

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

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7411.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7411.0100 to 7411.0900 have the meanings given them in this part.

Subp. 2. [Repealed, 14 SR 2583]

Subp. 3. [Repealed, 14 SR 2583]

Subp. 4. **Certificate.** "Certificate" refers to the written document issued by the commissioner to a private or parochial college, university, or high school that offers driver training to persons under 18 years of age as part of the normal program for that institution, indicating the department's approval of the school's driver training under Minnesota Statutes, section 171.04, clause (1), and parts 7411.0100 to 7411.0900.

Subp. 5. **Certified; certified program.** "Certified" and "certified program" refer to a private or parochial college, university, or high school that offers driver training as part of the normal program for that institution and that holds a current certificate from the commissioner indicating that it complies with department driver training requirements.

Subp. 6. **Class A vehicle.** "Class A vehicle" means a vehicle that requires its operator to have a class A driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2.

Subp. 7. **Class B vehicle.** "Class B vehicle" means a vehicle that requires its operator to have only a class B driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A license.

Subp. 8. **Class C vehicle.** "Class C vehicle" means a vehicle that requires its operator to have only a class C driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A or class B license. A motorcycle is not a class C vehicle for purposes of parts 7411.0100 to 7411.0900.

Subp. 9. **Commercial driver training school.** "Commercial driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation, that charges a fee to educate and train persons to drive motor vehicles or to prepare an applicant for a driver's license examination given by the state, and that is required to be licensed by the commissioner under Minnesota Statutes, sections 171.33 to 171.41.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety or an authorized agent.

Subp. 11. **Department.** "Department" means the Department of Public Safety or the department's authorized agent.

Subp. 12. **Driver training program; program.** "Driver training program" or "program" means:

A. a commercial driver training school;
 B. a certified program; or
 C. a private or commercial school or institute offering a two-wheeled vehicle driver's safety course that is required to be approved by the commissioner under Minnesota Statutes, section 169.974, subdivision 2.

Subp. 13. **Good cause to believe.** "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

A. written information from an identified person;
 B. facts supplied by the program, instructor, or applicant;
 C. driver's license or accident records;
 D. court or police records; or
 E. facts of which the commissioner or the commissioner's employees or agents have personal knowledge.

Subp. 14. **Hazardous material.** "Hazardous material" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 29.

Subp. 15. **Hazardous substance.** "Hazardous substance" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 30.

Subp. 16. **Hazardous waste.** "Hazardous waste" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 31.

Subp. 17. **Instruction.** "Instruction" means lecture, tutoring, practice driving, lessons, or other teaching method given to teach the proper operation of a motor vehicle. One hour of instruction time means 60 minutes of actual instruction. Breaks and time between instruction are not counted as instruction time.

Subp. 18. **Instructor.** "Instructor" means a person, whether acting as an operator of a driver training program or as an employee of the program, who teaches or supervises persons learning to drive motor vehicles or preparing to take an examination for a driver's license, and a person who supervises the work of another instructor.

Subp. 19. **Laboratory instruction.** "Laboratory instruction" means behind-the-wheel instruction for class A, class B, and class C vehicles and astride-the-motorcycle instruction for motorcycles.

Subp. 20. **Log book offense.** "Log book offense" means a violation of Federal Motor Carrier Safety Regulations, Code of Federal Regulations, title 49, section 395.8.

Subp. 21. **Motorcycle.** "Motorcycle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 17.

Subp. 22. **Parking or motor vehicle equipment offense.** "Parking or motor vehicle equipment offense" means a violation of Minnesota Statutes, section 169.34, 169.346, 169.35, 169.36, or 169.47, or an ordinance in conformity with these sections.

Subp. 23. **Semitrailer.** "Semitrailer" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 11.

Subp. 24. **Traffic violation.** "Traffic violation" means a violation of:

A. a traffic law or ordinance involving the operation of a motor vehicle that is not a parking or motor vehicle equipment offense, a log book offense, or an offense involving the nonpayment of a fine;

B. Minnesota Statutes, section 169.09, or a comparable law of another state; or

C. Minnesota Statutes, section 65B.48, or a comparable law of another state.

Subp. 25. **Truck-tractor.** "Truck-tractor" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 7.

Subp. 26. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 2.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.0200 PURPOSE.

The purpose of parts 7411.0100 to 7411.0900 is to carry out the mandate of the legislature in Minnesota Statutes, sections 169.974, subdivision 2; 171.04; and 171.33 to 171.41, for regulating and licensing driver training programs and instructors.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

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 169.974, subdivision 2; 171.04; and 171.33 to 171.41.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.0400 VEHICLE REQUIREMENTS.

Subpart 1. Safety standards. A vehicle used for driver training instruction must comply with the federal and state motor vehicle safety standards for the model year of the vehicle. A vehicle must also be maintained in a safe operating condition. The vehicle age limits in subpart 3 do not relieve a program of its responsibility to ensure that a vehicle used by the program is maintained in a safe operating condition. An instructor shall report in writing to the program a mechanical problem affecting the safe operation of a vehicle. The program shall correct the problem before again using the vehicle for driver training instruction. If a vehicle used for driver training instruction is not maintained in a safe operating condition, the commissioner shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected. The commissioner shall also suspend or revoke the license or certificate of the program or instructor, or both, if the commissioner determines that the unsafe condition could foreseeably be the cause of serious personal injury or property damage and that the program or instructor had notice, or should have had notice through the ordinary discharge of duties, of the unsafe condition of the vehicle.

Subp. 1a. Equipment required. A class A, class B, or class C vehicle used for driver training instruction must have an outside rearview mirror on each side of the vehicle and seat belts for each occupant of the vehicle as required by law. In addition:

A. a class C vehicle must have dual control brakes and, when applicable, a dual control clutch pedal; and

B. a class A vehicle must have a parabolic mirror not less than five inches in diameter on each side of the vehicle, tandem drive axles for truck-tractors, and tandem axles for semitrailers.

Subp. 2. Vehicle age; exemption. Except as otherwise provided in this subpart, a class C vehicle and a motorcycle used for driver training purposes may not be used for more than six years from the date it was first put into service and a class A or class B vehicle used for driver training purposes may not be used for more than ten years from the date it was first put into service. "The date first put into service" means the date the vehicle was first driven more than the limited driving necessary to move or road test the vehicle before delivery to a customer. If a vehicle is used by a dealer as a demonstration model, "the date first put into service" means the date the vehicle was first driven by a potential customer. If

records are not available to show this date, then "the date first put into service" means the date of the beginning of the model year of the vehicle.

The following exceptions apply:

A. A class A or class B vehicle may be used for more than ten years from the date it was first put into service, only if:

- (1) the vehicle is used only on the program's driving range;
- (2) the vehicle has been inspected during the previous 12 months by a mechanic for an authorized diesel truck dealer;
- (3) all repairs and replacements of parts indicated by the inspection have been made; and
- (4) records are available to show inspections, repairs, and replacements of parts.

B. Semitrailers are exempt from the age limitation.

C. A motorcycle may be used for more than six years but not more than eight years from the date it was first put into service only if:

- (1) tires, tubes, and control cables are no more than three years old;
- (2) the fuel line, spark plugs, front and rear brake pads and shoes, hydraulic brake hoses, wheel bearings, drive chain, battery, fork oil, and brake and clutch cables have been inspected during the previous 12 months and each part not meeting operating specifications contained in the manufacturer's factory repair manual has been replaced; and
- (3) records are available to show inspections and replacements of parts.

Subp. 3. Vehicle list. A list of vehicles used for driver training must be maintained and filed with the commissioner. The program shall keep the vehicle list current by submitting additions, deletions, or revisions to the commissioner within ten days from the date the changes occur.

Subp. 4. Marking. While being used for laboratory instruction, class A, class B, and class C 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 must 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 must be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

Subp. 5. Inspections. When the commissioner has good cause to believe a vehicle used for driver training purposes does not meet the requirements of parts 7411.0100 to 7411.0900, the commissioner shall inspect or shall require the inspection of the vehicle.

Subp. 6. Commercial use. A vehicle may be used for commercial purposes during the training program only if each of the following conditions is met:

- A. The commercial purpose occurs during observation hours and amounts to at most 50 percent of the total observation hours.
- B. All use for commercial purposes takes place during the last 50 percent of the total training program.
- C. Hazardous materials, hazardous substances, and hazardous waste are not transported.
- D. An instructor accompanies the student in the vehicle while it is being used for commercial purposes.
- E. The student is covered by the program's insurance as set out in part 7411.0700, subpart 1, item A.

Subp. 7. Vehicle supplied by instructor or student. If the instructor or the student supplies the vehicle to be used for driver training, the program must verify that the vehicle meets the safety, age, equipment, and insurance requirements

before the vehicle may be used for driver training. If the student is already in possession of a license to operate the vehicle, the vehicle is exempt from the age, dual control brakes, and dual control clutch pedal requirements.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: 14 SR 2583

7411.0500 [Repealed, 14 SR 2583]

7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, AND C VEHICLES.

Subpart 1. Scope. This part applies to driver training in class A, class B, and class C vehicles and does not apply to driver training on motorcycles.

Subp. 2. Required age and qualifications of students. A driver training program may not offer class A driver training to a student who is not at least 18 years old and in possession of at least a class C license.

A program may not offer class B driver training to a student who is not at least 16 years old and in possession of at least a class C license.

Subp. 3. Classroom curriculum. A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must present the student with the opportunity to:

A. analyze and assess several decision-making models and factors influencing highway-user decisions;

B. analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

C. analyze and practice making decisions about using occupant restraints;

D. identify and analyze a variety of driving decisions about highway users and roadway characteristics;

E. analyze and practice making decisions about a vehicle's speed under different driving conditions;

F. know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

G. identify, analyze, and describe proper procedures for a variety of driving situations;

H. gather information and practice making decisions about automobile ownership and maintenance;

I. identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and

J. explore alternative ways to become better drivers and to improve the highway transportation system.

Subp. 4. Classroom schedule requirements. A program may offer no more than three hours of classroom instruction per day to a student who has not yet obtained a driver's license.

A program shall provide a driver training student who is less than 18 years old with a minimum of 30 hours of approved classroom instruction.

Subp. 5. Classroom instruction materials. Written tests or materials used by a program must not substantially duplicate any part of a Minnesota driver's examination.

Subp. 6. Concurrent classroom and laboratory instruction. When a program conducts classroom and laboratory phases of instruction concurrently for those wishing to obtain a class C license, the program may not provide laboratory

instruction to a student until the student has completed at least five hours of classroom instruction. An authorized school operator or instructor may then complete a certificate of enrollment indicating when laboratory instruction will begin. The certificate must specify that the classroom instruction is being conducted concurrently with the laboratory instruction. The department accepts this certificate from the student at driver examination stations when the student is applying for an instruction permit. The program may not provide laboratory instruction to a student who has not obtained the instruction permit.

A program offering class A and class B driver training must have a concurrent course consisting of at least 40 hours of classroom instruction, 60 hours of laboratory instruction, and 60 hours of observation time for each student.

Subp. 7. Nonconcurrent classroom and laboratory instruction. When a program conducts the classroom and laboratory phases of instruction during separate time periods for those wishing to obtain a class C license, the program may not provide laboratory instruction to a student until the student has completed the required classroom instruction phase. When a student has completed the required classroom instruction phase, an authorized operator or instructor may complete a certificate of enrollment indicating when laboratory instruction will begin. The department accepts this certificate from the student at driver examination stations when the student is applying for an instruction permit. The program may not provide laboratory instruction to a student who has not obtained the instruction permit.

Subp. 8. Laboratory curriculum. A written laboratory guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must include:

A. orientation to the purpose, content, and procedures for laboratory instruction;

B. orientation to gauges and instruments, and preparing to move the vehicle;

C. basic skills in speed control and tracking on forward and backward paths;

D. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

E. basic skills in parking, turning, backing, turning around, changing lanes, crossing intersections, and passing;

F. reduced-risk city driving, highway driving, freeway driving, and interacting with highway users;

G. strategies for perceiving and responding to adverse and special conditions and emergencies; and

H. formal evaluation, self-evaluation, and planning for future improvement.

Subp. 9. Laboratory schedule requirements. A program:

A. may offer no more than two hours of laboratory instruction per day to a student who has not yet obtained a driver's license;

B. shall provide a driver training student who is less than 18 years old with a minimum of six hours of laboratory instruction;

C. and instructor, except for the training offered in class A or class B vehicles, shall not give a student more than 30 hours of laboratory instruction without the written authorization of the commissioner; and

D. may substitute simulation and range driving for laboratory instruction if the following requirements are fulfilled:

(1) Four hours of simulation may be substituted for one hour of laboratory instruction.

(2) Two hours of range instruction may be substituted for one hour of laboratory instruction.

(3) Total on-street time may not be less than three hours.

Subp. 10. Laboratory instruction requirements. The following requirements apply to laboratory instruction:

A. A program shall not provide laboratory instruction on the actual routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

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

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

D. A program may not provide class A driver training in a vehicle that does not require an unrestricted class A license for its operation.

E. A program may not provide class B driver training in a vehicle that does not require a class B license for its operation.

F. A program offering class A or class B training shall provide a paved driving range of at least 90,000 square feet. If more than two class A vehicles are to be used on the driving range at the same time, 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.

Subp. 11. Outside practice. A program or instructor shall encourage students to practice outside the school instruction course when permissible by law and considered appropriate by the instructor.

Subp. 12. Additional training for license holders. A program may provide hourly training to increase the proficiency of persons already licensed to operate a vehicle.

Subp. 13. Training limitations. After a student receiving class A or class B driver training has completed 50 percent of the required observation time, the program may offer the student up to 15 hours per day of observation time. If a student receives eight or more hours of observation time in a day, the student may not receive classroom or laboratory training that day.

Except as otherwise provided in this subpart; subpart 4, item A; subpart 9, item A; or in other rule or statute, a program may offer a student up to a total of eight hours of training per day.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.

Subpart 1. Scope. This part applies to driver training on motorcycles.

Subp. 2. Classroom curriculum. A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The driver training program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must present a student with the opportunity to:

A. become familiar with the purpose, content, and procedures for classroom instruction;

B. learn the location and operation of motorcycle controls and indicators;

- C. identify, analyze, and practice making decisions about proper protective gear;
- D. identify and become familiar with the procedures for starting, riding, and stopping a motorcycle;
- E. learn procedures for turning, changing gears, and using both brakes to stop a motorcycle;
- F. identify basic riding strategies and prepare to ride safely in traffic;
- G. become familiar with the various methods used to minimize, separate, and compromise riding hazards;
- H. learn procedures for passing, group riding, and night riding;
- I. prepare for handling unusual or emergency situations;
- J. gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle;
- K. understand how alcohol and other drugs affect a motorcyclist's ability to ride safely; and
- L. have the student's knowledge evaluated in the classroom.

Subp. 3. Classroom schedule requirements. A program shall provide a driver training student who is less than 18 years old with a minimum of seven hours of approved classroom instruction.

Subp. 4. Classroom instruction materials. Written tests or materials used by a program must not substantially duplicate any part of the state permit, license, or endorsement examinations.

Subp. 5. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must include:

- A. orientation to the purpose, content, and procedures for laboratory instruction;
- B. mounting, dismounting, starting, stopping, and walking the motorcycle; understanding the clutch friction zone; and riding in a straight line;
- C. riding in circles, weaving, making sharp turns, and straight-line shifting;
- D. braking, turning, adjusting speed, shifting, and accelerating in a turn;
- E. scanning techniques for recognizing and responding to obstacles;
- F. rear wheel skids and quick stops;
- G. changing lanes and stopping on a curve;
- H. selecting a safe speed in cornering maneuvers;
- I. countersteering and changing lanes quickly; and
- J. formal skills evaluation.

Subp. 6. Laboratory schedule requirements. A program shall provide a driver training student who is less than 18 years old with at least eight hours of approved laboratory instruction.

A program may use machines that simulate motorcycle driving but may not substitute simulator training for the required eight hours of laboratory training.

Subp. 7. Laboratory instruction requirements. The following requirements apply to motorcycle laboratory instruction:

A. The student-instructor ratio may not exceed three students per instructor for on-street instruction and eight students per instructor for driving range instruction.

B. A program that includes laboratory instruction shall conduct that

instruction on a planned practice driving route. The planned practice driving route must not include routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

C. Before giving laboratory instruction on a public street or highway, the instructor shall ensure that a student is in immediate possession of a valid standard Minnesota driver's license and a valid two-wheeled vehicle instruction permit.

D. Before giving laboratory instruction on a driving range that does not include a public street or highway, an instructor shall ensure that a student is in immediate possession of a valid standard Minnesota driver's license or a valid motor vehicle instruction permit.

E. The instructor shall ensure that the student, during laboratory instruction, wears a helmet, eye protective device, and protective clothing, including gloves, a jacket or long-sleeved shirt, long pants, and shoes or boots that cover the feet and ankles.

F. A driving range used for laboratory instruction must be at least 160 feet long and 60 feet wide. No more than eight students may receive instruction at one time on a range of this size. Up to 12 students may receive instruction at one time if the dimensions of the driving range are at least 220 feet by 120 feet. There must be at least 20 feet of level runout space around the outside of the range and between an intended path of travel and the nearest obstacle. The driving range area must be paved. The commissioner shall waive the requirements for the minimum dimensions of the driving range if a suitable paved area is not available and if the program demonstrates that the required laboratory curriculum objectives can be met on the proposed driving range without compromising the safety of the students. The program shall obtain the waiver before instruction begins.

G. A student wishing to take the motorcycle training course shall enroll for both the classroom and laboratory portions of the course.

Subp. 8. Concurrent classroom and laboratory instruction. When a program offers both phases of the course during the same time period, at least two hours of classroom instruction must be completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

Subp. 9. Consecutive classroom and laboratory instruction. When a program conducts the two phases of the training course in two separate time periods, a student shall successfully complete the classroom phase before beginning the laboratory phase. The two phases of the program must not be separated by more than one month.

Subp. 10. Outside practice. A program or instructor shall encourage students to practice outside the school instruction course when permissible by law.

Subp. 11. Additional training. A program may provide hourly training to a person older than 18 years of age to increase the proficiency of a person who has already obtained a motorcycle endorsement or to prepare the person to take the test to obtain a motorcycle endorsement.

Subp. 12. Training limitations. A program may offer a student no more than a total of eight hours of motorcycle training per day.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.0600 [Repealed, 14 SR 2583]

7411.0610 INSTRUCTOR REQUIREMENTS.

Subpart 1. License required. Each instructor for a commercial driver training school and each instructor of a two-wheeled vehicle safety course shall obtain an

instructor's license under part 7411.0800. Each instructor for a certified driver training program shall fulfill the licensure requirements of parts 8700.4901 and 8700.4902.

Subp. 2. General. A program instructor must:

- A. be at least 21 years old;
- B. have been a licensed driver for three years;
- C. have a valid driver's license; and
- D. have a high school diploma or the equivalent.

Subp. 3. Certified copy of driving record.

A. An applicant for a new instructor's license shall submit a certified copy of the applicant's driving record to the program.

B. A new instructor at a certified program shall submit a certified copy of the instructor's driving record to the program.

C. An instructor who does not have a Minnesota driver's license shall submit a certified copy of the instructor's driving record to the commissioner at the time of becoming an instructor and annually after that time. For a licensed instructor, the annual certified copy must be submitted with the instructor's license renewal application. For an instructor at a certified program, the annual certified copy must be submitted with the program's annual application for renewal of its certificate.

D. A certified copy of a driving record submitted under this subpart must be dated not earlier than 30 days before the date the program or the commissioner receives it.

Subp. 4. Driving record. An instructor shall notify the commissioner if the instructor is convicted of a traffic violation or is involved in a motor vehicle accident. The commissioner shall review the driving records of each applicant for an instructor's license and of each new instructor at a certified program. The commissioner shall also annually review the driving record of each instructor. A person is ineligible to be an instructor if:

A. the person's driver's license has been revoked or suspended for a traffic violation within the preceding three years;

B. the person has been convicted of three or more traffic violations within a one-year period and one year has not elapsed since the last conviction; or

C. the person has been convicted of four or more traffic violations within a three-year period and one year has not elapsed since the last conviction.

Subp. 5. Health. An applicant for a new instructor's license or a new instructor at a certified program shall submit to the department a statement signed by a physician licensed to practice medicine. This statement must be submitted with the application for an instructor's license or with the program's annual application for renewal of its certificate. An instructor shall submit a statement to the department at least once every three years, signed by a physician licensed to practice medicine. When the commissioner has good cause to believe that an instructor has a physical or mental disability that will interfere with the safe operation of a motor vehicle, the commissioner shall require a physician's statement as often as necessary for the commissioner to monitor the instructor's condition. The physician's statement must be submitted no later than 30 days after the examination on which the statement is based. The physician's statement must certify that the applicant or instructor:

A. has no communicable diseases of the kinds described by the Minnesota Department of Health in parts 4605.7030 to 4605.7300;

B. is able to speak and hear well enough to conduct a normal verbal conversation with another at a distance of five feet, with or without a hearing aid; and

C. has no physical or mental disability that will interfere with driver training instruction or the safe operation of a motor vehicle.

Subp. 6. **Vision.** An applicant or instructor with worse than 20/40 corrected visual acuity in the best eye is not qualified to be a program laboratory instructor.

Subp. 7. **Criminal history.** Each applicant for a new instructor's license and each new instructor at a certified program shall furnish the commissioner with one photograph and authorize an investigation to determine if the applicant or instructor has a criminal record. The photograph and authorization must be submitted with the application for an instructor's license or with the program's annual application for renewal of its certificate. If a person has been convicted of a gross misdemeanor or felony, then that person is ineligible to be an instructor unless:

A. the commissioner determines under Minnesota Statutes, section 364.03, subdivision 2, that the crime does not directly relate to the position of instructor; or

B. the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor under Minnesota Statutes, section 364.03, subdivision 3.

Subp. 8. **Training for truck, bus, and automobile instructors.** The training requirements for an instructor who teaches a class A, class B, or class C vehicle driver training course are contained in this subpart. A licensed instructor must have satisfactorily completed a 40-hour course of driver and traffic safety education approved or supervised by the department or have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. An instructor for a certified program must have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. The department shall require instructors to complete driver and traffic safety education periodically when these courses are approved or supervised by the department. A simulator instructor shall complete a course in simulation approved by the commissioner.

Subp. 9. **Tests for truck, bus, and automobile instructors.** The test requirements for an instructor who teaches a class A, class B, or class C vehicle driver training course are contained in this subpart.

A. To be eligible for an instructor's license, an applicant must pass a written test and a road test. The tests must cover motor vehicle operation, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching.

B. The written test must be developed or approved by the commissioner and must be administered by the commissioner.

C. The road test must be developed and administered by the commissioner. When an applicant fails the road test portion, the commissioner shall require the applicant to undergo a driver evaluation interview given by the department.

D. The portion of the tests involving methods of teaching must consist of an evaluation of the instructor's teaching methods and ability while the applicant is giving classroom and laboratory instruction.

E. An applicant who fails to pass any part of the test fails the entire test. An applicant who fails the test twice within six months may not retest for six months after the second test.

F. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of all or part of the tests specified in parts 7411.0100 to 7411.0900, or to a review of the instructor's teaching methods and ability while actually instructing students.

G. A program shall not use any substantial part of the state instructor's license tests to train an instructor.

Subp. 10. Training for motorcycle instructors. The training requirements for an instructor who teaches a two-wheeled vehicle safety course are contained in this subpart. An instructor must have satisfactorily completed a motorcycle instructor's course that has been approved by the commissioner. The motorcycle instructor's course must consist of a minimum of 68 hours of instruction. The course of instruction must include the following minimum requirements:

- A. eight hours of in-classroom instruction in riding skills;
- B. 12 hours of instruction in teaching techniques;
- C. nine hours of participation in a classroom peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class;
- D. ten hours of instruction in laboratory skills;
- E. 14 hours of participation in a laboratory peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class; and
- F. 15 hours of participation in a beginner's motorcycle instruction course, with each instructor-student teaching a portion of both the classroom and laboratory phases of motorcycle instruction.

Subp. 11. Test for motorcycle instructors. The test requirements for an instructor who teaches a two-wheeled vehicle safety course are contained in this subpart.

- A. To teach two-wheeled vehicle safety courses, a person shall first pass a written test. The test must cover knowledge of motor vehicle operation, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching.
- B. The test must be developed or approved by the commissioner and administered by the commissioner.
- C. An applicant who fails the test twice within six months may not retest for six months after the second test.
- D. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of a road test or to a review of the instructor's teaching methods and ability while actually instructing students.
- E. A program shall not use any substantial part of the state instructor's license test to tram an instructor.

Subp. 12. Other requirements for motorcycle instructors. A motorcycle instructor must have a driver's license with a motorcycle endorsement. Further, an instructor shall teach at least three two-wheeled vehicle safety courses during each three-year period.

Subp. 13. Exemptions. The department shall waive the following instructor requirements, as indicated:

- A. The department shall waive the training requirements for an instructor contained in subpart 10 if the instructor was licensed and qualified to teach a two-wheeled vehicle safety course before May 14, 1990, and has maintained the instructor's license continuously since that time.
- B. The department shall waive the testing requirements for a new instructor contained in subpart 11, if the person has met the training requirements for an instructor contained in subpart 2 before May 14, 1990, and has taught at least two two-wheeled vehicle safety courses in the two-year period immediately preceding that date.

Statutory Authority: *MS s 14.06, 171 34; 171.35*

History: *14 SR 2583*

7411.0700 PROGRAM REQUIREMENTS.

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

A. The program shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in 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 program shall furnish evidence of coverage to the commissioner stipulating that the insurance may not be canceled or terminated, except upon ten days' prior written notice to the commissioner.

C. If the insurance is canceled, the program's license or certificate terminates automatically. Vehicles used in the operation of the program may not be used for program purposes unless the program obtains adequate insurance coverage and notifies the commissioner of the coverage, and the commissioner notifies the program in writing that the license or certificate 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 program's approved list as filed with the commissioner or the program's license or certificate terminates automatically. Program licenses or certificates terminated under 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 Minnesota. The aggregate liability of the surety for all breaches of the bond must not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of coverage to the commissioner. The concerned surety company may cancel the bond upon giving 30 days' written notice to the commissioner. The surety company is relieved of all liability for the breach of a condition of the bond occurring after the effective date of cancellation.

Subp. 2. **Location of program.** Location requirements are as follows:

A. A driver training program must have a permanent location in Minnesota with adequate office facilities and equipment and available classrooms of at least 300 square feet. The program must have continuous and exclusive control of the permanent location either through ownership or a lease for a period of one year or more. The program must have a program license or certificate for its permanent location. Records required by subpart 3 must be stored in Minnesota. If the program stores records at a location other than at a licensed or certified location, the program shall notify the commissioner.

B. A program must have a separate program license or certificate for each additional location in which the program has exclusive use of classroom or laboratory space for a continuous period of 90 days or more.

C. A program may obtain classroom and laboratory facilities at temporary locations. The program shall notify the commissioner of each temporary location before using it for instruction.

D. Each licensed, certified, or temporary location must be in a nonresidential building. However, this requirement does not apply to a program licensed or certified before May 14, 1990. If the program is moved to a new location or enlarged through the establishment of another licensed or certified location or if the program is sold, the provisions of a new license or certificate issued must require conformance with this item.

E. A program may not change a licensed or certified location without previous approval of the commissioner.

F. Each licensed or certified location must be identified by a permanent, legible sign with the complete name of the program on it.

G. No licensed, certified, or temporary program location may be within 150 feet of a building where any part of a driver's license examination is administered. However, this requirement does not apply to a previously licensed or certified program operating at the same location before the driver's license examination station was established.

Subp. 3. Records. The program shall maintain the following records for the current year and three preceding years:

A. The program shall keep an instruction record of every person enrolled, whether or not the person was given instruction or other services relating to classroom or laboratory instruction in operating a motor vehicle. The record for each person must contain the person's legal name, including first, middle, and last names, address, date of birth, contract number, date of first instruction, and type of instruction. For a student who has completed a phase of the driver training instruction, the record must also contain the completion date of the phase of the instruction and the name of the instructor.

B. The program shall keep a contract file containing the original and subsequent contracts or renewal agreements entered into between the program and every person receiving instruction or other services relating to operating a motor vehicle.

C. The program shall keep a current vehicle file listing the vehicles used by the program for driver training purposes. The vehicle file must contain the inspection and maintenance records for each vehicle listed.

The records described in items A to C must be maintained in a businesslike manner. Only standard abbreviations are to be used. The records are subject to inspection by the commissioner during reasonable business hours. The loss, mutilation, or destruction of records required to be maintained by the program must be reported immediately to the commissioner by affidavit, stating the date the records were lost, destroyed, or mutilated; the circumstances involving the loss, destruction, or mutilation; the names of the law enforcement officer or fire department official to whom the loss was reported; and the date of the report.

Subp. 4. Advertising. A driver training program shall not:

A. publish, advertise, or intimate that a driver's license is guaranteed or assured;

B. advertise free instruction;

C. duplicate or reproduce in whole or in part, for use in advertising, forms used by the state;

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

E. advertise or intimate that an instructor's license or program's license or certificate encompasses licensing by the Minnesota Department of Education;

F. advertise the address of a location other than a licensed or certified location or a temporary location of which the commissioner has been notified;

G. advertise the address of a temporary location without identifying it as a temporary location and without also indicating the address of the program's permanent location; or

H. distribute advertising material within 150 feet of a driver's license examination station, except as permitted in this part.

Program instructors may appear at driver test locations operated by the state with students who are scheduled for an examination, in program vehicles on which appear signs or identification that may be required or that are authorized under parts 7411.0100 to 7411.0900.

A licensed program may use in its advertising or on forms, contracts, and other materials, the phrase "This program is licensed by the state of Minnesota."

A certified program may use in its advertising or on forms, contracts, and other materials, the phrase "This program is certified by the state of Minnesota."

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

A. A contract between a program and a student must be on a form approved by the commissioner.

B. A commercial driver training school shall not give a person instruction or 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 program must file and maintain with the commissioner a list of those persons authorized on behalf of the program to execute contracts or renewal agreements, certificates of enrollment, and certificates of completion. A complete signature record form must be filed with the commissioner for each person authorized to sign these documents for the program.

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

E. A contract must be limited to a maximum of ten hours of laboratory instruction, except for class A or class B driver training courses provided in item F. A contract may 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 laboratory 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 must be limited to 20 hours of laboratory instruction. Contracts for complete training courses in class A or class B vehicles must state that at least 40 hours of classroom training, 60 hours of laboratory 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 or class B 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 program shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

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

Subp. 6. Conduct with department employees. An owner, operator, partner, officer, authorized representative, or employee of a program shall not influence, or attempt to influence, a decision of an employee of the department to issue a license or endorsement to a student of the program, or other person; nor imply to a student or other person that the program or the instructor can influence driver's license examiners or other employees of the department.

Subp. 7. Use of driver training vehicle for test. An instructor shall accompany an applicant appearing for the state driver's license road test when a driver training vehicle is to be used. The instructor must be employed by the program that owns or leases the vehicle.

Subp. 8. Authorized official; certificates. A program shall designate an authorized official to perform the following duties:

A. The authorized official shall furnish the student:

(1) a certificate of course completion within 15 calendar days after a student completes instruction, including both the required course of classroom instruction and the required course of laboratory instruction; or

(2) a verification statement of completion of classroom instruction

within 15 calendar days after the student completes the required course of classroom instruction and notifies the program that the student intends to complete laboratory instruction with another program.

B. The authorized official shall notify the department's driver and vehicle services division within a reasonable period of time of when a student who is 15 years of age fails to continue or complete the required automobile driver training course, including laboratory instruction.

C. The authorized official shall issue:

(1) a certificate of enrollment within 15 calendar days after a student completes the classroom phase of the required motorcycle safety course and enrolls in the laboratory phase of the course, on a form provided by the department that must be presented to a driver's license examiner at the time of application for a motorcycle instruction permit or endorsement; or

(2) a certificate of course completion within 15 calendar days after a student completes both phases of the required motorcycle safety course, on a form provided by the department that must be presented to a driver's license examiner at the time of application for a motorcycle instruction permit or endorsement and that may be presented by the student, one time only, for renewing the motorcycle instruction permit.

D. Parts 7411.0100 to 7411.0800 do not require a program to issue a certificate to a student who has not paid the agreed-upon fees.

Subp. 9. **Instruction requirements.** The program shall ensure that the following instruction requirements are complied with:

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

B. An instructor may not instruct for a program unless the instructor's license application was signed by the owner of the program or the owner's agent or unless the instructor is listed in the program application.

Subp. 10. **Shall not employ unqualified instructors.** If a program has notice or should have notice that an instructor for that program does not meet the requirements to be an instructor, the program shall immediately suspend the instructor from teaching students and report the suspension to the commissioner. If the instructor does not or cannot promptly meet the requirements to be an instructor, the program shall terminate the instructor's employment with the program as an instructor.

The commissioner shall notify a program if an instructor does not meet the requirements to be an instructor, as long as the information concerning the instructor is public data under Minnesota Statutes, section 13.03.

Subp. 11. **Certified programs; licensure and age conditions.** A certified program shall not employ a person as an instructor unless the person has satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902.

A certified program shall not offer a course in driver education to a student unless the student is not more than 18 years of age and the student is taking the course to qualify for a class C instruction permit or driver's license or unless the program is conducted by a college, university, or high school as part of the normal program for that institution.

Subp. 12. **Annual report.** A program shall submit an annual report to the department concerning the number of students who received instruction and the number of courses offered during the previous year. The report must be submitted on forms supplied by the department.

Subp. 13. **Situations requiring notification.** A program shall notify the commissioner if one of its instructors is convicted of a traffic violation or is involved in a motor vehicle accident.

A program shall notify the commissioner if one of its students, while receiving instruction, is involved in a motor vehicle accident. The program shall also inform the student of the student's obligation to submit an accident report to the commissioner and provide the student with the information concerning the motor vehicle or insurance that is required to be on the accident report.

A program shall notify the commissioner if one of its instructors has violated a statute or rule or committed an act that would cause the instructor to be unfit to continue working as an instructor.

This subpart does not apply to a program unless the program has notice, or should have notice through the ordinary discharge of its duties, of the violation, motor vehicle accident, or act. Further, this subpart does not apply to a program unless the motor vehicle accident is one that must be reported to the commissioner under Minnesota Statutes, section 169.09, subdivision 7.

Subp. 14. Types of instruction. A program shall offer a driver training student under 18 years of age the required course of classroom instruction and the required course of laboratory instruction.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.0800 LICENSING AND CERTIFICATION PROVISIONS.

Subpart 1. Legal requirements. The issuance of a license or certificate is subject to the applicant's conformance with Minnesota Statutes, sections 169.974, 171.04, and 171.33 to 171.41, and parts 7411.0100 to 7411.0900.

Subp. 2. Program application; duplicate license or certificate. Application for a new or renewal license or certificate for a driver training program must be made on forms prescribed by the commissioner. Owners, partners, corporate directors, and officers must be named, with their titles, on each program application. The application must be signed by one of the owners, partners, directors, or officers. Program 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 or certificate holder, when the changes in the fee schedules are filed with the commissioner at least ten days before they become effective. A program application must identify the authorized official and must contain an exemplar of the authorized official's signature. A certified program application must also identify the instructors who will be teaching students and each instructor's driver's license number. In addition, a certified program application must be accompanied by the information and documents concerning the program's instructors required to be submitted to the commissioner by part 7411.0610. If the program changes location or the license or certificate is lost within the year of issuance, a duplicate license or certificate for the program may be issued by the commissioner. The fee for issuing a program's duplicate license is \$25.

Subp. 2a. License or certificate not transferable. The license or certificate of a program is not transferable. If the ownership of a program changes, the program shall apply for a new license or certificate in the same manner as required for the original.

Subp. 3. Instructor application; duplicate license. Application for a new or renewal instructor's license must be made on forms prescribed by the commissioner. The application for an instructor's license must be signed by the program licensee, when applicable, by whom the instructor is employed or to be employed. The license is valid only while the instructor is in the employment of the licensee. If the employment of an instructor is terminated with the licensee, the license becomes invalid and must be surrendered to the commissioner within five days. The program shall notify the commissioner in writing within five days of termination. A duplicate license must be issued by the commissioner for the instructor to use at another licensed program, if the applicant continues to be quali-

fied. If the instructor's license is lost, mutilated, or destroyed, a duplicate must be issued by the commissioner on proof of the facts and on surrender of whatever remains of the license. The instructor shall report the date the license was lost or destroyed and the circumstances involving the loss or destruction of the license. The fee for issuing a duplicate instructor's license is \$5.

Subp. 4. [Repealed, 14 SR 2583]

Subp. 5. **Display of license or certificate.** A license or certificate must be displayed as follows:

A. The license or certificate to operate a program must be displayed in a conspicuous place at each licensed or certified location.

B. An instructor shall have the instructor's license in possession while giving laboratory instruction and produce the license at the request of a peace officer, the commissioner, or an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

Subp. 6. [Repealed, 14 SR 2583]

Subp. 7. **Renewal.** Licenses and certificates expire one year from the date issued and may be renewed on application to the commissioner. Applications for renewal of licenses or certificates must be submitted to the commissioner at least ten days before expiration but will not be accepted more than 30 days before the expiration date.

Subp. 8. **Suspension and revocation.** The license or certificate of a program or the license of an instructor may be revoked, suspended, or refused renewal under any of the following conditions:

A. The licensee or certificate holder has permitted fraud or engaged in fraudulent practices with reference to the license or certificate application, in the operation of the program, or the conduct of employment.

B. The program or instructor has induced or countenanced fraud or fraudulent practices on the part of an applicant for a driver's license or instruction permit.

C. A certificate of enrollment or completion has been signed by the authorized official of the program and the official knew, or should have known after reasonable investigation, that information on the certificate was false.

D. There is evidence that intoxicating beverages have been present or consumed on the program premises or in its training vehicles.

E. The instructor, the program, or both have failed to keep or have been late for appointments repeatedly or without good reason.

F. The program, the instructor, or both have delayed the start or completion of training without good reason.

G. The program or instructor has conducted business in a way that substantially departs from commonly accepted practices as used by other driver training programs and instructors.

H. The program or instructor has encouraged a student to continue indefinite instructions beyond the point the student is capable of passing a driver's license or motorcycle endorsement examination or it can easily be determined that the student, for one reason or another, could never pass an examination. A question about the competency of the student or the number of hours of instruction must be referred in writing to the commissioner for clarification.

I. The program or instructor has failed to comply with the requirements for programs or instructors in parts 7411.0100 to 7411.0900 and Minnesota Statutes, chapters 169 and 171.

Subp. 8a. **Administrative review.** When the commissioner notifies a program or instructor of a revocation, suspension, or refusal to renew, the program or instructor may proceed under item A or B. A revocation, suspension, or refusal

to renew is not effective until the time for requesting a review or hearing under items A and B has lapsed or, if a review or hearing is requested under items A and B, until completion of these proceedings.

A. The program or instructor may ask the commissioner to review the revocation, suspension, or refusal. The program or instructor may request a review by submitting a statement, together with written materials supporting the position of the program or instructor. In addition to submitting written materials, the program or instructor may request to appear before the commissioner to show cause why the revocation, suspension, or refusal should be rescinded. The request for review must be submitted within ten days after the program or instructor receives notice of the revocation, suspension, or refusal. The commissioner or a designated agent shall perform the review and notify the program or instructor within ten days whether the revocation, suspension, or refusal will be affirmed or rescinded.

B. The program or instructor may request a formal hearing with or without undergoing the review process in item A. The request must be in writing and must be received within 30 days after the program or instructor receives notice of the revocation, suspension, or refusal, or within ten days after the party receives notice of an adverse determination under item A, whichever period is longer. When a formal hearing is requested, the commissioner shall arrange a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14. After the hearing, the administrative law judge may recommend that the commissioner affirm, modify, or reverse the revocation, suspension, or refusal.

Subp. 9. Fees payable to commissioner. Fees for original, renewal, duplicate, and replacement licenses must be made payable to the commissioner of public safety.

Statutory Authority: *MS s 14.06; 171.34; 171.35*

History: *14 SR 2583*

7411.2100 [Repealed, 14 SR 2583]

7411.2200 [Repealed, 14 SR 2583]

7411.2300 [Repealed, 14 SR 2583]

7411.2400 [Repealed, 14 SR 2583]

7411.2500 [Repealed, 14 SR 2583]

7411.2600 [Repealed, 14 SR 2583]

7411.2700 [Repealed, 14 SR 2583]