

CHAPTER 7410
DEPARTMENT OF PUBLIC SAFETY
DRIVER INFORMATION, LICENSING, AND TESTING

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IDENTIFICATION AND INFORMATION REQUIREMENTS

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. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety of the state of Minnesota acting directly through its duly authorized officers and agents.

Subp. 1b. **Department.** "Department" means the Minnesota Department of Public Safety, Driver and Vehicle Services Division, and includes those persons appointed as deputy registrars and agents of the department.

Subp. 2. **Driver's license and vehicle records.** "Driver's license and vehicle records" includes all applications for:

- A. drivers' licenses;
- B. instruction permits;
- C. Minnesota identification cards;
- D. motorized bicycle operator permits; and
- E. vehicle certificates of title and vehicle registration.

Subp. 3. **Full name.** "Full name" means:

A. for drivers' licenses, permits, identification cards, and vehicle certificates of title and registration by an owner who is an individual, an individual's first name, one or more middle names if listed on the primary document, and one or more last names as they appear on a primary document; and

B. for vehicle certificates of title and registration by an owner that is an entity or organization other than an individual, the full name of the sole proprietorship, unincorporated association, partnership, limited partnership, limited liability partnership, corporation, limited liability company, cooperative, business trust, or other private or governmental organization, which is that name attested to by the applicant and either:

(1) the name filed or registered with the Secretary of State; or

(2) if no filing or registration has been made or none is required with the Secretary of State, the name listed as the federal taxpayer identification name.

Subp. 4. **First name.** "First name" means the name that appears first in an individual's full name or is the individual's first given name.

Subp. 4a. **Identification card.** "Identification card" means the card issued by the department under Minnesota Statutes, section 171.07, subdivision 3, to provide identification. An identification card does not provide for any driving privileges.

Subp. 4b. **Last name.** "Last name" means the final name or surname on a primary document. When the final two names are connected with a hyphen, it is both names connected by the hyphen.

Subp. 5. **Middle name.** "Middle name" means:

- A. the name or names between an individual's first name and last name; or
- B. pursuant to Minnesota Statutes, section 171.06, subdivision 3a, the applicant's last name before marriage.

Subp. 6. [Repealed, 23 SR 832]

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Subp. 7. **Owner.** "Owner" has the meaning given in Minnesota Statutes:

A. section 168.011, subdivision 5a, for purposes of vehicle registration, taxation, and sale; and

B. section 168A.01, subdivision 13, for purposes of vehicle certificates of title.

Subp. 8. **Permit.** "Permit" means:

A. an instruction permit issued under Minnesota Statutes, section 171.05; or

B. a motorized bicycle permit issued under Minnesota Statutes, sections 171.02, subdivision 3, and 171.05, subdivision 3.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes:

A. section 171.01, subdivision 45, with respect to vehicle registration; and

B. section 168A.01, subdivision 14, with respect to vehicle titles.

Subp. 10. **Primary document.** "Primary document" means a document listed in part 7410.0400, subpart 2, containing an individual's full name and date of birth and verifiable with the issuing entity.

Subp. 11. **Registration.** "Registration" means the issuance of vehicle license plates and tabs according to Minnesota Statutes, chapter 168.

Subp. 12. **Residence address and permanent mailing address.** For purposes of drivers' licenses, permits, and identification cards, "residence address" and "permanent mailing address" mean the postal address of the permanent domicile within this state where an individual:

A. resides;

B. intends to reside within 30 calendar days after the date of application; or

C. intends to return whenever absent.

Subp. 13. **Secondary document.** "Secondary document" means a document listed in part 7410.0400, subpart 3.

Subp. 14. **Title.** "Title" means the certificate of title issued by the Minnesota Department of Public Safety under Minnesota Statutes, chapter 168A.

Subp. 15. **Vehicle.** "Vehicle" has the meaning given in Minnesota Statutes, section 168A.01, subdivision 24.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.01; 171.02; 171.03; 171.04; 171.06; 171.061; 171.07; 171.071; 171.14; 299A.01*

History: *9 SR 1252; 23 SR 832; 28 SR 314*

7410.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** Parts 7410.0100 to 7410.0600 provide standards for the administration of:

A. Minnesota Statutes, sections 171.02, 171.06, and 171.07, requiring that the full name, date of birth, residence address, and permanent mailing address if different, a description of the licensee, and the applicant's usual signature appear on the driver's license, identification card, or permit;

B. Minnesota Statutes, chapters 168 and 168A, requiring the full name of owners on vehicle registration and title records; and

C. 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 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: *23 SR 832*

7410.0300 NAME, NAME COMBINATION, LENGTH.

Subpart 1. **Full name required.** Except as otherwise provided in this part, the full name is required on drivers' licenses, identification cards, permits, and vehicle title and registration records.

Subp. 2. **Length of full name.** The space provided for recording a full name may not exceed 32 characters and spaces.

A. If the full name exceeds 32 characters and spaces on a new application, it will be truncated by the department in a manner that will permit proper record storage and printing on the license.

B. If the full name of an individual must be shortened, each middle name will be truncated beginning with the last character of the middle name and proceeding, as necessary, through the second letter of the middle name. Each middle initial must be recorded. If the full name still exceeds 32 characters, truncation will continue starting with the last character of the first name and proceeding, as necessary, through the second letter of the first name. The first initial of the first name must be recorded.

C. If an individual has only one name, that name must be recorded as the individual's last name.

D. If the individual's first name is unknown, no first name may be recorded.

E. Multiple middle names must be recorded with a space separation and, if necessary, according to item B.

F. No titles or forms of address such as "Mr" or "Ms" may be recorded.

Subp. 3. **Name combinations.** If an individual has more than one middle name or more than one last name, the last name must be recorded in combination separated by a hyphen only if that is how it is recorded on the presenting primary document.

Subp. 4. **Name difference.** The full name of an individual on a driver's license, permit, identification card, or vehicle certificate of title or registration when the owner is an individual, must be the full name as listed on a primary document unless:

A. the applicant submits a document, as specified in part 7410.0500, subpart 2, verifying a name change; or

B. the name has been truncated following the policy in subpart 2.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0400 DOCUMENTING PROOF OF NAME, DATE OF BIRTH, IDENTITY.

Subpart 1. **In general.** At the time of application for a driver's license, permit, identification card, or vehicle certificate of title or registration by an owner who is an individual, the applicant shall present a Minnesota driver's license, permit, or Minnesota identification card if one of these has been issued to the applicant.

A. The Minnesota driver's license, identification card, or permit must not have expired more than:

(1) five years before it is presented if it has a color photograph or electronically produced or digitized image of the applicant; or

(2) one year before it is presented if it does not have a color photograph or electronically produced or digitized image of the applicant. A temporary seven-day driver's license issued to a Minnesota-licensed driver only by the state of Minnesota under Minnesota Statutes, section 169A.52, subdivision 7, paragraph (c), clause (2), may be presented if it is not expired more than one year.

B. If the applicant for a Minnesota driver's license, identification card, or permit possesses a driver's license, identification card, or permit from any another jurisdiction, it must be invalidated and returned to the individual.

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C. As proof of full name, date of birth, and identity, the applicant must present one primary document and one secondary document if the applicant cannot present:

(1) a Minnesota driver's license, identification card, or permit that is current or has been expired for five years or less with a color photograph or electronically produced or digitized image; or

(2) a Minnesota driver's license, identification card, or permit that is current or has been expired for one year or less without a color photograph or electronically produced or digitized image.

D. The individual applicant for a vehicle certificate of title or registration shall present one primary document as proof of full name and date of birth.

Subp. 1a. Residence address on license, permit, or identification card. A Minnesota driver's license, permit, or identification card must be issued only to an individual who has a residence address, in the state, at the time of application.

A. The applicant must indicate on the application form for a Minnesota driver's license, identification card, or permit, the applicant's residence address in the state.

B. An individual may have only one residence address where the individual is domiciled at any particular time.

C. The residence address of the individual is presumed to continue until the contrary is shown.

D. The applicant shall indicate a residence number, street name, street type, directional if any, city or town, state, and zip code.

Subp. 1b. Physical description. When applying for a driver's license, identification card, or permit, the individual must indicate on the application form, the individual's height in feet and inches, weight in pounds, eye color, and sex.

Subp. 2. Primary documents. If the applicant for a driver's license, permit, or identification card, or an individual who is applying as the owner for a vehicle title or registration, cannot present a Minnesota driver's license, identification card, or permit, as described in subpart 1, item C, then the applicant must present one legible, unaltered, primary document that contains the applicant's full name and date of birth as proof of name, date of birth, and identity, which are described as follows:

A. A copy of the applicant's record of birth certified by the issuing government jurisdiction of the United States, District of Columbia, Guam, Puerto Rico, or United States Virgin Islands may be presented if it satisfies the following conditions:

(1) A record of birth issued by a hospital or a baptismal certificate is not acceptable.

(2) The certified copy of the record of birth must bear the raised or authorized seal of the issuing government jurisdiction or a protective equivalent.

(3) The certified record of birth must be issued by:

(a) a government bureau of vital statistics or board of health;

(b) the United States Department of State as a Record of Birth Abroad (FS-545, DS-1350); or

(c) a United States embassy as a Report of Birth Abroad of A United States Citizen (FS-240).

(4) Instead of a certified copy of a birth record issued by a United States government bureau of vital statistics or by a board of health, an original certificate is acceptable only if it is in the files of the bureau or board and can be readily viewed by the official accepting the application.

B. A certified copy of an adoption certificate with the applicant's full name and date of birth from a United States court of competent jurisdiction that bears the raised court seal or other court certification may be presented.

C. An unexpired identification card (Form DD-2 or Common Access Card) issued to the applicant by the United States Department of Defense for active duty, reserve, or retired personnel may be presented.

D. A valid unexpired passport issued to the applicant by the United States Department of State may be presented.

E. An applicant or owner may present a valid, unexpired passport issued to the applicant from a jurisdiction other than the United States Department of State with either:

(1) a United States Department of Justice or United States Department of Homeland Security Arrival and Departure Form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status or authorized presence or an expired Form I-94 together with a Form I-797 accepted by the United States Department of Justice or the United States Department of Homeland Security within the past one year for an extension or change of the alien's nonimmigrant status or authorized presence, or a Form I-94 endorsed "D/S" together with an unexpired Form I-20 or Form DS-2019; or

(2) an unexpired I-551 stamp.

F. An applicant or owner may present a Canadian birth certificate or Canadian naturalization certificate with a United States Department of Justice or a United States Department of Homeland Security Arrival and Departure Form I-94 attached, bearing the same name as that on the Canadian birth certificate or Canadian naturalization certificate and containing an unexpired endorsement of the alien's nonimmigrant status or authorized presence. The applicant or owner must also present a secondary document as described in subpart 3, issued by a Canadian government agency and containing a photograph or image of the applicant.

G. An applicant or owner may present one of the following documents issued by the United States Department of Justice or the United States Department of Homeland Security or any subsequent form or version of the documents specified in this item:

(1) Certificate of Naturalization (Form N-550, N-570, N-578);

(2) Certificate of Citizenship (Form N-560, N-561, N-645);

(3) United States Citizen Identification card (Form I-179 or I-197);

(4) Permanent Resident or Resident Alien card (Form I-551 or I-151)

that is valid and not expired;

(5) Northern Mariana card (Form I-873 with "Northern Mariana" imprinted instead of "Resident Alien");

(6) American Indian card (Form I-872 with "American Indian" imprinted instead of "Resident Alien");

(7) employment authorization document with a photograph (Form I-688, I-688A, I-688B, or I-766) that has not expired; or

(8) unexpired Re-entry Permit/Refugee Travel Document (I-571).

Subp. 3. Secondary documents. If an applicant for a driver's license, permit, or identification card cannot present a Minnesota driver's license, identification card, or permit, as described in subpart 1, item C, then, in addition to presenting a primary document, the applicant must also present a secondary document, described as follows:

A. a second primary document listed in subpart 2;

B. a driver's license, identification card, or permit, with a photograph or digitized image, issued by a United States state other than Minnesota, or by the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands, or a Canadian province or territory, that has expired not more than five years, or that is current;

C. a certified copy of a court order or judgment from a United States or Canadian court of competent jurisdiction containing the applicant's full name and date of birth and bearing the raised court seal or other court certification;

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D. a current United States or Canadian government jurisdiction employee photo identification card;

E. a certified copy of a record of birth issued by a government jurisdiction other than one in the United States, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands;

F. a current identification card or document issued to the applicant by the United States Department of Defense, described as:

- (1) DD-1173 series, for dependents of active duty personnel; or
- (2) DD-214, Certificate of Release or Discharge;

G. a copy of a marriage certificate certified by the issuing government jurisdiction, or the original certificate only if it is in the files of the issuing jurisdiction and can be readily viewed by the official accepting the application;

H. an unexpired permit to carry a firearm or concealed weapon issued by a chief of police in an organized, full-time United States Police Department or by a United States County Sheriff, bearing a color photo of the applicant;

I. a current pilot's license issued by the United States Department of Transportation, Federal Aviation Administration;

J. a copy of a transcript containing the applicant's legal full name and date of birth certified by the issuing secondary or postsecondary school;

K. a United States nonmetal social security card or a Canadian social insurance card; or

L. a current secondary school student identification card with the student's name, a photograph or electronically produced image of the student, and the student's date of birth or unique student identification number.

Subp. 3a. **Verification.** The department must be able to verify with the issuing jurisdiction the issuance of and authenticity of the primary or secondary document presented.

A. Verification is required if:

- (1) the document provided by the applicant is inconsistent with the department record;
- (2) the document provided by the applicant appears to be altered or fraudulent;
- (3) there is reason to believe the applicant is not legally present in the United States; or
- (4) there is reason to believe the applicant is not who the applicant claims to be.

B. If a document is presented that cannot be verified, notice of refusal shall occur in accordance with the procedures in part 7410.0425.

Subp. 4. **Identification of owners other than individuals.** The agent or employee applying for a vehicle certificate of title or registration for a person other than an individual must provide a Minnesota driver's license at the time of application if the agent or employee holds one.

Subp. 5. **Non-English documents; translation.** For all documents submitted to the department in a language other than English:

A. The document must be accompanied by a translation of that document into the English language.

B. The translation must be sworn to by the translator as being a true and accurate translation.

C. The translator must not be related by blood or marriage to the applicant.

D. The translator must be either:

- (1) accredited by the American Translators Association;
- (2) recognized by the Minnesota Translation Laboratory;

(3) certified by a court of competent jurisdiction;

(4) approved by an embassy or consulate of the United States or diplomatic or consular official of a foreign country assigned or accredited to the United States;

(5) affiliated with or approved by the United States Department of Justice, Immigration and Naturalization Service, or a government jurisdiction within the United States;

(6) an attorney licensed to practice in the United States or affiliated with that attorney; or

(7) a vendor listed to provide translation service for the state of Minnesota.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.01; 171.02; 171.03; 171.04; 171.06; 171.061; 171.07; 171.071; 171.10; 171.14; 299A.01*

History: *9 SR 1252; 23 SR 832; 25 SR 616; L 2000 c 478 art 2 s 7; L 2001 1Sp9 art 15 s 32; 28 SR 314*

7410.0410 PROOF OF RESIDENCY.

Subpart 1. **Proof of residency required at time of application.** Proof of residency is required at the time of application for an initial driving permit, driver's license, or state identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subp. 2. **Proof of residency at renewal.**

A. Proof of residency is required at the time of application for renewal of a driving permit, driver's license, or state identification card.

B. A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

C. A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subp. 3. **Documents not sufficient to prove residency.** The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subp. 4. **Documents sufficient to prove residency.** To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a document specified in part 7410.0400, subpart 1 or 2. If the document presented to demonstrate lawful short-term admission does not indicate a date that the admission period ends or if the date has been extended, the applicant must present additional documentation issued under the authority of the United States Department of Justice or the United States Department of Homeland Security that indicates the duration of the applicant's lawful short-term admission status.

Subp. 5. **Evidence required when name changed.** If there has been a change in the individual's legal full name as it appears on the presented document specified in subpart 4, the individual must also present evidence of a change of name as specified in part 7410.0500.

Subp. 6. **Lawful short-term admission status.**

A. If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's

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license, permit, or identification card, the applicant shall be issued a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

B. If the lawful admission period indicated on a presented federal primary document specified in part 7410.0400, subpart 2, expires in less than 30 days from the date of application for the state driver's license, permit, or identification card, the applicant shall be informed at the time of application that no driver's license, permit, or identification card will be issued. If application is made, a receipt for the driver's license, permit, or identification card will be issued.

Subp. 7. **No lawful admission status.** The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States.

Subp. 8. **Status check date.** A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented or on the additional documentation that indicates the duration of the applicant's lawful short-term admission status shall be indicated on the driver's license, permit, or identification card issued.

Subp. 9. **Reissuance.** A driver's license, permit, or identification card shall be reissued with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Justice or the United States Department of Homeland Security to indicate extension of the lawful admission period.

A. If the applicant presents an accepted application from the United States Department of Justice or the United States Department of Homeland Security for an extension of or change in the federal lawful admission period, the driver's license, permit, or identification card will be reissued with a status check date extension of six months from the date of the federal receipt for the extension or change.

(1) The state document shall be reissued for a second six-month period if the applicant presents a subsequent federal document or information indicating a decision by the federal government on the extension or change of status is still pending.

(2) After one year, any extension request shall be handled through a request for a variance under part 7410.0600.

B. If the applicant presents a subsequent federal document indicating permanent United States resident status, indefinite authorized presence status, or United States citizenship, a driver's license, permit, or identification card will be reissued without a status check date.

Subp. 10. **Cancellation; denial.** Pursuant to Minnesota Statutes, sections 171.04 and 171.14, the commissioner shall cancel a driver's license, permit, or identification card:

A. on the status check date unless the state document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for an application for an extension or change of the lawful admission status; or

B. when the department receives notice from the United States Department of Justice or the United States Department of Homeland Security that the individual has been deported.

Subp. 11. **Warning notice of possible cancellation.** If the status check date is to expire in more than 60 days, a notice warning the state document holder that the driver's license, permit, or identification card will be canceled on the status check date shall be sent by first class mail to the document holder's residence address on file with the department. If application is being made and the status check date would expire in 60 days or less from the date of application, the applicant will be directly issued a general notice warning of cancellation on the status check date and will be sent a follow-up warning notice as described in items A to C.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the notice is mailed or directly issued.

B. The notice shall indicate that:

- (1) the driver's license, permit, or identification card shall be canceled on the status check date;
- (2) the driver's license, permit, or identification card may be reissued if the document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for application for an extension or change of the lawful admission period; and
- (3) the individual may request an administrative review of the possible cancellation under part 7409.4600.

Subp. 12. **Cancellation order.** At least seven days before the status check date, the document holder shall be issued a cancellation order indicating that the driver's license, permit, or identification card is canceled. The notice shall be sent by first class mail to the address shown on department records.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the order is mailed.

B. The notice shall indicate application may be made for a new driver's license, permit, or identification card if the individual can present proof to the department of current authorized legal presence in the United States.

C. The notice shall specify that an administrative review of the cancellation may be requested by the document holder under part 7409.4600.

Subp. 13. **Administrative review.** An administrative review of the cancellation of the state document or the denial to issue a state document under this part shall be conducted under part 7409.4600.

Subp. 14. **Fees.**

A. A state document holder who applies for an extension of the status check date on the driver's license, permit, or identification card before expiration of the status check date shall not be charged a fee for reissuance of the state document if there is no change to the address or name on the state document.

B. If the status check date on the driver's license, permit, or identification card has expired and the applicant presents federal documentation indicating an extended lawful admission period or application for an extension or change, the applicant must pay the fee for a duplicate card as specified in Minnesota Statutes, section 171.06.

C. The applicant must pay the renewal fee as specified in Minnesota Statutes, section 171.06, when the applicant's driver's license, permit, or identification card expires.

Subp. 15. **Variance.** The requirements of this part are subject to variance under part 7410.0600.

Statutory Authority: *MS s 14.06; 171.01; 171.03; 171.04; 171.06; 171.061; 171.07; 171.071; 171.14; 299A.01*

History: 28 SR 314

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7410.0425 ADDITIONAL DOCUMENTATION.

Subpart 1. **When required.** Additional documentation may be requested by the department if the documents provided by the applicant appear to be altered or fraudulent, or there is reason to believe the applicant is not who the applicant claims to be.

Subp. 2. **Refusal.** The department may refuse to accept suspected fraudulent documents.

Subp. 3. **Effect of acceptance.** Acceptance by the department of copies of documents or review at the time of application is not acknowledgment of authenticity or veracity of those documents.

Subp. 4. **Notice of refusal.**

A. If an application is accepted at an application site and the documents presented are viewed, but fraudulent documents are suspected, the application and a copy of the documents presented must be transmitted to the department's driver and vehicle services division for review and verification with the issuing authority.

(1) If verification of the presented documents is confirmed, the department shall issue the driver's license, identification card, or permit.

(2) If verification of the presented documents is not confirmed by the department within 45 days of the application date, a written notice of refusal must be sent to the applicant to the address on the application form, indicating the department is not able to approve the application.

(3) The applicant must be advised on the notice to contact the St. Paul driver evaluation office within 180 days of the date of the notice for an administrative review of the documents presented and of the applicant's right to a judicial review under Minnesota Statutes, section 171.19.

(4) If the applicant does not contact the driver evaluation office within 180 days of the date on the notice, the application must be placed in suspense. The application may remain in suspense for up to five years if the department is not contacted by the applicant, after which the application must be destroyed.

B. The applicant may appear at the department's driver evaluation office in St. Paul for an administrative review, or may call the St. Paul driver evaluation office at the telephone number indicated on the notice to schedule an administrative review, at an alternate driver evaluation site.

(1) The commissioner may seek additional written information from the applicant requesting the administrative review or from an agency or person believed to have information relating to the facts underlying the matter.

(2) The applicant may present additional information to the department at the time of the administrative review.

C. If the department is able to verify the authenticity of presented documents and the applicant's identity as a result of the administrative review, the department shall notify the applicant within 15 days after completion of the administrative review that the application has been approved.

D. If the administrative review causes the department to refuse to issue the driver's license, identification card, or permit, the applicant must be notified in writing of the refusal within 15 days after completion of the administrative review. The notice shall provide the reasons for the refusal.

Subp. 5. **Title and registration.** An owner that is an entity with a name that is not one listed in part 7410.0100, subpart 3, items A and B, may be required to provide evidence to verify the authority of the individual to sign on behalf of the entity if the authority of the individual signing is unknown.

Subp. 6. **Rules of evidence.** Authentication of a disputed primary or secondary document may be proved by any of the standards or methods listed in Minnesota Rules of Evidence, Rule 902.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 171.10; 299A.01*

History: *23 SR 832; 25 SR 616*

7410.0450 DUPLICATE DRIVER'S LICENSE, IDENTIFICATION CARD.

A. If a Minnesota driver's license, identification card, or permit is lost, stolen, destroyed, illegible, or mutilated beyond recognition during the period of validation, the applicant for a duplicate must:

- (1) attest to that fact in writing on the back of the application form; and
- (2) present documentation of full name, date of birth, and identity as required in part 7410.0400 unless an individual's digital image and signature is on file with the department and the technology is available to retrieve that information at the application site.

B. If the applicant indicates there is no change in the information on file with the department, including name, date of birth, and mailing and residential address, and the applicant attests to that fact by signing the application form:

- (1) another image of the applicant will not be taken; and
- (2) presentation of the identity documents specified in part 7410.0400 is not required.

C. If an applicant for an identification card has a driver's license record on file with the department but the license has been suspended, revoked, or canceled within the past five years:

- (1) an image of the applicant applying for the Minnesota identification card will not be taken; and
- (2) presentation of the identity documents as specified in part 7410.0400 is not required.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 171.10; 299A.01*

History: *23 SR 832; 25 SR 616*

7410.0500 CHANGE OF NAME.

Subpart 1. **In general.** When a change of name is required by Minnesota Statutes, section 171.11, or requested by an applicant who is an individual, the documentation in subparts 2 and 3 must be presented by the applicant.

Subp. 2. **Specific documentation.** If the applicant is required by Minnesota Statutes, section 171.11, or desires to change the last name, add an additional middle name or last name, or change any name:

A. The applicant must first present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant.

B. If the applicant cannot present a document specified in item A, then the applicant must present a primary and secondary document as specified in part 7410.0400, subparts 2 and 3, to verify the identity of the applicant before the name change.

C. To verify the name change, the applicant must then present one of the following documents:

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- (1) a copy of the applicant's certificate of marriage certified by the issuing government jurisdiction;
- (2) a certified copy of a court order specifying the name change; or
- (3) a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested from a court of competent jurisdiction.

Subp. 3. Last name in place of middle name. An applicant may use the applicant's last name prior to marriage on the driver's license, identification card, permit, or title in place of the middle name. A certified copy of the applicant's record of birth from a United States or Canadian jurisdiction as specified in part 7410.0400, subpart 2, item B, is acceptable as proof of that name.

Subp. 4. Title, registration, name changes for person other than individual. To change the owner's full name on a vehicle title or registration:

A. for a person other than an individual, the owner must present to the department:

- (1) the index receipt number where the change of name is registered or filed with the Secretary of State; or
- (2) the name listed as the federal taxpayer identification name if no filing or registration has been made or none is required with the Secretary of State; or

B. for an owner that is an entity other than those listed in part 7410.0100, subpart 3, items A and B, the owner must present to the department the name of the entity attested to by the applicant.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 171.10; 299A.01*

History: *23 SR 832; 25 SR 616; L 2001 1Sp9 art 15 s 32*

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, the person 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 the applicant's 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 the applicant's 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 the applicant's 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*

7410.0700 APPLICATION FOR REDUCED FEE IDENTIFICATION CARD.

Subpart 1. **Application process.** To apply for a state identification card at a reduced fee, a person with a condition of mental retardation, mental illness, or a physical disability, as these conditions are defined in Minnesota Statutes, section 171.07, subdivision 3, paragraph (c), shall comply with this part.

A. The applicant shall comply with the identity provisions in part 7410.0400.

B. Verification of the condition must be made on a certificate provided and made available by the department at all state application and driver's license agent application sites and from the department's Internet site.

C. If an applicant cannot present the certificate verifying the condition required in this part at the time of application, the department shall accept the application and hold it in suspense for 30 days pending receipt of the certificate verifying the condition. If verification of the condition is not received within 30 days of the date of application, the department shall deny the application for a reduced fee identification card.

D. Verification is not needed during the period the identification card is valid if the cardholder applies for a duplicate and the verification information is on file with the department.

Subp. 2. **Person with mental retardation.** If verification of an applicant's condition of mental retardation, as defined in Minnesota Statutes, section 252A.02, subdivision 2, is not on file with the department:

A. the applicant must present verification of the condition when applying for an initial card and when applying for a renewal of a card; and

B. verification of the condition must be made by a medical doctor or county-authorized case manager.

For this condition, a verification form from a previous application may be presented.

Subp. 3. **Person with mental illness.** At the time of the initial application for a reduced-fee identification card and for all subsequent renewals, a person with mental illness must present verification of the condition of serious and persistent mental illness as described in Minnesota Statutes, section 245.462, subdivision 20, paragraph (c). Verification of the condition of serious and persistent mental illness must be made by a county case manager or a mental health professional, as defined under Minnesota Statutes, section 245.462.

Subp. 4. **Person with physical disability.** A person with a physical disability shall present verification of being a physically disabled person as defined in Minnesota Statutes, section 169.345, subdivision 2.

A. If the physical disability is permanent, verification is required only at the time of initial application and is valid for the life of the applicant.

B. If the physical disability is temporary, the verification is valid for four years from the date of initial application for a reduced-fee identification card.

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C. Verification of the physical disability must be made by a medical doctor or chiropractor as authorized in Minnesota Statutes, section 169.345, subdivisions 2 and 3.

D. Verification of the physical disability may also be made through presentation of a valid, permanent, physical disability parking certificate issued to the applicant under Minnesota Statutes, section 169.345, or upon presentation of a motor vehicle registration with physically disabled plates registered in the applicant's name.

Subp. 5. **Information on file; public access.** Information on a condition listed in subpart 1 must be maintained as private data on the applicant in the record maintained by the department.

A. Verification information may be viewed by a driver's license agent at the time of application if the information can be retrieved at the application site.

B. A designation of the applicant's condition must not be indicated on the identification card issued.

Statutory Authority: *MS s 14.06; 161.061; 171.07; 299A.01*

History: *25 SR 1439*

7410.1800 [Repealed, 28 SR 314]

PHOTOGRAPH REQUIREMENT

7410.1810 DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGE.

Subpart 1. **Image.** The applicant for a driver's license, permit, or identification card shall have a full-face image taken by the department that is a representation of the true appearance of the applicant.

A. The face of the applicant must be uncovered and unobscured.

B. If an applicant objects to the capture of a full-face image or to the display of a full-face image on the driver's license, permit, or identification card due to a religious objection, the applicant may apply for a variance from this subpart under Minnesota Statutes, sections 14.055 and 14.056.

C. As a condition of granting a variance, the applicant must either allow placement of the full-face image in the department record or provide the department with a unique biometric identifier, such as fingerprints, that can be used by the department and allow enforcement agencies to identify the applicant.

Subp. 2. **Use of previous image.** The use of the previous image on file with the department is limited to:

A. duplicate driver's licenses and identification cards;

B. replacement of unexpired permits;

C. one renewal cycle for a person who applies to the department and certifies that the person is out-of-state at the time of expiration of the driver's license or identification card and intends to return within four years; and

D. verification of identity for issuing a Minnesota driver's license, permit, or identification card.

Subp. 3. **Updated image required upon return.** Within 30 days after the return to Minnesota of an applicant whose previous image was used in accordance with subpart 2, item C, the applicant shall appear at a driver's license renewal office and shall allow an updated image to be taken. The applicant shall comply with the identity provisions in part 7410.0400.

Statutory Authority: *MS s 14.06; 171.01; 171.03; 171.04; 171.06; 171.061; 171.07; 171.071; 171.14; 299A.01*

History: *28 SR 314*

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 purpose of the vision screening is:

- A. to screen applicants to ensure that those with insufficient vision take the 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.

Subp. 1a. **Definitions.** The terms used in this part have the following meanings:

- A. "Visual acuity" means acuteness or sharpness of vision.
- B. "Visual field" means the area within which an object may be seen when the eye is fixed.

Subp. 2. **Unrestricted/corrective lens restriction.** The applicant, if otherwise eligible, will be considered for an unrestricted driver's license or a driver's license with a corrective lens restriction if the applicant meets the following visual standards:

- A. visual acuity of 20/40 or better, with either one usable eye or with both eyes, with or without corrective lenses; and
- B. visual field of 105 degrees or greater in the horizontal diameter with either one usable eye or with both eyes.

If the applicant needs corrective lenses to meet the visual acuity standards or if a licensed physician or an optometrist recommends that the applicant wear corrective lenses, the applicant must wear the corrective lenses while operating a motor vehicle.

If a licensed physician or an optometrist recommends that corrective lenses not be worn, the commissioner shall impose suitable restrictions, if applicable, upon the applicant's driving privileges.

Subp. 3. [Repealed, 20 SR 2122]

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Subp. 4. **Vision examinations.** An applicant shall submit a vision examination certificate from a licensed physician or an optometrist in a form as prescribed by the commissioner when:

- A. the applicant disagrees with the results of the screening;
- B. the applicant's vision cannot be determined;
- C. any court or police officer has recommended that the applicant's vision be examined;
- D. the commissioner has good cause to believe that an examination is warranted;
- E. the applicant has double vision;
- F. the applicant's visual acuity is less than 20/40 with either one usable eye or with both eyes, with or without corrective lenses; or
- G. the applicant's visual field is less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

An applicant's vision examination must have been conducted within six months of completion of the vision examination certificate.

Subp. 5. **Restricted license; vision requirements.** If otherwise eligible, and subject to subpart 5a, an applicant will be issued a restricted license to drive if the applicant has:

- A. visual acuity of 20/50 or less corrected vision with either one usable eye or with both eyes; or
- B. visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

Subp. 5a. **Restricted license; driving restrictions.** An applicant eligible for a restricted license under subpart 5 shall comply with the applicable restrictions on driving described in items A to E.

A. Speed restrictions.

20/50	55 miles per hour
20/60	50 miles per hour
20/70	45 miles per hour

B. Restriction as to type of road. An 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. A person limited to a maximum speed of 45 m.p.h. or less is prohibited from driving on any freeway, expressway, or limited access highway that has a speed limit of more than 45 m.p.h.

C. Area restrictions. An applicant with visual acuity of 20/50 or less corrected vision 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.

D. Daylight restriction. An applicant with visual acuity of 20/50 or less corrected vision may be restricted to daylight hours to be determined by the commissioner if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

E. Equipment restriction. An applicant with a visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes must be restricted to driving with left and right outside rearview mirrors or restrictions in items A to E, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

Subp. 6. **Other situations.** When the applicant's visual acuity is 20/80 or up to, but not including, 20/100 corrected vision, or when the applicant has any vision readings or

problems not covered by the above general standards, the application will be referred to the driver evaluation unit, who shall determine whether a restricted license can be issued and the kinds of restrictions that are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others.

Subp. 7. **License denial/cancellation.** An applicant's driver's license will be denied or an existing driver's license will be canceled under the authority of Minnesota Statutes, sections 171.04, subdivision 1, clause (11), 171.14, and 171.32, when:

- A. the applicant has visual acuity of 20/100 or less corrected vision;
- B. the applicant is known to be receiving assistance for the blind;
- C. the applicant has visual field of less than 100 degrees in the horizontal diameter with either one usable eye or with both eyes;
- D. the commissioner receives a recommendation from a licensed physician or optometrist that the applicant's driver's license should be canceled or denied; or
- E. the applicant fails to submit a required vision examination certificate within the requested time period.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.14; 299A.04*

History: *17 SR 1279; 20 SR 2122; L 1996 c 455 art 3 s 24; L 1999 c 238 art 2 s 91*

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 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

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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
- (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.

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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, subdivision 1, clause (7) or (11). 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; L 1996 c 455 art 3 s 24; L 1999 c 238 art 2 s 91*

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 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, subdivision 1, clause (11). 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; L 1996 c 455 art 3 s 24; L 1999 c 238 art 2 s 91*

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 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*

DRIVER EXAMINATIONS GENERALLY

7410.4000 DRIVER'S TESTS; PURPOSE AND SCOPE.

The purpose of parts 7410.4000 to 7410.5600 is to specify the driver's tests and standards for administering the driver's tests as required to issue a Minnesota driver's license, instruction permit, or license endorsement.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7410.4000 to 7410.5600 have the meanings given them in this part.

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

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Safety or authorized examiners or agents of the commissioner.

Subp. 4. **Department.** "Department" means the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

Subp. 5. **Knowledge test.** "Knowledge test" means a written, electronic, digital, audio, or oral form of examination used for evaluating a person's understanding of specific subject matter.

Subp. 6. **License.** "License" has the meaning given in Minnesota Statutes, section 171.01, subdivision 37.

Subp. 7. **Motorcycle.** "Motorcycle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 40.

Subp. 8. **Motorized bicycle.** "Motorized bicycle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 41.

Subp. 9. **Motor vehicle.** "Motor vehicle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 39.

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Subp. 10. **Record of examination.** “Record of examination” means the prescribed format used by the commissioner to score and record test results.

Subp. 11. **Road test or skills test.** “Road test” or “skills test” means the actual physical demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Subp. 12. **School bus.** “School bus” has the meaning given in Minnesota Statutes, section 171.01, subdivision 46.

Subp. 13. **State.** “State” has the meaning given in Minnesota Statutes, section 171.01, subdivision 47, except that for the issuance of a license to drive a commercial motor vehicle, state has the meaning given in Code of Federal Regulations, title 49, section 387.5.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4200 EXAMINATION REQUIREMENTS GENERALLY; CONTENTS.

Subpart 1. **Authorized examiners.** Each applicant for a Minnesota driver’s license must be examined by the commissioner according to Minnesota Statutes, section 171.13.

Subp. 2. **Examining applicants for every driver’s license.** The driver examination must test or demonstrate the applicant’s:

- A. eyesight;
- B. ability to read and understand highway signs regulating, warning, and directing traffic;
- C. knowledge of Minnesota traffic laws;
- D. knowledge of the effects of alcohol and drugs on a driver’s ability to operate a motor vehicle safely and legally, and the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;
- E. knowledge of railroad grade-crossing safety;
- F. knowledge of slow-moving vehicle safety;
- G. knowledge of traffic laws related to bicycles;
- H. ability to exercise ordinary and reasonable control in operating a motor vehicle; and
- I. safe driving practices.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4220 SCHOOL BUS ENDORSEMENTS.

Applicants for a school bus endorsement on the driver’s license must be examined according to chapter 7414.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4240 COMMERCIAL DRIVER’S LICENSE AND COMMERCIAL LICENSE ENDORSEMENT.

An applicant for a commercial driver’s license used to operate a commercial motor vehicle and an applicant for the commercial endorsements of hazardous materials, double or triple trailers, passenger, and tanker must be examined according to Code of Federal Regulations, title 49, part 383.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4300 IDENTIFICATION REQUIRED.

Subpart 1. **Documentation required.** Except as provided in subpart 2, the applicant for a driver's license must present documentation of proof of full name, date of birth, and identity as specified in part 7410.0400 to the commissioner before taking any knowledge test, road test, or skills test.

Subp. 2. **Failure to present complete documentation for testing.** If the applicant fails to present complete identification at the time of initial examination but has at least a primary identity document as described in part 7410.0400, subpart 2, the commissioner shall administer the test and hold it for up to 30 days at the examination site until the applicant provides complete identification indicating full name, date of birth, and identity.

Subp. 3. **Failure to present complete documentation within 30 days.** If the applicant does not present complete documentation within 30 days, the commissioner shall void the test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4400 DETERMINING DRIVER ABILITY OR FITNESS.

Subpart 1. **Additional examination; reexamination.** The commissioner is authorized to administer other competency, physical, and mental examinations according to this part and Minnesota Statutes, section 171.13, as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the streets or highways.

Subp. 2. **Physical and mental examinations.** Physical and mental examinations are required according to parts 7410.2100 to 7410.3000.

Subp. 3. **Reasonable cause for reexamination.** The commissioner may, on a case-specific basis, require reexamination of a licensed driver to determine the individual's ability to exercise reasonable and ordinary control over a motor vehicle upon streets and highways if the commissioner has reasonable cause to believe the individual does not have knowledge of Minnesota traffic laws or cannot exercise reasonable and ordinary control over a motor vehicle.

Subp. 4. **Equivalent examination from another state.** If the commissioner determines or has reasonable cause to believe an applicant has not passed an equivalent examination in another state, the commissioner shall require examination of the applicant's ability to understand highway signs that regulate, warn, and direct traffic, ability to understand traffic laws, and ability to operate a motor vehicle safely and legally.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

KNOWLEDGE TESTING**7410.4500 KNOWLEDGE TESTS; GENERAL REQUIREMENTS.**

Subpart 1. **Knowledge test specific for specific vehicle.** A knowledge test must examine an applicant's understanding of traffic laws, signs, and procedures specific to each type of vehicle for which the applicant desires to be licensed or to receive endorsement.

Subp. 2. **Class D driver's license.** A class D knowledge test must be passed to obtain a class D instruction permit or driver's license, or to reinstate a license that was revoked for offenses other than alcohol- or controlled substance-related offenses.

Subp. 3. **Commercial driver's license.**

A. A commercial driver's license general knowledge test must be passed to obtain a commercial driver's license.

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B. Depending on the type and class of vehicle to be driven and endorsements desired, additional commercial license knowledge tests include:

- (1) a pretrip knowledge test;
- (2) an air brake knowledge test;
- (3) a combination vehicle knowledge test;
- (4) a double or triple trailer knowledge test;
- (5) a passenger knowledge test;
- (6) a tanker knowledge test;
- (7) a school bus knowledge test; and
- (8) a hazardous materials knowledge test.

Subp. 4. **Motorcycle endorsement or instruction permit.** A motorcycle knowledge test must be passed to obtain a motorcycle instruction permit or motorcycle endorsement on the driver's license.

Subp. 5. **Motorized bicycle permit.** A motorized bicycle knowledge test must be passed to obtain a 30-day motorized bicycle operator's instruction permit or a motorized bicycle operator's permit.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4520 KNOWLEDGE TEST FOR DRIVER'S LICENSE REINSTATEMENT.

An applicant who applies for license reinstatement after a loss of driving privileges for an alcohol- or controlled substance-related offense under former or current Minnesota Statutes, section 169.121, 169.123, 169A.20, 169A.52, 169A.54, or 171.17, must pass a test of the applicant's knowledge of:

A. the effects of alcohol and other drugs on the driver's ability to operate a motor vehicle safely and legally; and

B. the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or other drugs.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4540 KNOWLEDGE TEST ADMINISTRATION.

Subpart 1. **Uniform practices.** The commissioner shall practice the same testing procedures at all examination sites.

Subp. 2. **Application identification required.** All applicants must present identification before taking a knowledge test as required in part 7410.4300.

Subp. 3. **Classroom completion required for minor.**

A. Before taking a knowledge test, all previously unlicensed applicants under the age of 18 must provide proof to the commissioner of having completed the classroom phase of a department-approved driver's education program.

B. Proof of having completed the classroom course is satisfied by presenting a fully completed, department-authorized certificate of enrollment, with the signature of an authorized official of a department-approved or -licensed driver's education program, or presenting proof of completion in an electronic format specified by the commissioner.

C. If the applicant completed driver's education in another state, an official letter or written or electronically transmitted form attesting to completion of training comparable to Minnesota's requirements and verified by a public, private, or commercial school authority is acceptable proof of completion.

D. If an applicant under the age of 18 already has a permit from another state, the knowledge test may be taken to convert the permit to a Minnesota permit

and proof of completion of both the required classroom and behind-the-wheel training must be presented to the commissioner before the road test may be taken.

E. After passing the knowledge test, applicants who are required or desire to obtain an instruction permit shall apply as required by Minnesota Statutes, section 171.06.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4560 COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST.

Subpart 1. **Identification required.** An applicant may take a commercial driver's license knowledge test only after presenting to the commissioner the identification required in part 7410.4300.

Subp. 2. **Additional requirement for instruction permit.** An applicant who passes the required knowledge tests and desires a Minnesota commercial motor vehicle instruction permit must have an accompanying valid Minnesota driver's license of a class lower than the class of driver's license required to operate the vehicle for which a permit is desired.

Subp. 3. **Federal requirements for instruction permit.**

A. A Minnesota record of examination marked as a commercial motor vehicle instruction permit requires additional validation as described in Code of Federal Regulations, title 49, section 383.73.

B. The permit is not valid until a check is completed of national driver license information system records.

C. An applicant must provide the department with the information in this item to initiate the records check:

- (1) full name and date of birth;
- (2) Minnesota driver's license number, if available; and
- (3) social security number.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4580 MOTORCYCLE KNOWLEDGE TEST.

Subpart 1. **General requirement.** A motorcycle knowledge test must be given to an applicant for a motorcycle endorsement if the applicant satisfies the requirements in this part.

Subp. 2. **Prerequisite.** The applicant must have either a valid out-of-state driver's license or a valid Minnesota driver's license.

Subp. 3. **Additional requirement for minor.** An applicant under the age of 18 shall provide proof of having completed a department-approved, two-wheeled vehicle driver's safety course. Proof is satisfied by presenting a fully completed, department-authorized certificate of enrollment with a signature of an authorized official of a licensed or approved driver education program or proof in an electronic format approved by the commissioner.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4600 MOTORIZED BICYCLE OPERATOR'S PERMIT.

Before taking a knowledge test:

A. An applicant for the motorized bicycle operator's permit must provide to the commissioner proof of having completed a department-approved motorized bicycle safety course. Proof is satisfied by presenting a fully completed, department-authorized certificate of completion with an authorized signature of an authorized official of a

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licensed or approved driver education program, or by presenting proof of course completion in an electronic format specified by the commissioner.

B. An applicant shall also provide, if the applicant is under the age of 18, a completed affidavit for motorized bicycle operator's permit signed by the applicant's parent or guardian. The signature must either be witnessed by the commissioner or be notarized.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4700 USE OF REFERENCE MATERIAL PROHIBITED.

Except for an unmarked dictionary, no reference materials, notes, consultations, or electronic devices are allowed during a test. Tests must not be distributed as practice samples. An applicant may not take notes during a test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4720 TEST REVIEW.

A. An applicant's test shall be seen and reviewed only by the applicant and the commissioner.

B. An applicant's test shall not be seen or reviewed by a parent, teacher, or other person, except as provided in part 7410.4740.

C. Tests shall not be copied, duplicated, or distributed.

D. An applicant's test shall be reviewed at a time convenient to the commissioner.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4740 USE OF INTERPRETER.

A. A foreign language interpreter may be used to facilitate an examination under the following conditions:

(1) the interpreter is approved by the commissioner;

(2) the interpreter is provided at the request and expense of the applicant;

(3) the interpreter only translates information authorized by the commissioner; and

(4) the interpreter does not retain a copy of any test nor marks a test paper for the applicant.

B. Upon request, the commissioner shall arrange for an interpreter for a hearing-impaired applicant.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4760 PASSING SCORE.

A knowledge test is satisfactorily passed if a score of at least 80 percent is obtained.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4780 REPEAT TESTING.

Any type of knowledge test may be attempted only once per day by an applicant with a minimum wait time between tests of not less than one calendar day.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

ROAD OR SKILLS TESTING

7410.4800 ROAD AND SKILLS TESTS GENERALLY.

Road and skills tests must be administered on road or range conditions and encompass a variety of driving situations as specified by the commissioner.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4820 CLASS D MOTOR VEHICLE ROAD TEST.

The road test for a class D vehicle, as defined in Minnesota Statutes, section 171.02, must include a demonstration of the applicant's ability to:

A. perform a vehicle equipment check that includes seat belt, emergency brake, headlights, hazard warning lights, horn, windshield wipers, windshield defroster and fan, mirrors, window glass, and the location of proof of insurance;

B. start, control, and stop the vehicle, including a correct use of transmission;

C. parallel park;

D. park and start on a hill;

E. back up the vehicle;

F. observe and respond to traffic and road conditions, traffic signs, and signals;

G. signal and use lanes correctly for right and left turns;

H. move between lanes and use marked and unmarked lanes correctly; and

I. yield the right-of-way to other drivers and pedestrians when required.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.4840 COMMERCIAL MOTOR VEHICLE ROAD TEST.

A. The road test in a commercial motor vehicle for a commercial driver's license must include a pretrip vehicle inspection, a demonstration of basic vehicle control skills, and a demonstration of street driving skills.

B. The type of pretrip vehicle inspection depends on the vehicle used for the road test.

(1) An applicant testing in a class A or B vehicle that is not a school bus must pass a pretrip knowledge test.

(2) A pretrip vehicle inspection is not required for an applicant testing in a class C motor vehicle that is not a school bus; however, the commissioner shall conduct a vehicle inspection to determine if the test vehicle meets the safety standards in part 7410.5140, 7410.5160, 7410.5180, or 7410.5200, as applicable.

(3) An applicant for a school bus endorsement must pass a complete walk-around vehicle inspection of the school bus during which the operation of all warning, safety, and major mechanical systems must be accurately demonstrated.

(4) If the test vehicle is equipped with air brakes, the pretrip vehicle inspection described in Code of Federal Regulations, title 49, section 383.113, must be passed.

C. The basic vehicle control skills portion of the commercial driver's license road test must include a forward stop for accuracy, straight-line backing up, and a loading dock maneuver that tests the driver's ability to execute a sight-side backup and to turn the vehicle.

D. The street driving skills portions of the commercial driver's license road test must include a demonstration of the same skills required for class D testing specified in subpart 2. Additionally, the applicant must demonstrate visual search and

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speed and space management techniques necessary for the safe operation of large and heavy commercial motor vehicles.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4860 MOTORCYCLE ENDORSEMENT SKILLS TEST.

The skills test required to add a motorcycle endorsement to a Minnesota driver's license is subject to the approval of the commissioner. The test must consist of exercises that measure basic vehicle control and hazard-response skills.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4880 SKILLS TEST FOR MOTORIZED BICYCLE OR THREE-WHEEL MOTORCYCLE.

Subpart 1. **Basic skills demonstrated.** The skills test required to obtain a motorized bicycle operator's permit must consist of maneuvers that demonstrate basic vehicle control and street riding skills.

Subp. 2. **Required for three-wheel motorcycle restriction.** The skills test must also be used for applicants testing to add a three-wheeled motorcycle restriction to a Minnesota driver's license.

Subp. 3. **Abilities required.** The test must include the ability to:

- A. start and stop the vehicle, and quickly stop the vehicle in an emergency situation;
- B. turn complete circles to both the left and right within the confines of a single traffic lane;
- C. signal and use lanes correctly for right and left turns;
- D. change lanes safely and legally;
- E. observe and respond to traffic and road conditions, traffic signs, and signals; and
- F. yield the right-of-way to other drivers and pedestrians when required.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4900 ROAD OR SKILLS TEST ADMINISTRATION; GENERAL REQUIREMENTS.

Subpart 1. **Uniform practices.** The commissioner shall practice the same testing procedures at all examination sites.

Subp. 2. **Appropriate vehicle required.**

A. A road or skills test must be administered in a motor vehicle representative of the class, as defined in Minnesota Statutes, section 171.02, for which the applicant seeks licensure or endorsement.

B. The road test for a school bus endorsement must be administered in the type of school bus described in the endorsement category in part 7414.0350 that the applicant wants to obtain.

Subp. 3. **Identification required.** All applicants, when reporting for a road or skills test, must provide identification as required in part 7410.4300, to an authorized examiner of the commissioner.

Subp. 4. **Proof of satisfactory vision.** All applicants, when reporting for a road or skills test, must provide proof of satisfactory vision as described in part 7410.2400. Proof is either:

- A. presentation of a record of examination with successful vision screening results issued within the last two years;

- B. passing a vision screening at a Minnesota examination site;
- C. presenting a completed, department-approved vision certificate; or
- D. proof in an electronic format specified by the commissioner.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

PROOF REQUIRED FOR ROAD OR SKILLS TESTING

7410.4920 ROAD TEST FOR CLASS D LICENSE.

Subpart 1. Proof required before taking test.

A. When reporting for the class D driver's license road test, the applicant must provide proof of having passed the class D knowledge test.

B. Proof is satisfied by presenting:

- (1) a Minnesota instruction permit that is either currently valid or is expired for less than one year;
- (2) a record of examination issued within the last two years;
- (3) a duplicate copy of the record of examination from the original examination location; or
- (4) proof in an electronic format specified by the commissioner.

C. Photocopies are not acceptable unless they have an examination site verification and are signed by personnel from the issuing examination station.

D. Facsimile copies are acceptable only if sent by fax from one examination station to another.

Subp. 2. **When proof not required.** Proof of having passed a knowledge test is not required if:

A. the applicant has a letter or notice from the department stating that only the road test is required;

B. the currently licensed applicant takes a voluntary road test; or

C. a road test is required to remove a physical or area restriction.

Subp. 3. Additional proof required for minor.

A. A person under the age of 18 reporting for the class D driver's license road test shall also provide proof of having completed a full course of a department-approved or -licensed driver's education program.

B. Proof is satisfied by presenting a fully completed, department-authorized certificate of completion, with the signature of the program's authorized official, or by an electronic format specified by the commissioner.

C. If an applicant under the age of 18 completed the driver's education program in another state, the commissioner shall accept an official letter, written or in electronic form, attesting to completion of training comparable to Minnesota's requirement and verified by a public, private, or commercial school authority.

Subp. 4. Additional proof required for novice driver.

A. A novice driver reporting for the class D driver's license road test shall also provide proof of having possessed an instruction permit for the time requirement stated in Minnesota Statutes, section 171.05.

B. The applicant shall provide an instruction permit showing it was held for the minimum period of time specified in Minnesota Statutes, section 171.05.

C. If the permit does not indicate compliance with the minimum time periods required, then the commissioner shall verify the length of time the permit was held.

D. If the commissioner is not able to verify the time the permit was held, then the novice driver shall provide a certified copy of a driving record that proves the original permit issue date.

E. A certified driving record from the previous state is required at the time of the road test if any portion of the permit waiting period includes time using an out-of-state permit for practice.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4940 AFFIDAVIT FOR RESTRICTED LICENSE FOR FARM WORK.

If testing for a restricted farm work driver's license, the applicant shall provide the commissioner with a copy of a property tax statement or rental agreement, and a written statement verifying the necessity for a license as required in Minnesota Statutes, section 171.041. A farm work license affidavit, signed by the applicant's parent or guardian and either signed in the presence of the commissioner or notarized, must be used as the statement verifying the necessity for licensure under Minnesota Statutes, section 171.041.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4960 ROAD TEST FOR RESTRICTED LICENSE FOR MEDICAL REASON.

If an applicant is testing for a restricted driver's license for a medical reason as described in Minnesota Statutes, section 171.042, the applicant must present authorization from the department authorizing the road test and stating the driving limitations. The commissioner shall authorize testing after receiving:

A. a written statement from the applicant's parent or guardian that is signed in the presence of the commissioner or notarized, indicating a medical need; and

B. a written doctor's statement indicating a need for a restricted medical license.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.4980 PROOF REQUIRED FOR MOTORCYCLE SKILLS TEST.

Subpart 1. **Proof of knowledge test.** When reporting for the motorcycle skills test, an applicant must provide proof of having passed a motorcycle knowledge test. Proof is satisfied by the presentation of a written or electronically transmitted record of examination issued within the last two years, or a motorcycle instruction permit that is valid or expired less than one year.

Subp. 2. **Additional requirement for minor.** If under the age of 18, a person applying to take the motorcycle skills test shall also provide a completed, department-authorized certificate of completion, signed by an authorized official of a department-approved or -licensed driver's education program motorcycle course, or the certificate of completion in an electronic format specified by the commissioner.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5000 PROOF REQUIRED FOR MOTORIZED BICYCLE SKILLS TEST OR THREE-WHEEL MOTORCYCLE RESTRICTION.

Subpart 1. **Proof of knowledge test.**

A. When reporting for the motorized bicycle skills test or to add a three-wheel motorcycle restriction to a Minnesota driver's license, the applicant shall provide proof of having passed either:

- (1) a motorcycle knowledge test according to part 7410.4980; or
- (2) the motorized bicycle knowledge test.

B. Proof is satisfied by the presentation of a motorized bicycle operator's instruction permit that is valid or expired less than one year, or a record of examination that was issued within the last two years.

Subp. 2. **Additional requirement for minor.** If under the age of 18, a person applying to take the motorized bicycle skills test shall also provide a completed affidavit for a motorized bicycle operator's permit signed by the applicant's parent or guardian in the presence of the commissioner or notarized.

Subp. 3. **Fee.** If previously issued a motorized bicycle operator's instruction permit, a person applying to take the motorized bicycle skills test shall pay the examination and permit fee required by Minnesota Statutes, section 171.02. An applicant who has paid an examination fee but was not issued a motorized bicycle operator's instruction permit is not required to pay the operator's permit fee at the time of the skills test.

Subp. 4. **Restriction on driver's license for minor.** An applicant shall also provide a certificate of completion of an approved motorcycle course if:

A. the applicant is under the age of 18; and

B. the motorized bicycle skills test is being administered for the purpose of adding a three-wheeled motorcycle operator restriction to a Minnesota driver's license.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5020 PROOF REQUIRED FOR COMMERCIAL DRIVER'S LICENSE ROAD TEST.

When reporting for a commercial driver's license road test, the applicant must provide a record of examination issued within the last two years as proof of having passed all knowledge tests required for the type and class of motor vehicle driven for the test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

VEHICLE AND SAFETY REQUIREMENTS FOR ROAD TEST

7410.5100 REQUIREMENTS AND PROHIBITIONS WHILE TAKING ROAD TEST.

Subpart 1. **Motor vehicle requirements and conditions.** The applicant shall:

A. provide the motor vehicle to be used for the road or skills test, which must:

- (1) be insured according to Minnesota Statutes, chapter 65B;
- (2) be registered according to Minnesota Statutes, section 169.79; and
- (3) be safe for both the driver and the authorized examiner; and

B. ensure that the motor vehicle interior is such that:

- (1) the clothing of an authorized examiner will not become soiled; and
- (2) the interior does not appear unsanitary to the point of causing a health concern.

Subp. 2. **Distractions prohibited.** Smoking, eating, drinking a beverage, or using a cellular phone or any other electronic device is prohibited during the test.

Pets or loose objects that may distract, injure, or break are not allowed in the motor vehicle during the road test.

Subp. 3. **Presence of unnecessary person prohibited.** No one is allowed in a test vehicle during an actual road test except the driver and any authorized examiners.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5120 PERMIT HOLDER NOT ACCOMPANIED BY LICENSED DRIVER.

A. If a permit holder subject to Minnesota Statutes, section 171.05, drives to an initial road test without an accompanying licensed driver in the motor vehicle, the commissioner shall administer an initial road test that day.

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B. If the permit holder fails the road test, the commissioner shall advise the permit holder that state law prohibits the permit holder from driving alone and that a second or subsequent road test will be administered only if the permit holder returns on another day accompanied by a licensed driver.

C. The commissioner shall not administer a second or subsequent road test to a permit holder who continues to drive to the test site without an accompanying licensed driver in the motor vehicle.

D. The commissioner shall report to law enforcement a permit holder who fails an initial road test and attempts to drive away without an accompanying licensed driver in the motor vehicle or who shows up for a second or subsequent road test without an accompanying licensed driver in the motor vehicle.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5140 VEHICLE SAFETY CHECK.

A. The commissioner shall conduct a vehicle safety check at the time of the road test.

B. Seat belts must be provided if required by law and must work properly.

C. Turn signals and brake lights must be in working condition, except that the driving examiner shall allow one road test to be given when only one brake light is not working. A second test will not be given until the defective brake light is repaired.

D. Except as provided in subitem (1), headlights must be used during the test.

(1) One test without working headlights is allowed, unless headlight use is required by law.

(2) A second test will not be given until all defective headlights are repaired.

E. All front doors must be operable from both inside and outside the vehicle.

F. The test vehicle must be free of dangerous vehicle conditions or defects such as damaged glass that obstructs vision, tire separation or exposed cord, the absence of a front bumper, excessive play in the steering wheel, exhaust leaks, or inadequate service brakes.

G. Missing items or defects that in the judgment of the commissioner do not pose an imminent safety hazard such as an inoperable horn, inoperable emergency brake, or hazard warning lights, must be listed on the record of examination, but the commissioner shall allow an initial test.

H. Valid, unexpired proof of insurance must be presented at the time of test administration.

I. The commissioner shall not give a second or subsequent test if the equipment listed on the initial record of examination is still missing or defective.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5160 COMMERCIAL VEHICLE EQUIPMENT SAFETY STANDARDS.

Commercial motor vehicles:

A. must be equipped as required by Code of Federal Regulations, title 49, section 392.7 or 392.8 or part 393;

B. must have proof of a current annual inspection as required by Code of Federal Regulations, title 49, section 396.17, and, in the case of a commercial vehicle as defined in Minnesota Statutes, section 169.781, and registered in Minnesota, must display a current Minnesota inspection decal as required in Minnesota Statutes, section 169.781, subdivision 2;

C. must have an operable parking brake, either hydraulic or air supplied, capable of holding the vehicle; and

D. if equipped with air brakes, must have operable air brake systems that meet the safety standards specified in subitems (1) through (3):

(1) an air loss of no more than three pounds per square inch in a single-unit vehicle, or four pounds per square inch in a combination vehicle, as determined by a one-minute, applied-pressure test;

(2) a low-air warning device that activates before pressure drops below 60 pounds per square inch; and

(3) an emergency brake system that activates before pressure drops below 20 pounds per square inch.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5180 SCHOOL BUS EQUIPMENT SAFETY STANDARDS.

A school bus must:

A. meet the commercial motor vehicle brake safety standards specified in part 7410.5160;

B. be equipped with all headlights, turn signals, and brake lights in working condition and without broken lenses;

C. have an eight-lamp system without defect;

D. have useable side and crossover mirrors;

E. be equipped with an operable emergency door with a working buzzer; and

F. have a first aid and body fluids clean-up kit.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5200 MOTORCYCLE AND MOTORIZED BICYCLE EQUIPMENT SAFETY STANDARDS.

Subpart 1. Motorcycle.

A. Motorcycles must be free of obvious defects that could cause accident or injury during the skills test.

B. The commissioner shall not inspect the vehicle for equipment necessary to legally operate on the street or highway if the skills test is not conducted on a public street or highway.

C. The applicant shall wear a motorcycle helmet approved by the United States Department of Transportation and eye protection.

Subp. 2. Motorized bicycle.

A. Motorized bicycles and three-wheeled motorcycles are tested on the street and must meet the equipment requirements of Minnesota Statutes, section 169.223.

B. Equipment necessary for the motorized bicycle to legally operate on the street includes a headlight, taillight, brake light, horn, mirror, and muffler.

C. The driving examiner shall allow one skills test to be given if the horn or muffler is present, but not operable.

D. The applicant shall wear a helmet approved by the United States Department of Transportation or American National Standards Institute for bicycle riding, and eye protection.

E. An applicant taking a three-wheeled motorcycle test shall wear a helmet and eye protection as specified in subpart 1.

Subp. 3. Physical aids.

A. If an applicant's physical condition requires special equipment on the motor vehicle to operate the motor vehicle, the road test vehicle must be so equipped.

B. If the road test is being taken to remove an equipment restriction, the equipment need not be present on the motor vehicle.

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C. An initial examination may be given without special equipment to determine equipment needs.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

ROAD TESTS; OTHER REQUIREMENTS

7410.5300 ROAD TEST SCORING CONSIDERATIONS GENERALLY.

Road and skills tests must be scored on the basis of point values assigned to specific driving maneuvers, on the ability of the applicant to perceive risks within the driving environment, and the ability of the applicant to react safely and obey traffic laws.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5320 EVENTS RESULTING IN TEST FAILURE.

The commissioner shall consider a test failed if any event described in items A to L occurs:

A. The commissioner shall immediately discontinue a test if the applicant misses three or more items of the class D motor vehicle equipment demonstration.

B. The commissioner shall immediately discontinue a test if the applicant misses eight or more items of the school bus pretrip inspection, is not able to operate a school bus safety system, or fails to locate the first aid or body fluids clean-up kit.

C. The commissioner shall immediately discontinue a test in a commercial motor vehicle equipped with air brakes if the applicant misses all three of the in-cab air brake inspection items required by Code of Federal Regulations, title 49, section 383.113.

D. A test is failed if the applicant accumulates a point deduction of more than 20 on a class A, B, C, or D road test.

E. A test is failed if the applicant incurs more than three perceived risk errors on a class A, B, C, or D road test.

F. A test is failed if the applicant accumulates a point deduction of more than ten on the motorcycle skills test.

G. A test is failed if the applicant incurs more than three errors scored on the motorized bicycle skills test.

H. A test is failed if the applicant is involved in an accident or crash that could have been prevented by the applicant, regardless of who was responsible. An accident or crash includes contact with another vehicle, a pedestrian, a fixed object, or a parking flag.

I. A test is failed if the applicant violates a traffic law for which a driver might normally be ticketed or arrested.

J. A test is failed if the applicant operates the vehicle in such a way as to commit an action that may endanger people or property. Dangerous actions include:

- (1) driving the vehicle over a curb or onto a sidewalk;
- (2) forcing another driver or pedestrian to react defensively to avoid an accident;
- (3) an inability to control the vehicle;
- (4) stopping on a railroad track;
- (5) driving in the wrong lane when lanes are clearly marked;
- (6) turning from the wrong lane when lanes are clearly marked;
- (7) an inability to back up a commercial motor vehicle in a straight line or to back it up to a loading dock; or

(8) committing an error that requires the commissioner to control the vehicle or aid the driver to avoid an accident.

K. A test is failed if the applicant does not cooperate with the commissioner or the applicant refuses to perform a maneuver.

L. A test is considered failed if the test is not completed because vehicle failure, applicant illness, or weather conditions prevent completion, or the vehicle is disabled in an accident or crash that could not have been prevented.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5340 ONE ROAD TEST PER DAY.

Any type of road or skills test may be attempted just once per day by an applicant, except in the case of an incomplete test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5360 ROAD TEST FAILURE; MANDATORY PRACTICE, RETRAINING.

A. A minimum mandatory practice period is required after each road or skills test failure, except when an applicant is required to be reexamined under Minnesota Statutes, section 171.13, subdivision 3, or for a school bus road test or test conducted by a third-party testing program.

B. A first equipment demonstration failure is not considered a road test failure and no practice period is required.

C. A one-week practice period is required after the first failure of a completed road test.

D. A two-week practice period is required after the second, third, or fourth failure of a completed road test.

E. Pursuant to Minnesota Statutes, section 171.04, subdivision 1, an applicant who fails four road tests must complete six hours of behind-the-wheel training with a department-approved or -licensed driver's education program.

F. The practice periods in items C and D are subject to variance under Minnesota Statutes, section 14.055.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5380 ROAD TEST FOLLOWING EXPIRED PERMIT.

A. A permit expired less than one year constitutes proof of having passed the required knowledge test, but the expired permit may not continue to be used throughout a sequence of tests, practice periods, or driver's training.

B. One road or skills test is allowed using a permit that has been expired for less than one year.

C. If the road test is failed, the applicant shall renew the instruction permit before practice driving begins.

D. The practice time begins at the time the permit is renewed.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

TEST WAIVERS

7410.5400 GENERAL WAIVER AUTHORITY.

Pursuant to Minnesota Statutes, section 171.13, subdivision 1a, the commissioner may waive the requirement that an applicant for a Minnesota driver's license demonstrate the ability to exercise ordinary and reasonable control in operating a motor

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vehicle if the commissioner determines the applicant possesses a valid driver's license issued by a state that requires an equivalent demonstration for license issuance and endorsements.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5420 GENERAL WAIVER FOR CLASS D LICENSE TEST.

Subpart 1. **Minnesota license holder.** If an applicant for a Minnesota class D driver's license has a Minnesota class D driver's license that has:

A. expired less than one year, then the applicant is not required to pass the class D knowledge test or class D road test; or

B. expired more than one year but less than five years, then the applicant is not required to pass the class D road test.

Subp. 2. **Out-of-state license holder.** If an applicant for a Minnesota class D driver's license or permit has a class D driver's license from another state that is valid or not expired more than one year, then the applicant is not required to pass the road test for a Minnesota class D driver's license.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5440 GENERAL WAIVER FOR LICENSE WITH MOTORCYCLE ENDORSEMENT.

Subpart 1. **Holder of Minnesota motorcycle endorsement.** If an applicant for a Minnesota driver's license with a motorcycle endorsement has a Minnesota driver's license with a motorcycle endorsement that has:

A. expired less than one year, then the applicant is not required to pass the class D driver's license knowledge test, class D driver's license road test, motorcycle knowledge test, or motorcycle skills test; or

B. expired more than one year but less than five years, then the applicant is not required to pass the class D driver's license road test or motorcycle skills test.

Subp. 2. **Holder of out-of-state motorcycle endorsement.** If an applicant for a Minnesota driver's license with a motorcycle endorsement has a driver's license with a motorcycle endorsement from another state that is valid or not expired more than one year, then the applicant is not required to pass the Minnesota class D driver's license road test or motorcycle endorsement skills test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5460 GENERAL WAIVER FOR COMMERCIAL DRIVER'S LICENSE TEST.

Subpart 1. **Minnesota commercial license holder.** If an applicant for a commercial driver's license has a Minnesota commercial driver's license that has:

A. expired less than one year, then the applicant is not required to pass the class D knowledge test, commercial driver's license general knowledge test, class D road test, or commercial driver's license road test, although:

(1) if a hazardous materials endorsement is requested on the commercial license, then the applicant is required to pass the hazardous materials knowledge test or demonstrate that a hazardous materials endorsement is currently valid;

(2) if a school bus endorsement is requested, then the applicant is required to pass the school bus endorsement knowledge test and the school bus endorsement road test as required in chapter 7414; and

(3) if other endorsements for double or triple trailers, passenger, or tanker are not current and valid, then the applicant is required to pass the applicable test for any of those endorsements; or

B. expired more than one year but less than five years, then the applicant is not required to pass the road test for either a class D driver's license or a commercial driver's license.

Subp. 2. Holder of out-of-state commercial license.

A. If an applicant for a Minnesota commercial driver's license has a commercial driver's license from another state that is valid or not expired more than one year, then the applicant is not required to pass the commercial knowledge test, Minnesota class D driver's license road test, or Minnesota commercial driver's license road test for the same class of commercial license.

B. If a hazardous materials endorsement is requested on the commercial license, then the applicant is required to pass the hazardous materials knowledge test.

C. If a school bus endorsement is requested, then the applicant is required to pass the school bus endorsement knowledge test and the school bus endorsement road test as required in chapter 7414.

D. If other endorsements for double or triple trailers, passenger, or tanker are not current and valid, then the applicant is required to pass the applicable test for any of those endorsements.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5480 GENERAL WAIVER FOR SCHOOL BUS ENDORSEMENT FOR OUT-OF-STATE COMMERCIAL LICENSE HOLDER.

If a school bus endorsement on a Minnesota commercial driver's license is requested by an applicant who has a commercial driver's license with a school bus endorsement from another state that is valid or not expired more than one year, then the applicant is not required to pass the Minnesota class D road test or Minnesota commercial driver's license road test. The application, however, must be for the operation of a bus of comparable size.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: *27 SR 465*

7410.5500 OUT-OF-STATE LICENSE HOLDER WITHOUT DRIVING PRIVILEGES.

Subpart 1. Driving privileges withdrawn in Minnesota.

A. If an applicant with a driver's license from any other state who has driving privileges withdrawn in Minnesota applies for a Minnesota driver's license, then the applicant is required to meet all conditions for license reinstatement in Minnesota, including payment of all applicable reinstatement fees specified in Minnesota Statutes, sections 171.20 and 171.29, before the waivers in parts 7410.5400 to 7410.5600 apply.

B. If the driving privileges of the out-of-state license holder were withdrawn in Minnesota and the out-of-state license is expired for one year or less, then the road test for a class D driver's license is waived.

C. The applicant is required to pass the class D driver's license knowledge test unless the applicant has a Minnesota driver's license that is current or expired less than one year.

D. If driving privileges are withdrawn for a violation under Minnesota Statutes, chapter 169A, or former Minnesota Statutes, section 169.121, 169.123, or 171.17, the applicant must pass a knowledge test on the effects of alcohol and drugs as described in part 7410.4520.

Subp. 2. Driving privileges withdrawn in any other state. If an applicant's driving privileges are withdrawn in any other state and the applicant applies for a driver's license in Minnesota, then the applicant's driving privileges must be reinstated in all

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other states before the applicant is eligible for driving privileges in Minnesota and for a waiver of the test requirements specified in parts 7410.5400 to 7410.5600.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5520 TEST WAIVERS FOR LICENSE REVOKED FOR DWI-RELATED OFFENSE.

If an applicant for a Minnesota driver's license has a Minnesota driver's license that has been revoked under Minnesota Statutes, chapter 169A, or former or current Minnesota Statutes, section 169.121, 169.123, or 171.17, then the applicant is required to pass a test on the effects of alcohol and drugs as described in part 7410.4520, and pay all applicable license reinstatement fees specified in Minnesota Statutes, section 171.29, before a waiver is applicable. If the applicant's driver's license has been revoked, and the license is expired:

A. less than one year, then the applicant is not required to pass the:

- (1) class D driver's license knowledge test;
- (2) class D driver's license road test;
- (3) commercial driver's license general knowledge test;
- (4) commercial driver's license road test;
- (5) motorcycle endorsement knowledge test; or
- (6) motorcycle endorsement skills test; or

B. more than one year but less than five years, then the applicant is not required to pass the:

- (1) class D driver's license road test;
- (2) commercial driver's license road test; or
- (3) motorcycle endorsement skills test.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5540 LICENSE WITH MOTORCYCLE ENDORSEMENT REVOKED FOR NON-DWI-RELATED TRAFFIC OFFENSE.

If an applicant for a Minnesota driver's license with a motorcycle endorsement has a Minnesota license with a motorcycle endorsement and driving privileges that have been revoked for a traffic offense other than one specified in Minnesota Statutes, chapter 169A, or former or current Minnesota Statutes, section 169.121, 169.123, or 171.17, then the applicant is required to pay the license reinstatement fee specified in Minnesota Statutes, section 171.29, before a waiver is applicable. If the applicant's driver's license has been revoked, and the license is expired:

A. less than one year, then the motorcycle endorsement knowledge test, the class D driver's license road test, and the motorcycle endorsement skills test are waived; or

B. more than one year but less than five years, then the class D driver's license road test and motorcycle endorsement skills test are waived.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5560 COMMERCIAL LICENSE REVOKED.

Subpart 1. License revoked for alcohol or drug-related offense.

A. If an applicant for a Minnesota commercial driver's license has a Minnesota commercial driver's license that has been revoked for a violation of Minnesota Statutes, chapter 169A, or former or current Minnesota Statutes, section 169.121, 169.123, or 171.17, then the applicant is required to pass a test on the effects of alcohol

and other drugs as specified in part 7410.4520, and pay the license reinstatement fees specified in Minnesota Statutes, section 171.29, before a waiver is applicable.

B. If the applicant also has a hazardous materials endorsement, then the applicant is required to pass the hazardous materials knowledge test.

C. If the applicant's commercial driver's license has been revoked, and the license is expired less than one year, then the class D driver's license road test, commercial driver's license road test, and all knowledge tests, except the hazardous materials endorsement knowledge test and school bus endorsement knowledge test, are waived.

D. If the applicant's commercial driver's license has been revoked and the license is expired more than one year but less than five years; then the commercial driver's license road test is waived.

Subp. 2. **License or endorsement revoked for non-DWI-related offense.** If an applicant for a Minnesota commercial driver's license or endorsement has a Minnesota commercial driver's license or endorsement that has been revoked for a traffic offense other than one specified in Minnesota Statutes, chapter 169A, or former or current Minnesota Statutes, section 169.121, 169.123, or 171.17, then the applicant is required to pay the reinstatement fee in Minnesota Statutes, section 171.29, before a waiver is applicable. If the applicant's commercial driver's license or endorsement has been revoked and the license is expired:

A. less than one year, then the class D driver's license road test, commercial driver's license road test, and all knowledge tests, except the hazardous materials endorsement and school bus endorsement knowledge tests, are waived; or

B. more than one year but less than five years, the class D driver's license road test and commercial driver's license road test are waived.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

7410.5600 VARIANCE FOR ADDITIONAL CASE-SPECIFIC TEST WAIVERS.

A. The commissioner of public safety may grant a variance from the test requirements and waivers specified in parts 7410.4000 to 7410.5560 on a case-by-case basis only.

B. If an individual cannot comply with the test requirements for a driver's license, then the individual may request a variance. The request must be in writing, be submitted to the commissioner, and:

(1) contain the individual's full name, address, date of birth, the driver's license number of any driver's license issued in any other state or specify any state in which a driver's license was issued, and the date of expiration of any license or endorsement on a license;

(2) specify the type of Minnesota driver's license and any endorsements the applicant seeks;

(3) specify the class of vehicle the individual wants to drive;

(4) specify all test requirements from which the applicant seeks a waiver;

(5) describe the reason why a test waiver is requested, including proof of any equivalent tests the individual has passed in any other state; and

(6) be signed and dated by the individual requesting a test waiver.

C. The commissioner shall grant the variance request for a test waiver if:

(1) the waiver was requested as specified in item B;

(2) the waiver, if granted, would not have an adverse effect on public safety;

(3) the alternative tests or the tests passed in another state are equivalent to those administered by the commissioner; and

(4) granting the variance does not waive or vary a statute.

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D. The commissioner shall notify the individual requesting a test waiver variance in writing of the commissioner's decision to grant or deny the variance within 60 days of receipt of the request. If the variance request is denied, the commissioner shall specify the reasons for the denial.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.165; 299A.01*

History: 27 SR 465

ROAD AND SKILLS TESTING BY THIRD-PARTY TESTERS

7410.6000 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7410.6000 to 7410.6540 have the meanings given them in this part.

Subp. 2. **Applicant.** "Applicant" means an entity applying for approval to be a third-party testing program.

Subp. 3. **Commercial driver's license.** "Commercial driver's license" means a license issued by the commissioner to operate a commercial motor vehicle.

Subp. 4. **Entity.** Unless otherwise expressly described or limited, "entity" includes an individual, natural person, and a legal or corporate person, however organized.

Subp. 5. **Letter of approval.** "Letter of approval" means the document issued by the commissioner to the third-party tester program authorizing the program to administer approved tests on behalf of the commissioner.

Subp. 6. **Third-party tester.** "Third-party tester" means an individual who is an employee of a third-party testing program who has qualified for a third-party tester certificate issued by the commissioner granting the individual authorization to conduct road tests or skills tests.

Subp. 7. **Third-party tester certificate.** "Third-party tester certificate" means a certificate issued by the commissioner to the third-party tester authorizing the third-party tester to administer road tests and skills tests on behalf of a specified third-party testing program.

Subp. 8. **Third-party testing program.** "Third-party testing program" means a program authorized by the commissioner to administer to an individual the road test or skills test as defined in part 7410.4100, subpart 11.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6100 THIRD-PARTY TESTING PROGRAM ELIGIBILITY.

Subpart 1. **Designation.** To be designated by the commissioner as a third-party testing program, an entity must meet one of the program categories specified in this part.

Subp. 2. **Motor carrier.** A third-party testing program that is a motor carrier must:

- A. be registered as a business with the secretary of state;
- B. own or lease, and operate, its own commercial motor vehicles;
- C. administer commercial driver's license road tests and any necessary endorsement tests to operate the commercial motor vehicles; and
- D. administer tests only to employees of the business.

Subp. 3. **School bus company.** A third-party testing program that is a school bus company must:

- A. be registered as a business with the secretary of state;
- B. own or lease, and operate, its own school buses;
- C. administer road tests and any necessary endorsement tests to operate the school buses; and
- D. administer tests only to employees of the company.

Subp. 4. **Postsecondary school.** A third-party testing program that is a postsecondary school must:

A. be a public institution regulated by the North Central Association of Colleges and Schools under Minnesota Statutes, chapter 124D, or be a public institution regulated by the board of trustees of the Minnesota state colleges and universities;

B. own or lease its own vehicles used for testing, or contract to operate government-owned vehicles;

C. offer courses in operating commercial motor vehicles or motorcycles;

D. administer commercial driver's license road and endorsement tests or motorcycle endorsement skills tests; and

E. administer tests only to students enrolled full time who complete courses offered by the institution.

Subp. 5. **School district.** A third-party testing program that is a school district must:

A. own or lease, and operate, its own school buses;

B. administer road tests and any necessary endorsement tests to operate a school bus; and

C. unless a bilateral agreement has been approved by the commissioner under part 7410.6460, administer tests only to employees of the district.

Subp. 6. **Motorcycle safety course.** A third-party testing program that is a motorcycle safety course must:

A. be licensed as a commercial driver's education program under chapter 7411;

B. be registered as a business with the secretary of state or have a tax identification number as a nonprofit organization;

C. own or lease its own motorcycles used for testing, or contract to operate government-owned motorcycles;

D. administer skills tests and any necessary endorsement tests to operate a motorcycle; and

E. administer tests only to students 18 years of age and older who are enrolled full time in the program's motorcycle course and who complete the course.

Subp. 7. **Public transit authority.** A third-party testing program that is a public transit authority must:

A. own and operate its own commercial passenger buses;

B. administer road tests and any necessary endorsement tests to operate a bus; and

C. administer tests only to employees of the authority.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6120 APPLICATION REQUIREMENTS GENERALLY.

Subpart 1. **Commercial driver's license and motorcycle endorsement requirements.** The applicant shall apply to the commissioner for approval to be a third-party testing program authorized to administer road tests for a commercial motor vehicle license or endorsement pursuant to Code of Federal Regulations, title 49, section 383.75, or to administer a skills test for a motorcycle endorsement.

Subp. 2. **Application made to commissioner.** Application to be a third-party testing program must be made to the commissioner and provide the information in part 7410.6280. Road tests and skills tests must not be conducted until the program is approved by the commissioner.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

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7410.6140 LOCATION REQUIREMENT.

To qualify as a third-party testing program, the applicant must be located in the state and must maintain an administrative office in at least one permanent, regularly occupied building with a permanent address.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6160 EMPLOYMENT REQUIREMENT FOR BUSINESS APPLICANT.

A business applicant for commercial motor vehicle licensure or endorsements must employ at least 50 individuals, each of whom must hold a valid commercial driver's license issued by a United States state, including part-time and seasonal employees.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6180 COMMERCIAL MOTOR VEHICLE TESTING PROGRAM.

A public, postsecondary educational institution or school as described in part 7410.6100 applying to be a third-party testing program for commercial motor vehicles shall offer a training course for commercial motor vehicle operation that consists of at least 180 hours of training.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6200 MOTORCYCLE ENDORSEMENT TESTING PROGRAM.

Subpart 1. **Licensed as commercial driving school.** An entity applying to be a third-party testing program for a motorcycle endorsement must comply with chapter 7411 and Minnesota Statutes, sections 171.33 to 171.39 as a driver education program.

Subp. 2. **Employment of certified tester.** A third-party testing program for a motorcycle endorsement must employ at least one certified third-party tester who holds a valid driver's license with a motorcycle endorsement.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6220 RELATIONSHIP TO BUSINESS OPERATION, OWNERSHIP, OR TRAINING.

A. The applicant must show proof of operation, ownership, or training related to commercial motor vehicles or motorcycles in the state for at least two years before the date of application.

B. If a business applicant has changed ownership, the new owner may use the previous owner's years of operation in the calculation of the two-year time period.

C. A new owner must reapply for approval as a third-party testing program.

D. No road tests or skills tests may be conducted until the new owner is approved by the commissioner.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6240 SAFETY RATING.

If the applicant is subject to federal motor carrier safety regulations, the applicant must have a Minnesota Department of Transportation safety rating of at least "satisfactory."

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6260 EMPLOYMENT OF CERTIFIED TESTER.

The applicant must employ at least one certified third-party tester who meets the qualifications in part 7410.6120.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6280 APPLICATION CONTENTS.

To apply for approval as a third-party testing program, an applicant must complete an application containing the information specified in this part:

A. business name; name of the school, college, or university; or name of the public authority;

B. business registration number if a business, or tax identification number if a not-for-profit entity;

C. address of the administrative office;

D. telephone number, fax number, and e-mail address;

E. name of an authorized official responsible for the program and application, and the official's title and telephone number;

F. description of type of entity;

G. number of years in operation;

H. number of commercial motor vehicles or motorcycles owned or operated;

I. for a business entity, the number of drivers employed as specified in part 7410.6160 or 7410.6200;

J. designation of the class of motor vehicle and endorsements to be administered for road tests or skills tests;

K. the addresses of all locations where examinations will be administered;

L. a description of the off-road facilities to be used for road tests and skills tests;

M. a map, drawing, or written description of the test route to be used for commercial vehicle road tests;

N. the name, birth date, home address, and driver's license number of all individuals the applicant wants to employ as a certified third-party tester;

O. attestation that the applicant carries the required insurance as described in Minnesota Statutes, chapter 65B, for all vehicles used for testing; and

P. attestation by the authorized official that the information submitted is true and accurate.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6290 TEST SITE EVALUATION.

The commissioner shall evaluate the application submitted by the third-party testing program applicant and, if the application is satisfactory, schedule an on-site inspection of each testing site.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6300 COMMISSIONER'S LETTER OF APPROVAL.

A. Upon approval, the commissioner shall issue a letter of approval to designate a third-party testing program.

B. The letter of approval must specify the state law and rules and federal regulations authorizing the third-party testing program to administer tests.

C. The letter of approval must specify the road tests and skills tests the program is authorized to administer.

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D. The letter of approval constitutes an agreement between the state and the third-party testing program administering road tests for a commercial driver's license or a motorcycle endorsement.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6320 INDEMNIFICATION.

An applicant shall agree to indemnify and hold harmless the state and all state officers, employees, and agents of the state from and against all claims, losses, damages, costs, and other proceedings made, sustained, brought, or prosecuted in any manner based on or occasioned by or attributive to any injury, infringement, or damage rising from any act or omission of the third-party testing program or the program's employees in the performance of testing duties.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6340 AUDITS.

Subpart 1. **Random examinations, inspections, and audits.** An applicant shall agree to allow representatives of the Federal Highway Administration and the commissioner, on behalf of the state, to conduct random examinations, inspections, and audits of the testing operation without prior notice.

Subp. 2. **On-site inspections.** An applicant shall permit on-site inspections by agents of the commissioner as necessary to determine compliance with parts 7410.6000 to 7410.6540.

Subp. 3. **Examination of test administration.** On at least an annual basis, agents of the commissioner who are state employees must be permitted to:

A. take the tests actually administered by the third-party testing program as if the state employees were test applicants;

B. test a sample of drivers who were examined by the third-party testing program to compare pass/fail results; or

C. conduct a road test or skills test simultaneously with the third-party tester to compare test results.

Subp. 4. **Notice of test schedule.** Upon request, no less than 48 hours in advance, the third-party testing program shall provide the commissioner with the schedule times and dates that skill tests and road tests are to be given.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6360 USE OF CERTIFIED THIRD-PARTY TESTERS.

The third-party testing program shall allow only individuals who have been certified by the commissioner as third-party testers under part 7410.6440 to administer road tests or skills tests to persons to operate commercial motor vehicles or motorcycles. The program shall maintain, on file in the program's administrative office, a copy of the valid certificate of each third-party tester employed by the program.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6380 TEST PROOF.

The third-party testing program shall provide a record of examination, on a format obtained from or approved by the commissioner, to an individual who has passed a road test or skills test for a commercial motor vehicle license or endorsement, or motorcycle endorsement. The record of examination, which must be presented at the time of application for a commercial driver's license or endorsement or for a

motorcycle endorsement, must specify that the individual has passed the required test or tests administered by the third-party testing program.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6400 EXISTING THIRD-PARTY TESTING PROGRAMS AND CERTIFIED TESTERS.

Subpart 1. **Existing third-party testing programs.** A third-party testing program approved before January 1, 2002, may continue as a third-party testing program if the program continues to meet the requirements in parts 7410.6000 to 7410.6540.

Subp. 2. **Existing certified third-party testers.** Third-party testers certified before January 1, 2002, may continue as a certified third-party tester if the examiner continues to meet the qualifications in parts 7410.6000 to 7410.6540.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6420 THIRD-PARTY TESTER QUALIFICATIONS.

Subpart 1. **Generally.** To be certified as a third-party tester, an individual must make application to, and be approved by, the commissioner as specified in this part. The individual must:

- A. possess a valid driver's license;
- B. be at least age 21;
- C. be a licensed driver in a United States state for the past three years;
- D. before the date of application, have maintained continuous valid driving privileges for the past year;
- E. successfully pass a prequalifying tester examination;
- F. be an employee of a third-party testing program;
- G. successfully complete the test administration training required of state-employed examiners; and
- H. have the class of driver's license and endorsements to operate the type of vehicles for which the road tests and skills tests are administered.

Subp. 2. **State employee.** A certified third-party tester may not be an employee of the Minnesota Department of Public Safety.

Subp. 3. **Driver education instructor.** Except for an instructor in a licensed or approved motorcycle driver education program, a third-party tester may not simultaneously be an instructor in a licensed or approved driver education program.

Subp. 4. **Motorcycle tester qualifications.** All third-party testers employed by a third-party testing program for a motorcycle endorsement must be currently certified as *Motorcycle Safety Foundation* instructors. An instructor must meet the certification standards specified for a rider coach in the *Motorcycle Safety Foundation Basic Rider Course Curriculum Manual, 2001*. The manual is incorporated by reference, is not subject to frequent change, and is available for viewing through the interlibrary loan system. A copy of this manual may be obtained from the *Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA 92618-3806*.

Subp. 5. **Employment.** A certified third-party tester must have a certificate for each third-party testing program that employs the tester. The tester must reapply and be approved for a new certificate to conduct tests on behalf of a new third-party testing program. The tester may be simultaneously employed by more than one program.

Subp. 6. **Maintaining certification.** To maintain certification as a third-party tester, an individual must:

- A. conduct at least 12 road tests or skills tests annually over each 24-month period from the date of initial issuance of a third-party tester certificate;

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B. be evaluated at least annually on the administration of tests and record keeping;

C. attend annual in-service training, workshops, or seminars provided by the commissioner;

D. submit monthly testing reports in a format specified by the commissioner;

E. account for all record of examinations issued by the commissioner to a third-party tester and submit the record of examination immediately to the commissioner after completing a road test or skills test; and

F. provide proof that all tests administered were to employees of the third-party testing program or to students enrolled full time in a commercial truck driver training course or motorcycle training course.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6440 CERTIFICATES AND LETTER OF APPROVAL.

Subpart 1. **Letter of approval; agreement.** The commissioner shall issue a letter of approval indicating agreement that the third-party testing program may administer road tests or skills tests.

Subp. 2. **Tester certificates.** The commissioner shall issue a certificate to each commissioner-approved third-party tester of a third-party testing program.

A. A copy of the certificate of each third-party tester employed by a third-party testing program must be on file in the office of the third-party testing program.

B. A third-party tester's certificate is effective on the date of issuance by the commissioner and expires four years after issuance.

C. A third-party tester may not conduct road tests or skills tests without a valid third-party tester certificate.

Subp. 3. **Not transferable.** A letter of approval to operate a third-party testing program and any tester certificate is not transferable.

Subp. 4. **Certificate renewal time frame.** An application for renewal of a third-party tester's certificate must be submitted to the commissioner no less than 30 days before the date the previously issued certificate expires.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6460 TEST ADMINISTRATION.

Subpart 1. **Generally.** Road tests and skills tests conducted by a third-party tester must meet the requirements in parts 7410.4000 to 7410.5600.

Subp. 2. **Third-party tester restrictions.** A third-party tester shall not:

A. test a driver who does not possess a valid Minnesota driver's license;

B. delegate any portion of testing to another individual;

C. test an individual who is not a bona fide employee of a third-party testing program, or test an individual who is not enrolled as a full-time student of the third-party testing program;

D. test a person related to the tester by blood, marriage, or adoption;

E. test any person for a fee;

F. test anyone with a physical disability who may need an individualized restriction added to the person's driver's license; or

G. test anyone who has not completed all course work and exercises before administering a road test or skills test.

Subp. 3. **Repeat test limit.**

A. A third-party testing program may administer a second skills or road test to a student who has failed the initial skills or road test only if the student:

(1) completes four more hours of training, including a skills test, beyond that normally provided by the licensed driver education program; and

(2) for motorcycle course students, completes a practice time of no less than one week after the failed test.

B. A student who completes a third-party testing program's driver's education course and twice fails the skills or road test administered by the program, may only take subsequent skills or road tests administered by state examiners.

Subp. 4. **Bilateral agreements.** Subpart 2, item C notwithstanding, a third-party testing program that is a school district that owns or operates school buses may enter into an agreement with other school districts to test the other district's school bus driver employees.

A. The agreement must be submitted to the commissioner with the application for approval to be a third-party testing program.

B. Certified third-party testers must be employed by the school district providing the test services.

Subp. 5. **Testing contingencies.** A third-party testing program must inform each test applicant that:

A. test results and test passage are contingent upon:

(1) remaining employed with the third-party testing program for three months following the test administration date; or

(2) completing the approved or licensed truck driver training or motorcycle driver education program; and

B. state examiners may retest a student or employee if:

(1) required by a state or federal audit; or

(2) there is reason to believe the test was not appropriately administered under this chapter.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6480 RECORD KEEPING.

Subpart 1. **Records of administered tests.** An approved third-party testing program shall maintain at the program's administrative offices, for a minimum of three years, the tester's copy of the record of examination of any driver for whom the third-party testing program conducts a test, whether or not the driver passes or fails the test. Each record of examination must include:

A. the full name of the driver;

B. the date the driver took the test; and

C. the name and certificate number of the third-party tester conducting the test.

Subp. 2. **Records of third-party testers.** The third-party testing program shall maintain, at the program's administrative offices, a record of each third-party tester in the employ of the third-party testing program at that location. Each record must include:

A. a valid and complete tester certificate indicating the third-party tester has met all qualifications;

B. a copy of the third-party tester's current driving record, which must be updated annually;

C. evidence that the third-party tester is an employee of the third-party testing program; and

D. verification that tests were only administered to employees of the third-party testing program, or to students enrolled full-time in a truck driver training or motorcycle driver education program.

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Subp. 3. **Record retention.** The third-party testing program shall retain all third-party tester records for three years after a third-party tester leaves the employ of the third-party testing program.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6500 NOTIFICATION REQUIREMENTS.

Subpart 1. **In general.** The third-party testing program shall ensure that the commissioner is notified in writing or by electronic means:

A. 30 days before any change in the third-party testing program's name or address;

B. ten days before any change in the third-party tester employed by the third-party testing program;

C. within ten days of a change in a third-party tester's driving status;

D. within ten days of the third-party testing program ceasing business operations in Minnesota; or

E. within ten days of a third-party tester:

(1) receiving notice from any state that the tester's driving privileges have been withdrawn; or

(2) failing to comply with the third-party testing program or third-party tester requirements in parts 7410.6000 through 7410.6520 and test administration requirements in parts 7410.4000 through 7410.5600.

Subp. 2. **Test route change.** Before changing a test route, a third-party testing program must submit a written request and obtain written approval from the commissioner for any proposed change in the road test route. The request may be submitted by facsimile or electronic mail.

Subp. 3. **Tester change.** A third-party tester shall notify the commissioner within ten days of leaving the employ of a third-party testing program.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6510 REPORTING REQUIREMENTS.

The third-party testing program shall report the number of skills tests administered annually by all third-party testers employed by the program. The report must be in writing or in an electronic format approved by the commissioner and must be received by the commissioner within 45 days of the end of each calendar year.

Statutory Authority: *MS s 299A.01*

History: 27 SR 1635

7410.6520 DENIAL, CANCELLATION, OR SUSPENSION OF PROGRAM OR TESTER CERTIFICATE.

Subpart 1. **Denial.** The commissioner may deny an application for a third-party testing program or tester certificate if the applicant does not qualify for approval or certification under parts 7410.6000 to 7410.6500. In addition, a misstatement or misrepresentation is grounds for denying a letter of approval or tester certificate.

Subp. 2. **Cancellation or suspension.** The commissioner reserves the right to cancel the delegation of third-party testing in its entirety or an individual program if a federal audit indicates that continuation of the general delegation or individual program will jeopardize the receipt of federal funds or the state's ability to issue commercial drivers' licenses. The commissioner may cancel the approval of a third-party testing program or third-party tester or may suspend a program or tester for:

A. failure to comply with or satisfy any provision of parts 7410.6000 to 7410.6520;

B. falsification of any records or information relating to the third-party testing program;

C. performance in a manner that compromises the integrity of the third-party testing program; or

D. the withdrawal of a third-party tester's driving privileges.

Subp. 3. **Commissioner's discretion.** The existence of grounds for cancellation or suspension under subpart 2 is determined at the sole discretion of the commissioner. If the commissioner determines that grounds for cancellation or suspension exist for failure to comply with or satisfy any requirement in parts 7410.6000 to 7410.6520, the commissioner may immediately cancel or suspend the third-party testing program or third-party tester from administering any further tests.

Subp. 4. **Correction order.** If an audit by the commissioner identifies a situation that needs correction but does not merit suspension or cancellation, the commissioner may issue a correction order to a third-party tester or program for 30 days to correct a deficiency before the program or tester becomes subject to suspension or cancellation. The third-party testing program or third-party tester is permitted 30 days to correct the deficiency without having to reapply.

Subp. 5. **Notice of denial or cancellation; request for reconsideration and hearing.** When an application to be a third-party testing program or third-party tester application is denied, or when individual program approval or a tester's certificate is canceled, a notice must be mailed to the subject indicating the reasons for the denial or cancellation and that a reconsideration and hearing of the action may be requested.

A. The notice must indicate that the subject of the action has 20 calendar days from the date of the notice to submit a request for reconsideration in writing to the commissioner.

B. The commissioner shall review the request for reconsideration and issue a decision within 30 days of receipt of the request.

C. Upon receipt of the commissioner's decision, the affected party may request a contested case hearing under chapter 1400 and Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*

7410.6540 VARIANCE.

Except for part 7410.6460, subpart 5, item A, subitem (1), parts 7410.6000 to 7410.6520 are not subject to variance. When considering a variance to part 7410.6460, subpart 5, item A, subitem (1), the procedures in Minnesota Statutes, section 14.056, apply and the commissioner shall consider the hardship placed on the employee and circumstances presented that are beyond the employee's control.

Statutory Authority: *MS s 299A.01*

History: *27 SR 1635*