

CHAPTER 7410
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION
DRIVER LICENSES AND MOTOR VEHICLE RECORDS

7410.0100	DEFINITIONS	7410.2200	PURPOSE
7410.0200	PURPOSE AND SCOPE	7410.2300	SCOPE
7410.0300	NAME, NAME COMBINATION, LENGTH.	7410.2400	VISION
7410.0400	DOCUMENTATION OF PROOF OF NAME AND IDENTITY.	7410.2500	LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.
7410.0500	DOCUMENTATION FOR CHANGE OF NAME ON DRIVER'S LICENSE OR MOTOR VEHICLE REGISTRATION AND TITLE APPLICATION RECORDS.	7410.2610	INSULIN-TREATED DIABETES MELLITUS.
7410.0600	VARIANCES. PHOTOGRAPH REQUIREMENT	7410.2700	MENTAL ILLNESS OR DEFICIENCY.
7410.1800	DRIVER'S LICENSE PHOTOGRAPH. PHYSICAL AND MENTAL QUALIFICATIONS	7410.2800	MISCELLANEOUS PHYSICAL OR MENTAL CONDITIONS.
7410.2100	DEFINITION OF GOOD CAUSE TO BELIEVE.	7410.2900	OTHER RESTRICTED LICENSES.
		7410.3000	MEDICAL REVIEW BOARD.

7410.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7410.0100 to 7410.0600, the following terms have the meaning given them.

Subp. 2. **Driver's license and motor vehicle registration records.** "Driver's license and motor vehicle registration records" includes:

A. all applications for drivers' licenses, instruction permits, and Minnesota identification cards; and

B. all applications for motor vehicle certificates of title.

Subp. 3. **Full name.** "Full name" means the first name, middle name, and surname.

Subp. 4. **First name.** "First name" means the name given at birth that appears first in a person's full name.

Subp. 5. **Middle name.** "Middle name" means the name given at birth between a person's first name and surname.

Subp. 6. **Surname.** "Surname" means the last name borne in common by members of a family.

Statutory Authority: *MS s 299A.01; c 168; 168A; 171*

History: 9 SR 1252

7410.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7410.0100 to 7410.0600 is to provide general standards for the administration of the laws requiring that full names appear on driver licenses and motor vehicle records and to provide standards for subsequent name changes on these documents.

Subp. 2. **Scope.** The scope of parts 7410.0100 to 7410.0600 is intended to be confined within the framework and to be consistent with the provisions of Minnesota Statutes, chapters 168, 168A and 171.

Statutory Authority: *MS s 171.06*

7410.0300 NAME, NAME COMBINATION, LENGTH.

Subpart 1. **Full name required.** The full name is required on driver licenses and motor vehicle records. It is comprised of the first name, one or more middle names, and one or more surnames.

Subp. 2. **Length of full name.** The full name may not exceed 28 characters and spaces. If the full name exceeds 28 characters and spaces, it will be abbreviated by the Department of Public Safety in a manner that will permit proper record storage and printing on the record.

Subp. 3. **Name combinations.** If a person has more than one middle name or more than one surname, they may be used in combination separated by a hyphen. If only one name in a

combination is to be used on the document, the name used must be the first name of the combination name.

Statutory Authority: *MS s 171.06*

7410.0400 DOCUMENTATION OF PROOF OF NAME AND IDENTITY.

Subpart 1. **In General.** At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant for a Minnesota driver's license possesses a driver's license, chauffeur's license, or instruction permit from another jurisdiction, it must be surrendered.

Subp. 2. **Other documentation.** If the applicant cannot supply the documentation specified in subpart 1, one of the following will be accepted as proof of name and identity:

- A. an original or certified copy of the birth certificate of the applicant;
- B. an identification card issued to the applicant by the United States Armed Services;
- C. an alien identification card form 194 or a passport issued to the applicant if it meets the full name requirement specified in part 7410.0300;
- D. a certificate of motor vehicle title or registration issued to the applicant by another jurisdiction if it meets the full name requirement specified in part 7410.0300;
- E. a certified school record of the applicant;
- F. a baptismal record of the applicant; or
- G. confirmation of the name and identity of an applicant under 19 years of age by a parent, spouse, or guardian who must accompany the applicant and furnish proof of his or her name and identity as provided in items A to F or subpart 1.

Statutory Authority: *MS s 299A.01; c 168; 168A; 171*

History: 9 SR 1252

7410.0500 DOCUMENTATION FOR CHANGE OF NAME ON DRIVER'S LICENSE OR MOTOR VEHICLE REGISTRATION AND TITLE APPLICATION RECORDS.

Subpart 1. **In General.** When a change of name is required by law or requested by an applicant, the documentation in subparts 2 and 3 is required.

Subp. 2. **Specific documentation.** If the applicant is required by law or desires to change his or her surname, add an additional middle name or surname, or change any name, the applicant shall supply the most appropriate document from the following:

- A. applicant's certificate of marriage or a certified copy;
- B. applicant's marriage license or certified copy;
- C. a certified copy of a court order;
- D. a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or
- E. a certified copy of naturalization papers issued to the applicant.

Subp. 3. **Surname in place of middle name.** After December 31, 1982, an applicant may use the applicant's surname prior to marriage on the driver's license in place of the middle name. The following is acceptable as proof of that name:

- A. an original or certified copy of the applicant's birth certificate;
- B. the baptismal record of the applicant; or
- C. a driver's license or instruction permit of the applicant showing the surname of the applicant prior to marriage.

Statutory Authority: *MS s 171.06*

7410.0600 VARIANCES.

Subpart 1. **Commissioner may grant.** The commissioner of public safety may grant variances from part 7410.0400.

Subp. 2. **Application for variance.** If a person is unable to comply with the provisions and requirements of part 7410.0400, he or she may make written application to the commissioner of public safety or a designee for a variance.

Subp. 3. **Documentation.** A person applying for a variance must submit written documentation of the reasons why a variance should be granted, including the reasons the required documents are not available. The applicant must provide additional information regarding his or her name and identity, such as names of relatives, date and place of birth, place of residence, social security number, military service information, and any arrest information, to aid the commissioner in verifying the applicant's identity.

Subp. 4. **Review.** The commissioner of public safety or a designee shall review the request for the variance. In making a decision to grant or deny the variance, the commissioner or a designee shall consider the following:

- A. the availability of the required documents;
- B. the degree of hardship placed on the applicant;
- C. the effect of granting the variance on the public;
- D. the effect of granting the variance on the integrity of the record system; and
- E. the trustworthiness of the information supplied by the applicant regarding his or her name and identity.

Subp. 5. **Conditions for granting.** The commissioner shall grant the variance if all of the following conditions are present:

- A. the documents required by part 7410.0400 are either not reasonably available or do not exist;
- B. compliance with part 7410.0400 would cause an undue hardship for the applicant;
- C. granting the variance will have no adverse effect on the public;
- D. granting the variance will not jeopardize the integrity of the record system; and
- E. the applicant has established his or her name and identity by trustworthy evidence and documentation.

Subp. 6. **Decision.** The commissioner of public safety or a designee shall grant or deny the request for the variance within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30-day period.

Statutory Authority: *MS s 171.06*

History: *17 SR 1279*

PHOTOGRAPH REQUIREMENT

7410.1800 DRIVER'S LICENSE PHOTOGRAPH.

Subpart 1. **Purpose.** The purpose of this part is to provide for a method of identification on a driver's license in lieu of a photograph for persons with religious objections to being photographed.

Subp. 2. **Scope.** The scope of this part is intended to be consistent with Minnesota Statutes 1971, section 171.071.

Subp. 3. **Issuance of driver license without photograph.** Procedures for issuing a driver's license without a photograph are:

A. Any person having religious objections to being photographed and to the use of a photograph as a means of identification may apply to the director of motor vehicle service for issuance of a driver license valid without photograph.

B. In order to qualify for a driver license valid without photograph, an applicant must present to the motor vehicle services director a signed certificate or statement that the taking of a photograph and its use as identification violates the tenets and beliefs of the applicant's religion. The certificate or statement must accompany the regular application for driver license or renewal of license.

Subp. 4. **Specifications for driver's license valid without photograph.** The driver license issued to qualified applicants having religious objections to the use of a photograph shall be the same as the classified photo license, except, in the space normally occupied by the photograph of the licensee, the following shall appear:

VALID WITHOUT
PHOTO IN
COMPLIANCE WITH
Minnesota Statutes,
section 171.071
AND Minnesota Rules,
part 7410.1800

Statutory Authority: *MS s 171.071*

History: *17 SR 1279*

PHYSICAL AND MENTAL QUALIFICATIONS

7410.2100 DEFINITION OF GOOD CAUSE TO BELIEVE.

When used in parts 7410.2100 to 7410.3000, the following phrase shall have the following meaning: "Good cause to believe" means grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which are based on at least one of the following sources:

- A. written information from an identified person;
- B. facts supplied by the driver or applicant; or
- C. facts of which the commissioner or the commissioner's employees or agents have personal knowledge.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.2200 PURPOSE.

Parts 7410.2100 to 7410.3000 set out general standards for effective administration of the driver licensing statutes relating to the issuance, restriction, or denial of driving privileges with respect to persons having physical or mental disabilities under Minnesota Statutes, sections 171.04, 171.13, and 171.14.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

7410.2300 SCOPE.

Parts 7410.2100 to 7410.3000 are intended to be confined within the framework of, and consistent with, the provisions of Minnesota Statutes, chapter 171.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

7410.2400 VISION.

Subpart 1. **In general.** Every applicant shall submit to a vision screening or examination. The screening device, designed to screen 20/40 or better corrected vision, shall be of a type accepted by the American Medical Association. The purpose of the vision screening is:

A. to screen each applicant to guarantee that those individuals with substandard vision are required to take the necessary steps required to achieve the best vision possible; and

B. to deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles in traffic.

Subp. 2. **When corrective lenses not required.** Except as otherwise provided herein, no corrective lenses will be required when the applicant:

A. scores 20/40 or better, with either one or both eyes, without corrective lenses;

B. has one eye, but scores 20/40 or better, without corrective lenses; or

C. has the recommendation of an eye specialist that corrective lenses not be worn.

In these cases, the commissioner shall either require the applicant to be examined further, or impose suitable restrictions upon driving privileges or both.

Subp. 3. **Corrective lens requirement.** Corrective lenses shall be required in all cases when:

MINNESOTA RULES 1993

7410.2400 DRIVER LICENSES AND MOTOR VEHICLE RECORDS

114

A. the applicant scores less than 20/40 with both eyes unassisted but scores 20/40 or better with corrective lenses;

B. the applicant submits a physician's statement, in a form as may be prescribed by the commissioner, indicating that the applicant scores 20/40 or better with either eye, or both eyes together, but where the physician recommends that the applicant wear corrective lenses; or

C. the applicant is blind in one eye and scores less than 20/40 with the other eye unassisted, but scores 20/40 or better with corrective lenses.

Subp. 4. Vision examinations. Any applicant shall be required to submit a vision report from a physician in a form as prescribed by the commissioner when:

A. the applicant disagrees with the results of the screening conducted by any driver examiner;

B. the applicant has cataracts;

C. the driver examiner is unable to determine the extent of the applicant's vision;

D. any court or police officer has recommended that the applicant's vision be examined;

E. the commissioner determines, in some other situation, when the commissioner has good cause to believe that an examination is warranted;

F. the applicant has strabismus; or

G. the applicant has double vision.

Subp. 5. Vision-restricted licenses. Applicants who score 20/50 or less corrected vision with either one usable eye or with two eyes shall, if otherwise eligible, be issued a restricted license to permit driving subject to the following restrictions.

A. Speed restrictions.

20/50

55 miles per hour

20/60

50 miles per hour

20/70

45 miles per hour

When the applicant scores 20/80 to 20/100 corrected vision, the application will be referred to the chief evaluator who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others. When the applicant scores 20/100 or less corrected vision, or is known to be receiving assistance for the blind, all privileges shall be denied and any existing license canceled under authority of Minnesota Statutes, sections 171.14 and 171.04, clause (9).

B. Restriction as to type of road. Any applicant subject to speed restrictions under item A may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public. Any person limited to a maximum speed of 45 m.p.h. or less shall be restricted from driving on any freeway, expressway, or limited access highway with a speed limit of more than 45 m.p.h.

C. Area restrictions. Any applicant who scores 20/50 or less corrected vision with both eyes may be restricted to driving within an area to be determined by the commissioner, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

Subp. 6. Other situations. Any vision readings or problems not covered by the above general standards shall be referred to the chief evaluator, who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.2500 LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subpart 1. Scope. This part applies to drivers and applicants for driving privileges who have experienced a periodic or episodic loss of consciousness or voluntary control. This part

MINNESOTA RULES 1993

115

DRIVER LICENSES AND MOTOR VEHICLE RECORDS 7410.2500

applies regardless of whether the driver or applicant has an aura or warning of imminent seizure or attack or whether the driver or applicant has only had nocturnal attacks.

Subp. 1a. **Definition.** In this part, "loss of consciousness or voluntary control" means inability to assume and retain upright posture without support or inability to respond rationally to external stimuli.

Subp. 2. **Reports required.** A person shall report an episode of loss of consciousness or voluntary control, in writing, to the department:

A. at the time of applying for a driver's license, if an applicant has experienced an episode; or

B. within 30 days after the episode, if a driver experiences an episode.

Each report must specify the date of the episode and must be accompanied by a physician's statement in a form prescribed by the commissioner.

Subp. 2a. **Failure to report; misrepresentation.** If a driver or applicant has reason to know the requirements of subpart 2 and fails to submit a report required under that subpart or willfully makes a material misrepresentation to the department concerning a loss of consciousness or voluntary control:

A. the commissioner shall cancel or deny the person's driving privilege for six months from the date the failure to report or misrepresentation is discovered by the department; or

B. if the loss of consciousness or voluntary control is due to the abuse of alcohol or a controlled substance, the commissioner shall cancel or deny the person's driving privilege for one year from the date the failure or misrepresentation is discovered by the department.

Subp. 3. **Cancellation.** If the commissioner has good cause to believe that a driver or applicant has experienced an episode of loss of consciousness or voluntary control as described in subpart 1, or if a physician's report required by subpart 2 indicates an unfavorable prognosis for control of the person's condition, the commissioner shall cancel or deny the person's driving privileges until six months have elapsed since the episode or diagnosis and until the person submits a physician's report that indicates a favorable prognosis for episode free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and indicates that the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, except as provided in items A to D.

A. If the driver or applicant submits a physician's statement that indicates that the episode resulted from a change or removal of medication on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

B. If the driver or applicant submits a physician's statement that the episode was the first episode experienced by the person and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

C. The commissioner shall not cancel or deny the person's driving privileges if the driver or applicant submits a physician's statement indicating:

(1) that the episode was the first episode experienced by the driver or applicant in four or more years;

(2) that the episode was due to intervening and self-limiting temporary illness, treated by a physician, or to the driver or applicant forgetting to take the medication; and

(3) that the short and long term prognoses for episode free control of the person's condition are favorable.

D. If the loss of consciousness or voluntary control is reported and is due to alcohol or controlled substance abuse, and is not the first episode experienced by the driver or applicant, the commissioner shall cancel or deny the person's driving privileges for a year from the date of the episode.

Subp. 4. **Reinstatement.** For reinstatement, the commissioner shall require (1) a physician's statement that indicates a favorable prognosis for episode free control of the person's

condition, indicates that the person is cooperating in the treatment of the condition, and that indicates the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, and (2) a satisfactory statement from the driver or applicant stating the date of the last loss of consciousness or voluntary control.

Subp. 5. Review of driver's condition. Except as otherwise provided in items A to E, a driver who has experienced a loss of consciousness or voluntary control shall submit an annual physician's statement on a form prescribed by the commissioner, regarding the driver's medical history, present situation, and the prognosis with respect to the driver's ability to operate a motor vehicle with safety to the driver and others.

A. When a driver or applicant submits a physician's statement indicating that loss of consciousness or voluntary control resulted from a change or removal of medication on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

B. When a driver submits a physician's statement indicating that the episode of loss of consciousness or voluntary control was the first episode experienced by the driver and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

C. When the driver fulfills the requirements of subpart 3, item C, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

D. When the commissioner has good cause to believe that the driver's condition is not controlled, the commissioner shall require a physician's statement every six months, or at shorter intervals as recommended by the reporting physician.

E. If a driver has been free from episodes of loss of consciousness or voluntary control for four years, the commissioner shall require a physician's statement every four years, unless the physician recommends more frequent reports.

Statutory Authority: *MS s 171.04; 171.09; 171.113; 171.14*

History: *13 SR 980*

7410.2600 [Repealed, 17 SR 2284]

7410.2610 INSULIN-TREATED DIABETES MELLITUS.

Subpart 1. Scope. This part applies to drivers and applicants for drivers' licenses who have diabetes and are treated with insulin.

Subp. 2. Definitions. The terms in this part have the meanings given them in this subpart.

A. "Applying" means the completion of a department initial application, renewal, or duplicate driver's license form.

B. "Commissioner" means the commissioner of the Department of Public Safety, acting directly or through authorized officers and agents.

C. "Department" means the Department of Public Safety.

D. "Driving-related episode" means an episode that occurs while a person is driving, operating, or in physical control of a motor vehicle.

E. "Episode" means loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

F. "Loss of consciousness or voluntary control" means the inability to assume and retain an upright posture without support or the inability to overcome diabetic symptoms without the assistance of another.

Subp. 3. Reporting diagnosis of insulin-treated diabetes or episode. A person shall report a diagnosis of insulin-treated diabetes or an episode, in writing, to the department as follows:

A. after a diagnosis of insulin-treated diabetes:

(1) at the time of applying for a driver's license; and

MINNESOTA RULES 1993

117

DRIVER LICENSES AND MOTOR VEHICLE RECORDS 7410.2610

(2) within 30 days after the diagnosis;

B. for a driving-related episode:

(1) within 30 days after the episode; and

(2) on a regularly scheduled physician's statement as required in subpart 3a;

and

C. for a non-driving-related episode, on a regularly scheduled physician's statement as required in subpart 3a.

If a person has reason to know the requirements of items A and B, and willfully fails to report or willfully makes a material misrepresentation to the department concerning the person's diabetic condition, the commissioner shall suspend the person's driver's license for six months. The six-month suspension period will begin within 30 days from the date the department discovers the failure to report or misrepresentation.

Subp. 3a. Physician's statement required. A physician's statement, on a form prescribed by the commissioner, is required:

A. after the person:

(1) is diagnosed as having insulin-treated diabetes; or

(2) has a driving-related episode under subpart 3; and

B. every six months until the person has been episode free for a year; and then

C. annually until the person has been episode free for four years; and then

D. every four years; and additionally

E. as recommended by the physician or by the department.

The six-month, one-year, or four-year period will begin from the date the most recent physician's statement has been received and approved by the department. During a period of cancellation or suspension under this part, the department shall not require a physician's statement until the end of the cancellation or suspension period.

If a person fails to return a physician's statement to the department within 30 days from the date of mailing, the commissioner shall cancel the person's driver's license until the physician's statement is submitted to the department and accepted.

The physician's statement must indicate, at least, the date of each of the person's episodes since the previous physician's statement, whether the person is cooperating in the treatment of the condition, the person's prognosis for control of the person's diabetic condition, and whether the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Subp. 4. [Repealed, 17 SR 2284]

Subp. 5. [Repealed, 17 SR 2284]

Subp. 5a. Cancellation or denial. After a review of a person's physician's statement, the commissioner shall cancel or deny a person's driver's license under the conditions and for the periods stated as follows:

A. If the commissioner receives a physician's statement that indicates that the person is not medically qualified to exercise reasonable and ordinary control over a motor vehicle, the period of cancellation or denial will be based on the recommendation of the physician and the department unless the cancellation period in item B or C applies. If the department and the treating physician do not agree on the cancellation period, the physician's statement and the person's medical history will be submitted to the Medical Review Board for its recommendation upon the request of the individual, the physician, or the department.

B. If a person has a driving-related episode, the person's driver's license will be canceled for a period of six months from the date of the episode.

C. If a person has a driving-related episode that resulted from the use of alcohol or a controlled substance, the person's driver's license will be canceled for a period of one year from the date of the episode.

Subp. 5b. Notice. The commissioner shall notify a person whose driver's license has been or is subject to cancellation, suspension, or denial. The notification must be in writing and be personally served or sent by first-class mail to the person's last known address shown on department records. The notice must contain:

- A. the reason for the cancellation, suspension, or denial;
- B. the length of withdrawal;
- C. a statement that a person has a right to an administrative review; and
- D. the requirements for reinstatement of the person's driver's license.

The notice is deemed received three days after mailing by the department to the last known address of the person shown on department records.

Subp. 6. Reinstatement or issuance. The commissioner shall reinstate or issue the driver's license of a person whose license has been suspended, canceled, or denied when:

- A. the period of suspension, if any, has expired;
 - B. the person has paid the suspension reinstatement fee as required by statute;
 - C. no withdrawal of the person's driver's license is outstanding;
 - D. the requirements that resulted in suspension, cancellation, or denial have been completed; and
- E. the person submits a physician's statement, on a form prescribed by the commissioner, indicating:

(1) the date of each of the person's episodes since the previous physician's statement;

(2) the person is cooperating in the treatment of the condition;

(3) a favorable prognosis for the control of the person's diabetic condition;

and

(4) the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Statutory Authority: *MS s 14.06; 171.04; 171.09; 171.113; 171.14; 299A.01*

History: *13 SR 980; 17 SR 2284*

7410.2700 MENTAL ILLNESS OR DEFICIENCY.

Subpart 1. Good cause. For the purposes of this part, good cause to believe exists only if the commissioner has:

A. information that a person has operated a vehicle in an unsafe manner;

B. information that a person lacks judgment and coordination to safely operate a vehicle based on competent medical authority; or

C. facts supplied by the driver or applicant.

Subp. 2. Loss of driving privilege. When the commissioner has good cause to believe that a person is mentally ill, incompetent, or deficient, and that the mental illness, incompetency, or deficiency will affect the person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be canceled under authority of Minnesota Statutes, section 171.14, and denied under authority of Minnesota Statutes, section 171.04, clause (5) or (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

Subp. 3. Reinstatement. For reinstatement, the commissioner shall require a satisfactory statement from any institution in which the person has been treated, from any treating physician, or from any competent authority demonstrating that the individual is competent to drive safely.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.2800 MISCELLANEOUS PHYSICAL OR MENTAL CONDITIONS.

Subpart 1. Requirements for physician's statement. When the commissioner has good cause to believe that any of the situations listed in subpart 2 exist, and would adversely

MINNESOTA RULES 1993

119

DRIVER LICENSES AND MOTOR VEHICLE RECORDS 7410.2900

affect the driver's or applicant's ability to drive safely, a physician's statement in such form as the commissioner may prescribe shall be required within 30 days, or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the statement the commissioner finds that the person cannot drive safely, all driving privileges shall be canceled under authority of Minnesota Statutes, section 171.13, subdivision 4, or Minnesota Statutes, section 171.14, and denied under authority of Minnesota Statutes, section 171.04, clause (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

Subp. 2. Conditions requiring physician's statement. Situations covered by subpart 1 are:

- A. use of any medication, whether or not prescribed;
- B. any disease that raises reasonable doubts as to the person's ability to drive safely;
- C. use of alcohol or controlled substances;
- D. lack of physical control, such as that manifested by fainting or a dizzy spell, blackout, or period of unconsciousness;
- E. lack of physical endurance, such as that manifested by a person subject to fatigue, exhaustion, nervous tension, or adverse reaction to monotony;
- F. abnormal reflexes, such as those manifested by persons suffering from cerebral palsy, multiple sclerosis, Parkinson's disease, or similar conditions.

Subp. 3. Requirements for driver's test. When the commissioner has good cause to doubt the adequacy of the driver's or applicant's ability to safely operate a vehicle under the conditions listed in subpart 4, a driver's license examination shall be required within 30 days or within such reasonable time that a person may need to obtain a driver's test. If the driver's test is not satisfactorily completed within 30 days, or in such reasonable time as the person may require to obtain an examination, all driving privileges shall be canceled under the authority of Minnesota Statutes, section 171.13, and denied under the authority of Minnesota Statutes, section 171.04. For reinstatement, the commissioner shall require proof of satisfactory completion of the driver's test.

Subp. 4. Conditions requiring driver's test. Conditions covered by subpart 3 are:

- A. driving procedures;
- B. judgment of space, time, and motion;
- C. physical strength to operate a vehicle's controls;
- D. physical condition to operate a vehicle.

Statutory Authority: *MS s 171.04; 171.09; 171.113; 171.14*

History: *13 SR 980*

7410.2900 OTHER RESTRICTED LICENSES.

Subpart 1. Issuance. When a person has failed, after three attempts, to pass the driver's license examination, but can establish a genuine need to be able to drive, the person may apply for a restricted license. All such applications shall be referred to the chief driver evaluator. The applicant must undergo examination by an examining supervisor, who shall determine the risk involved, and forward his/her written recommendations including, when applicable, suggested basic restrictions, to the chief driver examiner for forwarding to the chief driver evaluator. The chief driver evaluator shall review the entire record and determine whether any driving privileges may be authorized.

Subp. 2. Cancellation. Any restricted licenses issued shall be subject to cancellation whenever the commissioner determines that the person has violated the restrictions imposed. The commissioner may notify local law enforcement agencies of the issuance of any special restricted license and of the restrictions involved. Any report of a violation of the restrictions shall be referred to the chief driver evaluator for consideration. Any conviction indicating a violation of the restrictions shall result in cancellation. After cancellation no driving privileges may be allowed until the commissioner determines that the licensee can be trusted to

operate within the restrictions imposed. Any reinstatement may be conditioned upon compliance with additional restrictions for such period as the commissioner may direct.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.3000 MEDICAL REVIEW BOARD.

Subpart 1. Composition. A medical review board shall be established for each of the various general types of physical and mental qualifications dealt with by parts 7410.2100 to 7410.3000. Each medical review board shall consist of one or more licensed physicians nominated by the state medical association. The physicians shall preferably be specialists in the area to which the problem relates.

Subp. 2. Variance. A person who disagrees with the determination of the commissioner, may apply, in writing, for a variance from parts 7410.2100 to 7410.2900.

A variance from statutory standards shall not be granted. A variance, other than from statutory standards, shall be granted to any person who establishes, under the individual circumstances in that person's case, that the person can operate a motor vehicle safely, with reasonable and ordinary control, and without posing a danger inimical to public safety or welfare.

Any applicant applying for a variance shall have the treating physician or physicians provide the commissioner with a complete medical history relating to the condition in question, together with good medical reasons why a variance should be granted. The commissioner shall then forward to the appropriate medical review board all information submitted by the applicant together with the commissioner's records relating to the matter. Each physician on the review board shall review the file and make a recommendation to the chair of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application, take whatever action the commissioner then deems appropriate, and inform the driver or the applicant of the decision and of the reasons for the decision. This decision shall be reached and the applicant informed of the decision within 60 days of the request for a variance.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*