 SR 466

7409.3100 [Repealed, 27 SR 466]

7409.3200 [Repealed, 27 SR 466]

7409.3400 [Repealed, 27 SR 466]

### 7409.3600 LIMITED LICENSE.

Subpart 1. **General procedures for obtaining limited license.** In accordance with part 7503 1800, except as specified in subparts 2 and 3 of this part 7409.3600, the commissioner shall issue a limited license following a revocation under Minnesota Statutes, section 169 792, 169 797, or 171 17, or suspension under Minnesota Statutes, section 171.18, only when the person has met the conditions specified in this part:

A. The person must demonstrate a need and meet the requirements for a limited license under Minnesota Statutes, section 171 30.

B The person must pay the reinstatement fee required by statute

C. If the person's driver's license was revoked, the person must apply for a new license, pay the application fee for the class of license involved, and pass the examination and tests required under parts 7410.4000 to 7410.5600, and Minnesota Statutes, section 171.13

D One-half of the revocation or suspension period must be expired if the person has had a limited license within the previous 24 months

E The person must request a limited license by written correspondence, facsimile, or e-mail, by personal appearance at the department, or by telephone.

F The person must have fulfilled all outstanding requirements for all other driver's license withdrawals

Subp 2. **No limited class D license issuance.** The commissioner shall not issue a limited class D driver's license

A. if the license is suspended for criminal vehicular homicide, manslaughter with a motor vehicle, or fleeing a peace officer with a motor vehicle under part 7409.2000,

B. to operate a class A school bus, child care bus, Head Start bus, or activity bus as described in Minnesota Statutes, section 169 01, or

C. to operate a special transportation service vehicle as described in Minnesota Statutes, section 221 011, subdivision 49, or 473.386.

Subp 3 **No limited commercial license following disqualification.** The commissioner shall not issue a limited class A, B, or C commercial driver's license during the period the individual is disqualified from holding a class A, B, or C commercial driver's license.

Subp 4 **Hour and day limitations.**

A. The commissioner shall not issue a limited driver's license that would allow a person to potentially operate a motor vehicle for more than 60 hours per week and six days a week.

B. Except for the driving time for chemical dependency treatment specified in subpart 5, the potential driving time must fall within the total hours and day limits specified in item A.

C "Livelihood" as the term is used in Minnesota Statutes, section 171.30, means gainful employment for wages or salary.

Subp. 5 **Chemical dependency treatment or counseling.**

A Upon request of the driver, the commissioner shall issue a limited driver's license for a person to

(1) attend chemical dependency treatment as defined in part 7503.0100, subpart 5,

(2) participate in a generally recognized support group based on ongoing abstinence, or

(3) attend a court-ordered alcohol intervention program.

B. Counseling must be provided by a program described in item A

C Driving time to attend the support group in item A, subitem (2), is authorized for no more than twice a week

Subp 6 **Homemaker educational needs.** Upon request of the driver, the commissioner shall issue a limited driver's license to transport any dependent to child care or to an elementary or secondary school to attend classes for graduation if

A. the driver demonstrates that lack of driving privileges would substantially disrupt the dependent's education; and

B the driver is the individual primarily responsible for providing the transportation to school or child care

Subp 7 **Homemaker medical needs.** Upon request of the driver, the commissioner shall issue a limited driver's license to take a dependent under the age of 18 or other dependent living in the homemaker's household to a medical or dental appointment or to obtain medical supplies for the dependent if

A the driver demonstrates that lack of driving privileges would substantially disrupt a dependent's medical needs; and



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B. the driver is the individual primarily responsible for providing the transportation for medical needs

**Subp. 8. Homemaker nutritional needs.** Upon request of the driver, the commissioner shall issue a limited driver's license to obtain food for any and all dependents within the household for a three-hour period no more than once a week if

A. the driver demonstrates that lack of driving privileges would substantially disrupt a dependent's nutritional needs, and

B the driver is the individual primarily responsible for providing the transportation for nutritional needs

**Subp. 9. Out-of-state license holder.** Upon application for a Minnesota limited driver's license by a person with a state license other than one issued by Minnesota, the commissioner may issue a limited license in Minnesota if

A the out-of-state license is valid and the applicant is in possession of a driver's license card;

B the applicant submits a certified copy of the applicant's driving record in all states of current and previous licensure so the commissioner can determine whether to issue a limited license, and

C the commissioner determines that the provisions of this part and Minnesota Statutes, section 171.30, are met.

**Statutory Authority:** *MS s 14 06, 169 792, 169 795, 169 798; 299A 01*

**History:** 27 SR 466

### 7409.4100 REINSTATEMENT AFTER REVOCATION, GENERALLY.

Except as provided in parts 7409.3800 and 7409.4000, the commissioner shall reinstate the driver's license of a person whose license is revoked when the conditions specified in this part are met

A the revocation period has expired;

B no withdrawal of the person's driver's license is outstanding;

C the person has paid the reinstatement fee required at the time of payment by Minnesota Statutes, section 171.29, and

D the person has applied for a new license, paid the application fee for the class of license involved, and passed the driver's license examination and tests required by parts 7410.4000 to 7410.5600, and Minnesota Statutes, section 171.13.

The notice of reinstatement must be issued by the commissioner before reinstatement of the subject's driver's license occurs

**Statutory Authority:** *MS s 14 06, 169 792, 169 795, 169 798, 299A 01*

**History:** 27 SR 466

### 7409.4200 REINSTATEMENT AFTER SUSPENSION, GENERALLY.

Except as provided in part 7409.3900, the commissioner shall reinstate the driver's license of a person whose driver's license is suspended when the conditions specified in this part are met.

A the suspension period has expired or the person has satisfied the requirements of suspension;

B no withdrawal of the person's driver's license is outstanding;

C. the person has paid the suspension reinstatement fee required at the time of payment by Minnesota Statutes, section 171.20, and

D. the notice of reinstatement has been issued by the commissioner

**Statutory Authority:** *MS s 14 06; 169 792, 169.795, 169 798, 299A 01*

**History:** 27 SR 466

**7409.4250 REINSTATEMENT OF NONRESIDENT DRIVING PRIVILEGES.**

When an applicant who resides in another state applies for or has an out-of-state driver's license, and the applicant's driving privilege is under revocation or suspension in Minnesota, the applicant must comply with the requirements for reinstatement of driving privileges as specified in part 7409 4100, items A, B, and C or 7409 4200, items A, B, and C. The commissioner shall not waive the fees for reinstatement of the license as specified in Minnesota Statutes, sections 171 20 and 171 29.

**Statutory Authority:** *MS s 14 06; 169 792, 169 795, 169 798; 299A.01*

**History:** *27 SR 466*

**7409.4300 REINSTATEMENT AFTER CANCELLATION.**

The commissioner shall reinstate the driver's license of a person whose license is canceled when the conditions specified in this part are met:

A no withdrawal of the person's license is outstanding;

B the conditions with respect to the cancellation have been met; and

C the person is otherwise eligible for a driver's license under Minnesota Statutes

The notice of reinstatement must be issued by the commissioner before reinstatement of the subject's driver's license occurs.

**Statutory Authority:** *MS s 14 06, 169 792, 169 795; 169 798, 299A 01*

**History:** *27 SR 466*

**7409.4350 WHEN REINSTATEMENT IS EFFECTIVE.**

When a person's driving privileges have been withdrawn, the commissioner shall reinstate them at a time and date when the commissioner determines that the reinstatement requirements have been met.

A Reinstatement is effective on the date and time specified in the notice of reinstatement issued by the commissioner

B The commissioner shall issue the notice of reinstatement by first class mail to the person subject to reinstatement

C The subject's driving record must reflect reinstatement at the time and date the notice of reinstatement is issued

**Statutory Authority:** *MS s 14 06, 169 792, 169 795; 169.798, 299A 01*

**History:** *27 SR 466*

**7409.4500 PRELIMINARY HEARING.**

Subpart 1. **Preliminary hearing required.** A person must attend a preliminary hearing when the commissioner has sufficient cause to believe the person

A has committed a violation under Minnesota Statutes, section 171 22, for an unlawful or fraudulent act regarding a driver's license or Minnesota identification card,

B has committed a second violation under Minnesota Statutes, section 171 09, except for total abstinence restrictions, for a violation of a restriction imposed on the person's driver's license, or

C was not previously sent a warning letter under part 7409 2200, subpart 1, and is convicted of

*[For text of subitems (1) to (3), see M.R.]*

*[For text of subp 2, see M.R.]*

Subp. 3. **Suspension period.** If, after reviewing the evidence presented at the preliminary hearing, the commissioner has sufficient cause to believe that the person has committed an offense listed in

A. subpart 1, item A or B, the commissioner shall suspend the driver's license or driving privilege for 30 days, or

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B. subpart 1, item C, the commissioner shall suspend the driver's license of the person for 30 days or in accordance with the number of traffic convictions accumulated, as set forth in part 7409 2200, subpart 1, unless the person agrees to enter into a driver improvement agreement, as set forth in part 7409 4700, subpart 2

Subp. 4 **Failure to attend preliminary hearing.** The commissioner shall.

A cancel the driver's license or driving privilege of a person who fails to attend a preliminary hearing under subpart 1, item A or B, which remains in effect until the preliminary hearing has been held, or

B suspend the driver's license of a person who fails to attend a preliminary hearing under subpart 1, item C, for 30 days or in accordance with the number of traffic convictions accumulated, as set forth in part 7409 2200, subpart 1.

*[For text of subp 5, see MR ]*

**Statutory Authority:** *MS s 14.06; 169 792; 169 795, 169.798, 299A 01*

**History:** *27 SR 466*

### 7409.4600 ADMINISTRATIVE HEARING OR REVIEW.

Subpart 1. **Right to hearing or review.** The commissioner shall grant an administrative hearing to a person whose driver's license has been withdrawn or is subject to withdrawal

Subp. 2. **Procedure for requesting hearing.** A hearing is initiated by submitting a written request for review to the department. The hearing may be held by written correspondence or by a personal appearance. The person requesting the review must inform the department of the person's full name, date of birth, driver's license number, the date of the incident for which review is being requested, and provide a written statement of the factual basis for which the person seeks to have the department's action rescinded

Subp 3 **Scope of review or hearing.** On receiving a request for a review or hearing, the commissioner shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner to determine whether sufficient cause exists to sustain the order.

The commissioner may seek additional information from the person requesting the review or hearing or from an agency or person believed to have information relating to the facts underlying the order of withdrawal. The person requesting the review or hearing may present additional information to the commissioner at the hearing.

Subp 4 **Decision.** Upon reviewing the evidence, the commissioner shall sustain the withdrawal order if there is sufficient cause to believe that the withdrawal is authorized by law or rule

A If the commissioner finds that there is not sufficient cause to believe the withdrawal order is authorized by law or rule, the order must be rescinded

B. The commissioner shall give a prompt decision to the person by first class mail within 15 days after the commissioner receives a completed request.

C. The review is final and no subsequent administrative review shall be granted.

Subp 5 [Repealed, 27 SR 466]

**Statutory Authority:** *MS s 14 06, 169 792; 169 795; 169.798; 299A 01*

**History:** *27 SR 466*

### 7409.4700 WAIVER AND VARIANCES.

Subpart 1 **Waiver.** The commissioner may waive department action on the person's driver's license if

A. the person's driver's license has been suspended under Minnesota Statutes, section 171 09 or 171 18,

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B. after reviewing the person's entire driving record, the commissioner has sufficient cause to believe that the person will improve the person's driving conduct or has demonstrated improved driving conduct; and

C the person agrees to enter into a driver improvement agreement with the commissioner.

**Subp. 2 Driver improvement agreement.** A driver improvement agreement is an agreement between a driver and the commissioner in which the driver agrees to improve driving conduct in consideration for the department taking no action on the suspension that the person currently has pending

A. The driver improvement agreement must not be for a period less than the period of suspension that the person currently has pending.

B. If the person commits a violation arising out of the operation of a motor vehicle while a driver improvement agreement is in effect, the commissioner shall withdraw the person's driver's license for 30 days or according to this chapter, chapter 7503, or Minnesota Statutes, whichever is the longer period.

C The commissioner shall not issue a limited license as provided by Minnesota Statutes, section 171.30, to the person for violations committed during the period an agreement is in force.

**Subp. 3. Variances.** Unless otherwise specifically provided for in this chapter, the provisions of this chapter are not subject to variance under another rule or statute

**Statutory Authority:** *MS s 14 06; 169 792, 169 795, 169 798, 299A 01*

**History:** *27 SR 466*