

CHAPTER 7411
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION
DRIVER TRAINING; IMPROVEMENT CLINICS

COMMERCIAL DRIVER TRAINING SCHOOLS

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COMMERCIAL DRIVER TRAINING SCHOOLS**7411.0100 DEFINITIONS.**

Subpart 1. **Statutory definitions.** For the purposes of parts 7411.0100 to 7411.0900, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same meanings given them in Minnesota Statutes, section 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semitrailer," "driver," and "street or highway" have the respective meanings given them in Minnesota Statutes, section 169.01.

Subp. 2. **Location.** "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

Subp. 3. **Lesson.** "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving, or otherwise. A one-hour lesson shall mean one hour of actual instruction.

Statutory Authority: *MS s 171.34; 171.35*

7411.0200 PURPOSE.

The purpose of parts 7411.0100 to 7411.0900 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes, sections 171.33 to 171.41, with respect to the regulation and licensing of commercial driver training schools and instructors.

Statutory Authority: *MS s 171.34; 171.35*

7411.0300 SCOPE.

The scope of parts 7411.0100 to 7411.0900 is intended to be confined within the framework of and consistent with Minnesota Statutes, sections 171.33 to 171.41.

Statutory Authority: *MS s 171.34; 171.35*

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7411.0400 DRIVER TRAINING VEHICLE REQUIREMENTS.

Subpart 1. **Safety standards and equipment; exemptions.** Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the model year of the vehicle, and shall have the following equipment:

- A. dual control brakes;
- B. dual control clutch pedal, where applicable;
- C. outside rearview mirror on both sides of the vehicle; in addition, a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors;
- D. sunvisors for both the driver and the passenger;
- E. windshield washers, wipers, and defroster;
- F. seat belts for each occupant of the vehicle;
- G. tandem drive axles for all truck-tractors and tandem axles for all semitrailers; and
- H. because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal.

Buses are exempt from the seat belt requirement.

Subp. 2. **Vehicle age; exemption.** Except as otherwise provided in this subpart, vehicles used for driver training purposes may not be more than four model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks, and truck-tractors may not be more than ten model years old. Semitrailers are exempt from the age limitation but must pass the required vehicle inspection.

Subp. 3. **Vehicle list.** A list of vehicles used for driver training shall be maintained and filed with the commissioner. It shall be the responsibility of the commercial driver training school to keep the vehicle list current at all times by submitting additions, deletions, or revisions to the commissioner within ten days from the date such changes occur. Additional or replacement vehicles may be used for driver training purposes only after complying with subpart 5.

Subp. 4. **Marking.** While being used for driving instruction, all vehicles must have signs conspicuously displayed on front and rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for class C driver training, the lettering shall be at least two but not more than five inches in height. On vehicles used for class A and class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

Subp. 5. **Inspections.** All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every 12 months thereafter at a station designated by the commissioner. No new vehicle may be used for driver training until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. Additional inspections may be requested by the commissioner. The inspection form must be filed by the vehicle owner within 30 days of the due date or use of the vehicle for driver training discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

Subp. 6. **Commercial use.** No bus, truck, truck-tractor, or semitrailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

- A. a maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

B. all use for commercial purposes will take place during the last 50 percent of the total training program; and

C. hazardous materials will not be transported. For the purposes of this item, hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials, and industrial waste products.

Statutory Authority: *MS s 171.34; 171.35*

7411.0500 DRIVER TRAINING INSTRUCTION REQUIREMENTS.

Subpart 1. Curriculum. The curriculum of classroom and behind-the-wheel instruction must be submitted to the commissioner for his approval.

A. Schools offering class A and class B driver training must have a concurrent program consisting of at least 40 hours of classroom training, 60 hours of behind-the-wheel training, and 60 hours of observation time for each student who takes training in a class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a class A vehicle.

B. Bus driver training may not be given in a van or van-type vehicle but must be given in a vehicle designed to carry more than 16 passengers and to transport them for compensation.

C. Training to operate a class A-type vehicle may not be given in a pickup and trailer combination type vehicle but must be given in a vehicle which conforms to part 7411.0400, subpart 1, item G, whose capacity is no less than 10,000 pounds.

D. Classroom training may be offered a student no more than three hours a day.

E. Behind-the-wheel training may be offered a student no more than two hours a day.

F. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

G. Class A driver training may not be offered to any student who is not at least 18 years of age and in possession of at least a class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a class C license.

Subp. 2. Behind-the-wheel instruction. Conditions for behind-the-wheel driving instruction are as follows:

A. Instruction may be offered on simulators and driving ranges as part of the curriculum for behind-the-wheel training. The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multiphase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase program may not be less than three hours.

B. Instruction shall not be given on actual routes used for state driver license road tests.

C. Instructors shall ensure that seat belts are used at all times by all persons while in the vehicle.

D. Instructors shall ensure that the student is in possession of a valid instruction permit or driver license from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

E. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

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F. Instruction may be given only by those instructors in possession of a valid and properly endorsed Minnesota driver license and an instructor's license applicable to the type of vehicle for which instruction is being given.

G. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

H. Except for the training offered in class A and B vehicles, neither a commercial school nor an instructor may give a student more than 30 hours of behind-the-wheel training without the written authorization of the commissioner.

Subp. 3. Instruction of students under 18 years of age. Commercial schools and instructors must provide driver training students under 18 years of age a minimum of 30 hours of approved classroom instruction and a minimum of six hours of behind-the-wheel instruction.

A. Behind-the-wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind-the-wheel instruction will begin. The student must present this certificate to the Minnesota driver license examiner when applying for an instruction permit, which must be obtained before commencing behind-the-wheel instruction.

B. When behind-the-wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish the student a certificate of completion.

C. If the student is under 16 years of age and fails to continue or successfully complete the driver education course, including behind-the-wheel instruction, the authorized school operator or instructor shall immediately notify the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

Statutory Authority: *MS s 171.34; 171.35*

7411.0600 DRIVER TRAINING INSTRUCTOR REQUIREMENTS.

An applicant for an instructor license must:

A. Be a resident of Minnesota.

B. Be at least 21 years of age.

C. Have been a licensed driver for three years, have a valid Minnesota driver license and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in this part. The applicant must submit with his application a certified copy of his driving record dated not earlier than 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations, or cancellations as a result of violations, accidents, failure to show proper insurance, or to pay fines, or to comply with a department request for the previous five-year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

E. Be in good physical and mental health and submit a complete physical examination report on forms provided by the commissioner at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the state of Minnesota and submitted not later than 30 days following the examination.

F. Have normal peripheral vision and visual acuity of not less than 20/40 corrected. Instructors qualifying for classroom instruction are required to meet only those visual requirements necessary to be a licensed driver.

G. Shall not have been convicted of a gross misdemeanor or a felony.

H. Furnish the commissioner with one photograph and authorize an investigation to determine if the applicant has a criminal record.

I. Have a minimum of a high school education or the equivalent, such as passing the Armed Forces or General Education Development tests.

J. Have satisfactorily completed a 40-hour course of driver and traffic safety education which is approved or supervised by the Minnesota Department of Public Safety. Teachers licensed by the Department of Education may elect to pass an equivalency test. In addition, motorcycle instructors must have had ten hours of approved motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include operation of a motor vehicle, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching. Applicants who fail the road test portion will be reported to the commissioner and may be required to pass the regular Minnesota driver license examination. An applicant who fails on two occasions to pass the driver training instructor examination is not entitled thereafter to take the examination for a period of one year. The commissioner may periodically require licensed instructors to submit to a reexamination, consisting of all, or any part, of the tests specified in parts 7411.0100 to 7411.0900, or a review of the instructor's teaching methods and ability while actually giving student instruction.

L. Comply with insurance and safety requirements as set forth in part 7411.0700, subpart 1, items A and B, if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is canceled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten days unless the vehicle is immediately removed from the school's approved list as filed with the commissioner and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of parts 7411.0100 to 7411.0900 will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

Statutory Authority: *MS s 171.34; 171.35*

7411.0700 COMMERCIAL DRIVER TRAINING SCHOOL REQUIREMENTS.

Subpart 1. Insurance and safety. Insurance and safety requirements are as follows:

A. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the state of Minnesota in the amounts of at least \$100,000 because of bodily injury to, or death of, any one person in any one accident; at least \$300,000 because of bodily injury to, or death of, two or more persons in any one accident; at least \$50,000 because of damage to, or destruction of, property of others in any one accident; at least \$20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage.

B. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be canceled or terminated, except upon ten days' prior written notice to the commissioner.

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C. If the insurance is canceled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes unless the school obtains adequate insurance coverage, notifies the commissioner of the coverage, and the commissioner notifies the school in writing that the license has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is canceled the vehicle must immediately be removed from the school's approved list as filed with the commissioner or the school license certificate will terminate automatically. School certificates terminated under provisions of this item must be surrendered to the commissioner within ten days.

D. The commercial driver training school owner or operator shall secure and submit with the application a continuous surety company bond in the principal sum of \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the state of Minnesota. The aggregate liability of the surety for all breaches of the bond shall not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond upon giving 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

Subp. 2. Location of business. Location requirements are as follows:

A. No license shall be issued if the place of business or branch office is within 600 feet of any building where any part of the driver license examination is being administered. However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted before the driver license examination station was established.

B. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel, or through the exclusive facilities of a telephone answering service.

C. Commercial driver training schools shall be located in a nonresidential building. However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with this subpart.

D. Commercial driver training schools offering class A, class B, or class A and class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

E. A commercial driver training school may not change its location without prior approval of the commissioner.

F. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it.

G. The location of the school's principal place of business and branch office must have adequate office facilities, equipment, and available classrooms of at least 300 square feet to meet the approval of the commissioner.

Subp. 3. Business records. The following business records must be maintained:

A. Instruction record. A permanently bound book with consecutively numbered pages to record, in ink, for every person given lessons of any kind or

any other services relating to classroom or behind-the-wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons.

B. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction, or other services relating to the operation of a motor vehicle.

C. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection.

The records described in items A to C shall be maintained in a businesslike manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records shall be retained for a period of three years after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation, or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed, or mutilated; the circumstances involving such loss, destruction, or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

Subp. 4. Advertising. Commercial driver training schools shall not:

A. publish, advertise, or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised;

B. duplicate or reproduce in whole or in part, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, Driver and Vehicle Services Division;

C. use the word "state" in any sign or other medium of advertising, except as permitted in this subpart;

D. advertise or intimate that an instructor or commercial driver training school license encompasses licensing by the Minnesota Department of Education;

E. advertise the address of any location other than the licensed principal place of business or a licensed branch office;

F. distribute any advertising material within 600 feet of any public or private high school or driver license examination station. This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, Driver and Vehicle Services Division, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with parts 7411.0100 to 7411.0900.

Licensed commercial driver training schools may use in their advertising or on forms, contracts, and other materials, the phrase "This school is licensed by the state of Minnesota."

Subp. 5. Agreements and contracts. Contractual requirements are as follows:

A. All contracts between schools and students shall be on a form approved by the commissioner.

B. A person shall not be given lessons or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

C. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature

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record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

D. No school shall represent or agree orally, in writing or as part of an inducement to sign a contract or enroll for lessons, to give instruction until a driver license is obtained or to offer premiums or provide discounts if a driver license is not obtained.

E. A contract shall be limited to a maximum of ten hours of behind-the-wheel instruction, except for class A or class B truck driver training courses which are provided for in item F. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind-the-wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

F. A contract for a review course in a class A or class B vehicle shall be limited to 20 hours of behind-the-wheel instruction. Contracts for complete training courses in class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind-the-wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

G. Contracts shall not contain the term "No Refund."

Subp. 6. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer, or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with respect to the licensing of any student of the school, or any other person; nor imply to his students or any other person, for any purpose, that he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

Statutory Authority: *MS s 171.34; 171.35*

7411.0800 LICENSING PROVISIONS.

Subpart 1. Legal requirements. The issuance of all licenses will be subject to the applicant's conformance with Minnesota Statutes, sections 171.33 to 171.41, and all provisions of parts 7411.0100 to 7411.0900.

Subp. 2. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors, or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers. Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such changes in the fee schedules are filed with the commissioner at least ten days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is \$25.

Subp. 3. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee,

the license of the instructor shall be deemed invalid and must be surrendered to the commissioner within ten days. The school shall notify the commissioner in writing within five days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be \$5.

Subp. 4. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license shall be required in the same manner as required for original license.

Subp. 5. Display of license. Licenses must be displayed as follows:

A. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

B. An instructor shall display the instructor's license in the vehicle in which the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety, or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

Subp. 6. Replacement of license. If the instructor license is lost, mutilated, or destroyed a duplicate will be issued upon proof of the facts and payment of a \$5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof that a license has been lost or destroyed shall be submitted in the form of an affidavit stating the date the license was lost or destroyed and the circumstances involving the loss or destruction of the license.

Subp. 7. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten days prior to expiration but will not be accepted more than 30 days prior to the expiration date.

Subp. 8. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended, or a renewal refused under any of the following conditions:

A. whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment;

B. whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices on the part of any applicant for a driver license or instruction permit;

C. whenever a commercial driver training school or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction;

D. whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension, or cancellation of his driver license;

E. whenever instruction is given to a person who does not have a valid instruction permit or driver license in his or her possession;

F. whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and information on the certificate is false;

G. whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles;

H. whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students;

I. whenever the instructor, the school, or both fail to keep or are late for appointments repeatedly or without good reason;

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J. whenever the school, the instructor, or both delay the start or completion of training;

K. whenever the school, the instructor, or both absent a student from school for training during school hours without school approval;

L. whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors; or

M. whenever a student is overcharged, or the student is encouraged to continue indefinite instructions beyond the point the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of instruction shall be referred in writing to the commissioner or his agent for clarification.

Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner within ten days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

Subp. 9. Fees payable to commissioner. All fees for original, renewal, duplicate, and replacement licenses shall be made payable to the Commissioner of Public Safety.

Statutory Authority: *MS s 171.34; 171.35*

7411.0900 EXEMPTION.

Subpart 1. Limited instruction. Regarding conditions for limited operations, an applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

A. the commercial driver training school must have been in operation on May 3, 1982, but not providing classroom instruction; and

B. the applicant complies with all other requirements of this part as they apply to persons engaged in operation of a school conducting driver training instruction for a fee, or instructing for a fee.

Subp. 2. New license required. On and after May 3, 1982, a licensee exempt under subpart 1 from providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business, or other operational changes without obtaining a new license and complying with the provisions of this part.

Statutory Authority: *MS s 171.34; 171.35*

DRIVER TRAINING FOR MOTORCYCLES

7411.2100 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 7411.2100 to 7411.2700 have the meanings given them in this part.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Public Safety.

Subp. 3. **School.** "School" means any commercial driver training school as defined in Minnesota Statutes 1971, section 171.33, subdivision 1, and licensed as provided in Minnesota Statutes 1971, section 171.34, or any public or nonpublic school offering a course of instruction approved by the commissioner.

Statutory Authority: *MS s 169.974 subd 2*

7411.2200 PURPOSE.

The purpose of parts 7411.2100 to 7411.2700 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes, section 169.974, subdivision 2, with respect to regulation of curriculum and training required to satisfactorily complete a two-wheeled motor vehicle driver's safety course.

Statutory Authority: *MS s 169.974 subd 2*

7411.2300 SCOPE.

The scope of parts 7411.2100 to 7411.2700 is intended to be confined within the framework of and consistent with Minnesota Statutes, section 169.974, subdivision 2.

Statutory Authority: *MS s 169.974 subd 2*

7411.2400 INSTRUCTOR REQUIREMENTS.

Subpart 1. **License.** Commercial driver training school instructors must be licensed as provided in Minnesota Statutes 1971, section 171.35.

Subp. 2. **Certification.** Public and nonpublic school instructors must be certified by the Department of Education.

Subp. 3. **Endorsement.** Instructors, as described in subparts 2 and 3, must have a motorcycle endorsement on their standard driver license.

Statutory Authority: *MS s 169.974 subd 2*

7411.2500 DRIVER TRAINING VEHICLE REQUIREMENTS.

Each vehicle used for driver training instruction shall comply with federal and state motor vehicle requirements for the model year of the vehicle.

Statutory Authority: *MS s 169.974 subd 2*

7411.2600 DRIVER'S TRAINING COURSE REQUIREMENTS.

Subpart 1. **Course hours.** The motorcycle course of instruction shall consist of a minimum of 14 hours, exclusive of or in addition to course hours taken for applicant preparation for a standard driver license examination. Six of the 14 hours referred to must be instruction while the student is astride and operating the motorcycle. Machines which simulate motorcycle driving may be used but may not be part of the six hours of astride-the-motorcycle training. In no event shall the six hours of instruction while the student is astride the motorcycle be conducted until the student has a standard driver license. Students wishing to take the motorcycle training course shall enroll for both the classroom and on-the-cycle portions of the course.

Subp. 2. **Course content.** The course of instruction shall include but not be limited to the following: history and familiarization with the motorcycle; laws and rules of the road; accident facts and statistics; psychology of motorcycle riding; motorcycle operation; motorcycle maintenance; proper riding habits and protective clothing; skill exercises including starting and stopping on a straight line; low speed right and left turns; travel in a circle at various speeds; figure eight exercises; stopping and starting at crosswalks and intersections; starting and leaving curbs; observance; intersections and corners; and general motorcycle control.

Subp. 3. **Types of instruction.** Any school offering motorcycle instruction shall provide classroom and on-the-cycle training. The two portions of the

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training course may be concurrent or consecutive. Concurrent motorcycle instruction courses may be used only where driving ranges or other off-street driving areas are available. The curriculum of instruction must be submitted to and approved by the commissioner.

Statutory Authority: *MS s 169.974 subd 2*

7411.2700 CERTIFICATION OF COURSE COMPLETION.

Upon satisfactory completion of the classroom phase of the motorcycle safety course and the student's enrollment in the on-the-cycle phase of the course, a certificate of enrollment may be issued by the certifying authority. Upon satisfactory completion of both phases of the training course a certificate of course completion may be issued by the certifying authority. The certificate forms are provided by the Department of Public Safety and must be presented to the driver license examiner at the time of application for a motorcycle instruction permit or endorsement. The student may also renew the motorcycle instruction permit, one time only, by presenting the certificate of course completion to the driver license examiner.

Statutory Authority: *MS s 169.974 subd 2*

DRIVER IMPROVEMENT CLINICS

7411.5100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7411.5100 to 7411.5700 have the meanings given them in this part.

Subp. 2. **Director.** "Director" means the person designated by the commissioner of public safety who shall have the immediate responsibility of the administration of this program.

Subp. 3. **Administrator.** "Administrator" means the person designated by the sponsor to administer the local program, to include registration, record keeping, and reporting.

Subp. 4. **Senior instructor.** "Senior instructor" means the person designated by the sponsor to conduct or be responsible for the course of instruction.

Subp. 5. **Instructor.** "Instructor" means that person selected by the senior instructor to assist in instruction.

Subp. 6. **Association of municipalities.** "Association of municipalities" means any association or organization of governmental units in Minnesota or any group of governmental units associated together for the purposes of the driver improvement clinic program.

Subp. 7. **Regularly established safety organization.** "Regularly established safety organization" means an organization, committee of a chamber of commerce or other civic organization, or a safety committee of a community, recognized by the Minnesota Safety Council; also the Department of Public Safety.

Subp. 8. **Satisfactorily complete.** "Satisfactorily complete" means attendance at all periods of the particular course offered, in addition to an evaluation acceptable to the referring agency of the attitude and knowledge of the individual as determined by the senior instructor.

Statutory Authority: *MS s 169.973 subd 1*

7411.5200 PURPOSE.

The purpose of parts 7411.5100 to 7411.5700 is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes, sections 169.89, subdivision 5, 169.971 to 169.973, and 171.20, with reference to the establishment and conduct of driver improvement clinics for traffic violators as directed by a trial court or the commissioner of public safety, and others who may volunteer to attend.

Statutory Authority: *MS s 169.973 subd 1*

7411.5300 SCOPE.

The scope of parts 7411.5100 to 7411.5700 is intended to be confined within the framework of and consistent with the Minnesota Statutes, sections 169.89, subdivision 5, 169.971 to 169.973, and 171.20.

Statutory Authority: MS s 169.973 subd 1

7411.5400 METHOD OF APPLICATION.

Subpart 1. Applicants. Any court, municipality, association of municipalities, or regularly established safety organization may make application for approval to operate a driver improvement clinic on such form or forms as determined by the commissioner of public safety.

Subp. 2. Application information. The application shall include the following information plus any other as may be determined by the commissioner:

- A. designation of the local clinic administrator;
- B. designation of the local clinic senior instructor;
- C. outline of course curriculum;
- D. description of facilities provided for the conduct of the course;
- E. fees to be charged, and method of financial record keeping; and
- F. the application shall indicate that the immediate traffic trial court of the community has agreed to participate in the driver improvement clinic.

Statutory Authority: MS s 169.973 subd 1

7411.5500 METHOD OF APPROVAL.

Upon receipt of an application from an authorized court, municipality, association of municipalities, or safety organization under Minnesota Statutes, section 169.972, for the approval of a driver improvement clinic, the director of the program shall review the information submitted and upon approval, the commissioner of public safety shall issue a certificate of approval.

Statutory Authority: MS s 169.973 subd 1

7411.5600 WITHDRAWAL OF APPROVAL.

When the commissioner of public safety has evidence that an approved driver improvement clinic is operated contrary to the rules promulgated by the commissioner under authority of Minnesota Statutes, section 169.89, subdivision 5, 169.971 to 169.973, and 171.20, he may notify the sponsoring organization of intent to withdraw that approval or he may withdraw that approval in writing to the sponsoring organization whereupon the certificate of approval shall be returned.

Statutory Authority: MS s 169.973 subd 1

7411.5700 METHOD OF OPERATION.

Subpart 1. Certification of approval. No driver improvement clinic shall be operated or considered as such for the purposes of Minnesota Statutes, sections 169.89, subdivision 5, 169.971 to 169.973, and 171.20, without a certificate of approval issued by the commissioner of public safety.

Subp. 2. Senior instructor. The operation of each clinic, including course content, methods of instruction, and general conduct of the course, shall be the responsibility of the senior instructor as designated by the sponsor and approved by the commissioner. The senior instructor shall be a driver-education instructor so certified by the Minnesota Department of Education, or in the alternative a person who, on the effective date of parts 7411.5100 to 7411.5700, is satisfactorily acting as a senior instructor in driver improvement clinic schools and has been so acting for a period of over two years.

Subp. 3. Course hours. The course of study shall be not less than eight hours and may not exceed a total of nine hours with no single class lasting more than

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three hours. The course may consist of three sessions of three hours each, or four sessions of two hours each.

Subp. 4. Course facility. The facility for operation, including meeting room, visual aids, location, lighting, and similar teaching conditions shall be approved by the director.

Subp. 5. Course content. The curriculum of the course shall include periods of instruction on the following subjects:

- A. orientation and administration;
- B. the accident problem;
- C. Highway Traffic Regulation Act;
- D. Driver License Act;
- E. Safety Responsibility Act;
- F. physics of driving;
- G. driver attitudes and responsibilities;
- H. safe driving practices; and
- I. defensive driving.

Subp. 6. Workshop requirement. Each senior instructor or an instructor designated by him shall attend any workshop set up by the commissioner of public safety to develop curricula, share ideas, and discuss methods of improvements of the course of instruction. Attendance at one such workshop within a 12-month period shall be deemed compliance with this requirement.

Subp. 7. Statutory requirements. All phases of operation, including administration, shall conform to Minnesota Statutes, sections 169.89, subdivision 5, 169.971 to 169.973, and 171.20, and parts 7411.5100 to 7411.5700.

Subp. 8. Methods of reporting. The administrator of each driver improvement clinic shall keep such records of attendance as will enable him to report to each referring agency the completion or failure to complete the course by each individual enrolled. The administrator of each driver improvement clinic shall keep such financial records and make such reports of the financial condition of each operation for the determination by the commissioner of public safety as to the reasonableness of tuition fees which may not exceed an average cost of the course. The commissioner of public safety shall keep such records as he may determine as necessary for statistical, evaluation, and accident prevention purposes.

Statutory Authority: *MS s 169.973 subd 1*

ACCIDENT PREVENTION COURSES

7411.7100 PURPOSE.

The purpose of parts 7411.7100 to 7411.7700 is to effectuate the mandate of the legislature as set forth in Minnesota Statutes, section 65B.28, to establish and regulate accident prevention courses for persons 65 years of age and older.

Statutory Authority: *MS s 65B.28*

History: *9 SR 2383*

7411.7200 SCOPE.

The scope of parts 7411.7100 to 7411.7700 is confined to and consistent with Minnesota Statutes, section 65B.28.

Statutory Authority: *MS s 65B.28*

History: *9 SR 2383*

7411.7300 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 7411.7100 to 7411.7700 have the meanings given them in this part.

Subp. 2. **Certificate.** "Certificate" means a course completion certification.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety.

Subp. 4. **Satisfactorily complete.** "Satisfactorily complete" means attendance at all periods of the course offered.

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7400 APPLICATION TO PROVIDE COURSE.

A person or organization may apply for approval to offer an accident prevention course to insureds 65 years of age and older. The application must include the name of the person or organization offering the course, the name of the course administrator, an outline of the course curriculum, and the amount of the fees to be charged.

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7500 APPLICATION APPROVAL.

Subpart 1. **When application received.** Upon receiving an application from a person or an organization for the approval of an accident prevention course, the commissioner shall review the information submitted, determine approval, and if approved, issue a certificate of approval.

Subp. 2. **Approval withdrawal.** With evidence that an approved accident prevention course is operated contrary to Minnesota Statutes, section 65B.28 or parts 7411.7100 to 7411.7700, the commissioner shall notify the sponsoring person or organization in writing that approval is withdrawn, whereupon the certificate of approval must be returned.

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7600 REQUIREMENTS FOR APPROVAL AND OPERATION.

Subpart 1. **Certificate of approval.** No accident prevention course is approved for purposes of an automobile insurance premium reduction if the course provider does not have a certificate of approval issued by the commissioner under part 7411.7500, subpart 1.

Subp. 2. **Operation responsibility.** The operation of each accident prevention program, including course content, methods of instruction, and general conduct of the course, is the responsibility of the designated course administrator.

Subp. 3. **Course length restrictions.** The course of study may not be less than a total of eight hours, with no more than four hours of instruction required in a 24-hour period.

Subp. 4. **Subjects.** The curriculum of the course must include periods of instruction in the following subject areas:

A. orientation and administration;

B. driver fitness, including emotions, frustrations, attitudes, temporary disabilities, vision, hearing, chronic illness, drugs, and alcohol; and

C. driving strategies, including factors affecting perception, identification, and prediction of traffic situations; evaluation of traffic hazards; decision making; and defensive driving.

Subp. 5. **Workshops.** Each administrator or an instructor designated by the administrator shall attend any workshop set up by the sponsor to develop curricula, to share ideas, or to discuss methods of improvement of the course of instruction.

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Subp. 6. **Recordkeeping.** The administrator of each accident prevention course shall keep attendance records and shall report to the sponsor whether each individual enrolled has satisfactorily completed or failed to complete the course.

Subp. 7. **Certificate of completion.** The administrator shall issue a certificate of completion to each person who satisfactorily completes the accident prevention course.

Statutory Authority: *MS s 65B.28*

History: *9 SR 2383*

7411.7700 QUALIFICATION FOR INSURANCE PREMIUM REDUCTION.

Satisfactory completion of an approved accident prevention course evidenced by possession of a certificate of completion indicates that the insured has met the requirements of Minnesota Statutes, section 65B.28 for an appropriate automobile insurance premium reduction. Persons 65 years of age or older who complete an accident prevention course every three years remain eligible for an appropriate automobile insurance premium reduction.

Statutory Authority: *MS s 65B.28*

History: *9 SR 2383*