

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

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7409.0100 DEFINITIONS.

Subpart 1. **Scope.** For this chapter, the terms defined in this part have the meanings given them.

Subp. 1a. **Cancellation.** "Cancellation" means the commissioner's rescission of a person's driver's license for which the person must meet the requirements of part 7409.4300 for reinstatement of the person's driver's license.

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 33;
- 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).

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Safety, acting directly or through authorized officers and agents.

Subp. 4. **Conviction; convicted.** “Conviction” or “convicted” has the meaning given it in Minnesota Statutes, section 171.01, subdivision 29.

Subp. 5. **Department.** “Department” means the Minnesota Department of Public Safety.

Subp. 6. **Disqualification; disqualify.** “Disqualification” or “disqualify” means the commissioner’s removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

Subp. 6a. **Driver improvement clinic.** “Driver improvement clinic” has the meaning given in Minnesota Statutes, section 171.20, subdivision 3.

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.

Subp. 7a. **Owner.** “Owner” has the meaning given in Minnesota Statutes, section 65B.43, subdivision 4.

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.

Subp. 7c. **Plan of reparation security.** “Plan of reparation security” has the meaning given in Minnesota Statutes, section 65B.43, subdivision 15.

Subp. 7d. **Proof of insurance.** “Proof of insurance” has the meaning given in Minnesota Statutes, section 169.791, subdivision 1.

Subp. 8. **Revocation.** “Revocation” means the commissioner’s rescission of a person’s driver’s license for a specific minimum period of time under Minnesota Statutes, section 169.792, 169.797, 171.165, or 171.17, for which the person must meet the requirements of part 7409.0600, 7409.3800, 7409.4000, or 7409.4100 for reinstatement of the person’s driver’s license.

Subp. 8a. **Sufficient cause to believe.** “Sufficient cause to believe” means grounds put forth in good faith, which are not arbitrary, irrational, unreasonable, or irrelevant, and that make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

- A. written information from an identified person;
- B. facts or statements by the applicant or driver;
- C. driver’s license and accident records;
- D. court documents and police records; or
- E. facts of which the commissioner or a department employee has personal knowledge.

Subp. 9. **Suspension.** “Suspension” means the commissioner’s temporary removal of a person’s driver’s license under Minnesota Statutes, section 169.797, subdivision 4a, 171.09, or 171.18 for which the person must meet the requirements of part 7409.3900 or 7409.4200 for reinstatement of the person’s driver’s license.

Subp. 10. **Withdrawal or withdrawn.** “Withdrawal” or “withdrawn” means the suspension, revocation, or cancellation of a person’s driver’s license.

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Subp. 11. **Withdrawal period.** "Withdrawal period" means the time after a license withdrawal during which the person's driving privilege has been withdrawn and has not been reinstated.

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 171.165; 299A.01*

History: *15 SR 2406; 16 SR 1177; L 1992 c 571 art 14 s 13; 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*

DISQUALIFICATION

7409.0200 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

Subpart 1. **Leaving accident scene.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person was convicted under Minnesota Statutes, section 169.09, subdivision 1 or 2, and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of violation of section 169.09, subdivision 1 or 2. The disqualification period is:

A. one year, for the first conviction;

B. three years, if the person was transporting hazardous materials at the time of the violation; or

C. life, if the person has a previous disqualification under this subpart, subpart 2 or 3, or Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

Subp. 2. **Felony, using commercial vehicle.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person was convicted of a felony in which a commercial motor vehicle was used, other than a felony described in subpart 4. The disqualification period is:

A. one year, for the first conviction;

B. three years, if the person was transporting hazardous materials at the time of the commission of the felony; or

C. life, if the person has a previous disqualification under this subpart, subpart 1 or 3, or Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

Subp. 3. **Out-of-state convictions.** Upon receiving a record of conviction from another state, the commissioner shall disqualify the convicted person from holding a commercial driver's license if the conviction would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (2) or (3). The disqualification is:

A. one year, for the first conviction;

B. three years, if the person was transporting hazardous materials at the time of the violation; or

C. life, if the person has a previous disqualification under this subpart, subpart 1 or 2, or Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

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.

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; 171.165; 299A.01*

History: *15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 466*

7409.0300 NOTICE OF LICENSE ACTION.

Subpart 1. **Notice of possible disqualification.** The commissioner shall notify a person who is subject to possible disqualification under this chapter or when requirements from a previous disqualification have not been satisfied. The notification must be

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in writing and sent by first class mail to the address shown on department records. The notice must contain the following information and may contain other information that the commissioner considers appropriate:

- A. the person's full name, date of birth, driver's license number, height, and weight;
- B. the current address obtained from the person's driver's license record, including street number, city, state, and zip code;
- C. the date the notice is mailed;
- D. the effective date of the disqualification order;
- E. the reason for the disqualification;
- F. the type of vehicle being operated at the time of the driving incident;
- G. the length of the disqualification period;
- H. a statement that the person has a right to administrative review under Minnesota Statutes, section 171.166; and
- I. the length of time during which administrative review is available under Minnesota Statutes, section 171.166.

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:

- A. the person's full name, date of birth, height, weight, and driver's license number;
- B. the current address obtained from the person's driver's license record, including street number, city, state, and zip code;
- C. the date the notice is mailed;
- D. the effective date of the disqualification order;
- E. the reason for the disqualification;
- F. the type of vehicle being operated at the time of the driving incident;
- G. the length of the disqualification period; and
- H. a statement informing the person of the requirements to reinstate the commercial driver's license.

Subp. 3. Notice to other states. When a nonresident is convicted of driving incidents that occurred while driving, operating, or in physical control of a commercial motor vehicle, the commissioner shall report that conviction to the driver's state of residence.

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 171.165; 299A.01*

History: *15 SR 2406; 27 SR 466*

7409.0400 CLASS D LICENSE ELIGIBILITY DURING DISQUALIFICATION.

Subpart 1. [Repealed, 27 SR 466]

Subp. 2. [Repealed, 27 SR 466]

Subp. 3. Class D eligibility. A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class D license. The class D license is valid until its expiration date or until the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied at any time during that period. If the class D license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the

time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7409.0600 are fulfilled.

Subp. 4. **Obtaining class D license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class D license under subpart 3 must be issued a temporary class D license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who would prefer a class D license card must apply for a duplicate class D license. The duplicate license fee must be paid and a receipt will be issued to the person showing the existence of class D driving privileges. The class D license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class D license card will be issued.

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; 171.165; 299A.01*

History: *15 SR 2406; 21 SR 458; 27 SR 466*

7409.0500 [Repealed, 27 SR 466]

7409.0600 REINSTATEMENT.

Subpart 1. **Reinstatement following disqualification.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified from holding a commercial driver's license when:

- A. the disqualification period has been served and expired;
- B. the person has paid the reinstatement fee as required by Minnesota Statutes;
- C. the requirements imposed during this or a previous disqualification period have been satisfied; and
- D. if issued, the class D license card is returned to the department.

Subp. 2. **Reinstatement notice.** After the person completes the requirements for reinstatement, the department shall notify the person of reinstatement.

Statutory Authority: *MS s 171.165*

History: *15 SR 2406; 21 SR 458*

REVOCAATION

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

(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

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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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 23 SR 1932; 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

7409.1300 LEAVING SCENE OF ACCIDENT.

The commissioner shall revoke the driver's license of a person upon receiving a record of conviction under Minnesota Statutes, section 169.09, for failure to stop and disclose identity and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another, for a period of:

A. 180 days, if the accident upon which the conviction is based resulted in personal injury to another person; or

B. one year, if the accident upon which the conviction is based resulted in the death of another person.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

7409.1400 PERJURY, FALSE AFFIDAVIT OR STATEMENT.

The commissioner shall revoke the driver's license of a person for a period of 180 days, upon receiving a record of conviction for perjury or the making of a false affidavit

or statement to the department under any law relating to the ownership or operation of a motor vehicle.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

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

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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

7409.1600 INSURANCE-RELATED OFFENSES.

Subpart 1. Failure to maintain insurance. The commissioner shall revoke the driver's license of a person upon receiving a record of conviction under Minnesota Statutes, section 169.797, for operating an uninsured vehicle, for a period of:

A. 30 days, if the person has no other convictions under Minnesota Statutes, section 169.797, within a five-year period;

B. 90 days, if the person has been convicted two times under Minnesota Statutes, section 169.797, within a five-year period;

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C. 180 days, if the person has been convicted three times under Minnesota Statutes, section 169.797, within a five-year period; or

D. one year, if the person has been convicted four or more times under Minnesota Statutes, section 169.797, within a five-year period.

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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

SUSPENSION

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;

B. manslaughter; or

C. fleeing a peace officer.

Subp. 2. **Dismissal or acquittal.** If the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

7409.2200 HABITUAL VIOLATORS.

Subpart 1. **In general.** The commissioner shall suspend the driver's license of a person upon receiving a record of conviction for a violation of a traffic law under Minnesota Statutes, chapter 169 or 171, or other statutes regulating the operation of motor vehicles on streets or highways, except traffic laws specifically excluded from the driving record by statute. The driver's license must be suspended for a period of:

A. 30 days, if the commissioner has previously sent a violation warning letter to the person and the person is convicted of:

- (1) four traffic offenses within a 12-month period; or
- (2) five traffic offenses within a 24-month period;

B. 90 days, if the person is convicted of:

- (1) five traffic offenses within a 12-month period; or
- (2) six traffic offenses within a 24-month period;

C. 180 days, if the person is convicted of seven traffic offenses within a 24-month period; or

D. one year, if the person is convicted of eight or more traffic offenses within a 24-month period.

The commissioner shall send a warning letter or conduct a preliminary hearing under part 7409.4500 if the person is convicted of two misdemeanors or convicted of three or more traffic offenses, under this subpart, occurring within a 24-month period.

The warning letter must be sent by first class mail to the person's last known address or to the address listed on the person's driver's license, informing the person of the number and type of traffic violations on the person's driving record and the consequences of additional traffic violations.

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.

Subp. 3. **Limited license violations.** The commissioner shall suspend the driver's license of a person upon receiving a record of conviction for violating a condition or limitation of a limited license under Minnesota Statutes, section 171.30, for a period of:

A. 30 days, if the person has no other convictions under that section within a five-year period;

B. 90 days, if the person has been convicted two times under that section within a five-year period;

C. 180 days, if the person has been convicted three times under that section within a five-year period; or

D. one year, if the person has been convicted four or more times under that section within a five-year period.

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:

A. 30 days, if the person has no other incidents of driving after withdrawal within a five-year period;

B. 90 days, if the person has two incidents of driving after withdrawal within a five-year period;

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C. 180 days, if the person has three violations of driving after withdrawal within a five-year period; or

D. one year, if the person has four or more violations of driving after withdrawal within a five-year period.

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 299A.01*

History: *16 SR 1177; L 1992 c 571 art 14 s 13; 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*

7409.2300 MISUSE OF LICENSE.

Except as otherwise provided in Minnesota Statutes, section 171.171, the commissioner shall suspend the driver's license of a person upon receiving a record of conviction under Minnesota Statutes, section 171.22, for a period of:

A. 90 days, if the person has no other convictions under that section within a five-year period; or

B. 180 days if the person has been convicted two or more times under that section within a five-year period.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

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 an operator 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:

A. 30 days, if the operator's driver's license has not been withdrawn under Minnesota Statutes, section 169.797, within a five-year period;

B. 90 days, if the operator's driver's license has been withdrawn once under Minnesota Statutes, section 169.797, within a five-year period;

C. 180 days, if the operator's driver's license has been withdrawn twice under Minnesota Statutes, section 169.797, within a five-year period; or

D. one year, if the operator's driver's license has been withdrawn three or more times under Minnesota Statutes, section 169.797, within a five-year period.

Subp. 2. **Converted to revocation.** If a person is later convicted under Minnesota Statutes, section 169.797, subdivision 4, paragraph (b), for the same offense, then the commissioner shall convert the suspension imposed under this part to a revocation under part 7409.1600, subpart 1.

Subp. 3. [Repealed, 27 SR 466]

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 299A.01*

History: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

CANCELLATION

7409.2800 CANCELLATION; GROUNDS.

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

- A. was not entitled to be issued a driver's license;
- B. has failed to give the required or correct information in the application for a driver's license;
- C. has committed a fraud or deceit in applying for a driver's license;
- 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

WITHDRAWAL PERIODS, ACTION; LICENSE SURRENDER

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]

Subp. 5. **Court order.** Withdrawal periods imposed by a court order run concurrently with other withdrawal periods imposed under this chapter, unless otherwise ordered by the court.

Subp. 6. **Total suspension period.** The total suspension period must not exceed one year unless otherwise recommended by a court.

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 299A.01*

History: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

7409.3100 [Repealed, 27 SR 466]

7409.3200 [Repealed, 27 SR 466]

7409.3400 [Repealed, 27 SR 466]

LIMITED LICENSE

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.

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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

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: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

7409.3700 [Repealed, L 2000 c 478 art 2 s 8]

7409.3710 [Repealed, L 2000 c 478 art 2 s 8]

7409.3720 [Repealed, L 2000 c 478 art 2 s 8]

7409.3730 [Repealed, L 2000 c 478 art 2 s 8]

7409.3740 [Repealed, L 2000 c 478 art 2 s 8]

7409.3750 [Repealed, L 2000 c 478 art 2 s 8]

7409.3760 [Repealed, L 2000 c 478 art 2 s 8]

7409.3770 [Repealed, L 2000 c 478 art 2 s 8]

REINSTATEMENT

7409.3800 REINSTATEMENT AFTER INSURANCE-RELATED REVOCATION.

The commissioner shall reinstate the driver's license of a person whose license has been revoked under Minnesota Statutes, section 169.797, subdivision 4, paragraph (b), when the operator has met the reinstatement conditions listed under part 7409.4100 and the operator files with the commissioner:

A. if the operator is also the owner of the vehicle involved in the incident, a certificate of insurance for:

(1) the vehicle cited on the traffic citation; or

(2) if no vehicle is cited on the traffic citation or if the vehicle has been sold or junked, the vehicle currently being operated;

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B. if the operator is not the owner of the vehicle involved in the incident, a certificate of insurance for the vehicle owned and currently being operated; or

C. if the operator is not the owner of the vehicle involved in the incident and the operator does not own a vehicle, a certificate of insurance for a nonowner operator policy or a certificate of insurance verifying the operator is a named insured.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

7409.3900 REINSTATEMENT AFTER INSURANCE-RELATED SUSPENSION.

The commissioner shall reinstate the driver's license of a person whose license has been suspended under Minnesota Statutes, section 169.797, subdivision 4a, when the operator has met the reinstatement conditions listed under part 7409.4200 and:

A. if the person's driver's license has not been withdrawn under Minnesota Statutes, section 169.797, within a five-year period, the operator provides the commissioner with verifiable insurance information, including the name of the insurance company, the insurance policy number, and the name of the policyholder for:

(1) the vehicle cited, as shown on department records, or if no vehicle is shown on department records as being cited or if the vehicle has been sold or junked, the vehicle currently being operated if the operator was also the owner of the vehicle involved in the incident; or

(2) the vehicle owned and currently being operated, if the operator is not the owner of the vehicle involved in the incident and the operator knew or had reason to know that the vehicle did not have a plan of reparation security complying with the terms of Minnesota Statutes, section 65B.48; or

B. if the person's driver's license has been withdrawn two or more times under Minnesota Statutes, section 169.797, within a five-year period, the operator provides the commissioner with a certificate of insurance for:

(1) the vehicle cited, as shown on department records, or if no vehicle is shown on department records as being cited or if the vehicle has been sold or junked, the vehicle currently being operated if the operator was also the owner of the vehicle involved in the incident; or

(2) the vehicle owned and currently being operated, if the operator is not the owner of the vehicle involved in the incident and the operator knew or had reason to know that the vehicle involved in the incident did not have a plan of reparation security complying with the terms of Minnesota Statutes, section 65B.48.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

7409.4000 REINSTATEMENT AFTER INSURANCE-RELATED REVOCATION; 169.792.

The commissioner shall reinstate the driver's license of a person whose license has been revoked under Minnesota Statutes, section 169.792, when the driver has met the reinstatement requirements under part 7409.4100, items A to D, and the driver or owner files with the commissioner:

A. if the driver is also the owner of the vehicle involved in the incident, proof of insurance for:

(1) the vehicle operated at the time of the incident; or

(2) the vehicle currently being operated, if no vehicle is cited on the "no proof of insurance" report or if the vehicle involved in the incident has been sold or junked;

B. if the driver is not the owner of the vehicle involved in the incident, proof of insurance for a vehicle owned and currently being operated by the driver; or

C. if the driver is not the owner of the vehicle involved in the incident and the driver does not own a vehicle, proof of insurance for a nonowner operator policy or proof of insurance verifying that the person is a named insured.

Statutory Authority: *MS s 14.06; 169.795; 169.798*

History: *16 SR 1177; L 1992 c 571 art 14 s 13*

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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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.

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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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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*

HEARINGS

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:

- (1) two misdemeanor traffic offenses within a 12-month period;
- (2) four traffic offenses within a 12-month period; or
- (3) five traffic offenses within a 24-month period.

Subp. 2. **Scope of review.** The commissioner shall review the evidence upon which the preliminary hearing was based, and any other material information brought to the attention of the commissioner.

The commissioner may seek additional information from the person undergoing the preliminary hearing or from an agency or person believed to have information relating to the facts underlying the preliminary hearing. The person required to undergo a preliminary hearing may present additional information to the commissioner at the hearing.

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

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.

Subp. 5. **Notice of preliminary hearing.** The commissioner shall send a notice to the person who is required to attend a preliminary hearing by first class mail to the person's last known address or to the address listed on the person's driver's license informing the person:

A. the reason for the preliminary hearing;

B. of the time, date, and place of the hearing and, if necessary, instructions to reschedule the hearing; and

C. that failure to attend the hearing will result in suspension of the person's driver's license.

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 299A.01*

History: *16 SR 1177; L 1992 c 571 art 14 s 13; 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: *16 SR 1177; L 1992 c 571 art 14 s 13; 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:

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A. the person's driver's license has been suspended under Minnesota Statutes, section 171.09 or 171.18;

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