

CHAPTER 7411
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES DIVISION
DRIVER EDUCATION

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7411.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2a. **Approving authority.** "Approving authority" means the commissioner of the Department of Public Safety or an authorized agent of the department, provided however, that where a statute requires that an act be performed by the State Board of Education, then "approving authority" means the State Board of Education.

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 education 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 education 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 education 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 education requirements.

[For text of subs 6 and 7, see M.R.]

Subp. 8. **Class C vehicle.** "Class C vehicle" means a vehicle that requires its operator to have a class C commercial driver's license with proper endorsement 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 driver's license with proper endorsement.

Subp. 8a. **Class D vehicle.** "Class D vehicle" means a vehicle that requires its operator to have a class D driver's license with proper endorsement 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, class B, or class C commercial driver's license with proper endorsement. A motorcycle is not a class D vehicle for purposes of parts 7411.0100 to 7411.0900.

Subp. 9. **Commercial driver education school.** "Commercial driver education 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.

[For text of subs 10 and 11, see M.R.]

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

- A. a commercial driver education school;
- B. a certified program;

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; or

D. a public high school offering, directly or indirectly, a driver education program approved by the State Board of Education.

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:

[For text of items A to D, see M.R.]

E. facts of which the approving authority or the approving authority’s employees or agents have personal knowledge.

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Instructor.** “Instructor” means a person, whether acting as an operator of a driver education 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, class C, and class D vehicles and astride-the-motorcycle instruction for motorcycles.

[For text of subps 20 to 26, see M.R.]

Statutory Authority: *MS s 14.06; 14.388; 126.115; 171.04, 171.34; 171.41; 299A.01*

History: *21 SR 458; 21 SR 716*

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 education programs and instructors. Parts 7411.0100 to 7411.0900 also carry out the legislative mandate of Laws 1993, chapter 224, article 12, section 35, which provides that the State Board of Education shall cooperate with the department to develop a single set of rules for driver education programs, whether public, private, or commercial.

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*

7411.0400 VEHICLE REQUIREMENTS.

Subpart 1. **Safety standards.** A vehicle used for driver education 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 2 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 education instruction. If a vehicle used for driver education instruction is not maintained in a safe operating condition, the approving authority shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected. The approving authority shall also suspend or revoke the license or certificate of the program or instructor, or both, if the approving authority 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, class C, or class D vehicle used for driver education instruction must have an outside rearview mirror on each side of the vehicle, separate inside rearview or visor mirror for the instructor’s use, and seat belts for each occupant of the vehicle as required by law. In addition:

A. a class D 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.

Subp. 2. **Vehicle age; exemption.** Except as otherwise provided in this subpart, a program’s class D vehicle and a motorcycle used for driver education purposes may not be used

for more than six years from the date it was first put into service and a class A, class B, or class C vehicle used for driver education 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:

[For text of items A to C, see M.R.]

Subp. 3. [Repealed, 21 SR 458]

Subp. 4. **Marking.** While being used for laboratory instruction, class A, class B, class C, and class D program vehicles must have signs conspicuously and legally displayed on the rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for class D driver education, the lettering must be at least two but not more than five inches in height. On vehicles used for class A, class B, and class C driver education, the lettering must be at least ten inches in height. No other signs or advertising may be displayed without the approval of the approving authority. The sign, when used for public high schools, must be removed when the vehicle is used for purposes other than driver education instruction.

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

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

[For text of item A, see M.R.]

B. All use for commercial purposes takes place during the last 50 percent of the total education program.

[For text of items C to E, see M.R.]

Subp. 7. **Vehicle supplied by instructor or student.** If the instructor or the student supplies the vehicle to be used for driver education, the program must verify that the vehicle meets the requirements under subparts 1, 1a, 2, and 4, and program insurance requirements under part 7411.0700, subpart 1, before the vehicle may be used for driver education. If the student is already in possession of a license to operate the vehicle, the vehicle is exempt from:

[For text of items A and B, see M.R.]

Statutory Authority: *MS s 14.06; 14 388; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458; 21 SR 716*

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

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

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

A program may not offer class B or class C driver education to a student who is not at least 16 years old and in possession of at least a class D 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 approving authority for approval. The approving authority 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. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and

laboratory instruction. The classroom instruction must be conducted in a classroom location complying with part 7411.0700, subpart 2, and the instructor must be physically present with the students during the classroom instruction to instruct as well as to address the questions and comments of the students.

The curriculum presented to the students must include at least the following:

A. the opportunity for students to analyze and assess several decision-making models and factors influencing highway-user decisions;

B. information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:

(1) information on the effects of consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) the hazards of driving while under the influence of alcohol or drugs; and

(3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;

C. the opportunity for students to analyze and practice making decisions about using occupant restraints;

D. the opportunity for students to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

E. the opportunity for students to analyze and practice making decisions about a vehicle's speed under different driving conditions;

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

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

H. the opportunity for students to gather information and practice making decisions about automobile ownership, leasing, and maintenance;

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

J. the opportunity for students to explore alternative ways to become better drivers and to improve the highway transportation system;

K. the duties of drivers when encountering school buses, the content and requirements of Minnesota Statutes, section 169.444, and the penalties for violating that section;

L. the principles of safe operation of vehicles at railroad-highway grade crossings;

M. the principles and relationships of tires and surfaces when turning, braking, and accelerating; and

N. the characteristics of both conventional and antilock brake systems.

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 education student who is less than 18 years old with a minimum of 30 hours of approved classroom instruction.

[For text of subp 5, see M.R.]

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 D license, the program may not provide laboratory instruction to a student until the student has completed at least 15 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, class B, and class C driver education 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 D 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 approving authority for approval. The approving authority 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. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The curriculum presented to the students must include at least the following:

[For text of items A to H, see M.R.]

Subp. 9. Laboratory schedule requirements. A program:

A. may offer no more than two hours of laboratory instruction per day to a student in a class D vehicle;

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

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

[For text of items A to C, see M.R.]

D. The class A vehicle that is provided by the program for driver education must be one that requires an unrestricted class A license for its operation.

E. The class B vehicle that is provided by the program for driver education must be one that requires a class B license for its operation.

F. A program offering class A, class B, or class C education 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.

G. On-street instruction must be planned to meet the needs of each individual student.

H. A firearm may not be transported in a driver education vehicle. For the purpose of this subpart, "firearm" has the meaning given it in Minnesota Statutes, section 97A.015, subdivision 19.

[For text of subp 11, see M.R.]

Subp. 12. **Additional education for license holders.** Except as otherwise provided in subpart 4 or 9, a program may provide hourly education to increase the proficiency of persons already licensed to operate a vehicle.

Subp. 13. **Education limitations.** After a student receiving class A, class B, or class C driver education 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 education that day.

Except as otherwise provided in this subpart or in other rule or statute, a program may offer a student who is receiving class A, class B, or class C driving education up to a total of eight hours of education per day.

Statutory Authority: *MS s 14.06; 14.388; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458; 21 SR 716*

7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.

Subpart 1. **Scope.** This part applies to driver education 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 education program shall submit the curriculum to the approving authority for approval. The approving authority 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. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The classroom instruction must be conducted in a classroom location complying with part 7411.0700, subpart 2, and the instructor must be physically present with the students during the classroom instruction to instruct as well as to address the questions and comments of the students. The curriculum presented to the students must include at least the following:

- A. the purpose, content, and procedures for classroom instruction,
- B. the location and operation of motorcycle controls and indicators;
- C. the opportunity for students to identify, analyze, and practice making decisions about proper protective gear;
- D. the procedures for starting, riding, and stopping a motorcycle;
- E. the procedures for turning, changing gears, and using both brakes to stop a motorcycle;
- F. the identification of basic riding strategies and preparation to ride safely in traffic;
- G. the various methods used to reduce the risks of riding hazards;
- H. the procedures for passing, group riding, and night riding,
- I. preparation for handling unusual or emergency situations;
- J. the opportunity for students to gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle;
- K. information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:
 - (1) information on the effects of consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;
 - (2) the hazards of driving while under the influence of alcohol or drugs; and
 - (3) the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs,
- L. having the student's knowledge evaluated in the classroom;
- M. the duties of drivers when encountering school buses, the content and requirements of Minnesota Statutes, section 169.444, and the penalties for violating that section; and

N. the principles of safe operation of vehicles at railroad-highway grade crossings.

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

[For text of subp 4, see M.R.]

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 approving authority for approval. The approving authority 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. Separate curriculums must be submitted for approval if a program conducts both consecutive and concurrent classroom and laboratory instruction. The curriculum presented to the students must include at least the following:

[For text of item A, see M.R.]

B. mounting, dismounting, starting, and stopping the engine; moving the motorcycle; understanding the friction zone; and riding in a straight line;

C. turning to include: slow, tight turns and higher speed turns, shifting;

D. braking to include: braking technique for stopping in a straight line and in a curve, emergency straight line braking, and emergency braking in a curve;

E. scanning techniques for recognizing and responding to hazards,

F. controlling rear wheel skids;

G. changing lanes;

H. countersteering and changing lanes quickly; and

I. formal skills evaluation, self-evaluation, and planning for future improvement.

Subp. 6. **Laboratory schedule requirements.** A program shall provide a rider education 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 riding but may not substitute simulator education for the required eight hours of laboratory education.

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 riding range instruction.

B. A program that includes laboratory instruction shall conduct that instruction on a planned practice riding route. The planned practice riding route must not include routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

[For text of item C, see M.R.]

D. Before giving laboratory instruction on a riding 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.

[For text of item E, see M.R.]

F. A riding 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 riding 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 riding range area must be paved. The approving authority shall waive the requirements for the minimum dimensions of the riding 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 riding 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 education course shall enroll for both the classroom and laboratory portions of the course.

H. On-street instruction must be planned to meet the needs of each individual student.

[For text of subp 8, see M.R.]

Subp. 9. **Consecutive classroom and laboratory instruction.** When a program conducts the two phases of the education 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.

[For text of subp 10, see M.R.]

Subp. 11. **Additional education.** A program may provide hourly education 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. **Education limitations.** A program may offer a student no more than a total of eight hours of motorcycle education per day.

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*

7411.0610 INSTRUCTOR REQUIREMENTS.

Subpart 1. **License required.** Each instructor for a commercial driver education 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 education program and public high school shall fulfill the licensure requirements of part 8700.4901 or successor rules.

Subp 2. **General.** A commercial program instructor must:

[For text of items A to D, see M.R.]

Subp. 3. **Certified copy of driving record.**

[For text of item A, see M.R.]

B. A new instructor at a certified program or public high school 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 approving authority 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 or public high school, the annual certified copy must be submitted with the program's annual application for renewal of its certificate or approval.

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 approving authority receives it.

Subp. 4. **Driving record.** An instructor shall notify the approving authority, in writing, if the instructor is convicted of a traffic violation or is involved in a reportable motor vehicle accident as required under Minnesota Statutes, section 169.09, subdivision 7. The written notification must be submitted to the approving authority within ten days from the date of the conviction or the accident. The approving authority shall review the driving records of each applicant for an instructor's license and of each new instructor at a certified program. The approving authority shall also annually review the driving record of each instructor. A person is ineligible to be a commercial instructor if:

A. the person's driver's license has been revoked or suspended for a traffic violation other than an insurance-related traffic violation and one year has not elapsed since the last conviction;

[For text of items B and C, see M.R.]

Subp. 5. **Health.** When the approving authority 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 approving authority shall require a physician's statement as often as necessary for the approving authority 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.

[For text of subps 5a and 6, see M.R.]

Subp. 7. Criminal history. Each applicant for a new commercial instructor's license and each new instructor at a certified program shall authorize an investigation to determine if the applicant or instructor has a criminal record. The 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.

[For text of items A and B, see M.R.]

Subp. 8. Education for truck, bus, and automobile instructors. The education requirements for an instructor who teaches a class A, class B, class C, or class D vehicle driver education 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 or public high school must have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. The department shall require instructors, except public high school 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 approving authority.

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

[For text of items A to E, see M.R.]

F When the commissioner has good cause to believe that an instructor is not able to properly teach driver education 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.

[For text of item G, see M.R.]

Subp. 10. Education for motorcycle instructors. The education requirements for an instructor, except a public high school 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 47 hours of instruction. The course of instruction must include the following minimum requirements:

A. 8-1/2 hours of classroom instruction to include: classroom teaching techniques and classroom course content;

B. 11-1/2 hours of laboratory instruction;

C. 11 hours of peer teaching, with each instructor-student acting as both an instructor and a student to other instructor-students in the class; and

D. 16 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, except a public high school instructor, who teaches a two-wheeled vehicle safety course are contained in this subpart.

[For text of items A to C, see M.R.]

D. When the commissioner has good cause to believe that an instructor is not able to properly teach driver education 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.

[For text of item E, see M.R.]

Subp. 12. Other requirements for motorcycle instructors. A motorcycle instructor must have a driver's license with a motorcycle endorsement. Further, an instructor, except a

public school 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 education 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 education 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; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*

7411.0700 PROGRAM REQUIREMENTS.

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

A. The program, except public high schools, shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in Minnesota. Programs must maintain insurance 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. Also, at least \$20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage, when any portion of the education is done on public streets.

B. The program, except public high schools, shall furnish evidence of coverage to the commissioner in the form of an original certificate of insurance from the insurance company demonstrating the required amount of insurance under item A and demonstrating that the insurance may not be canceled or terminated, except upon 30 days' prior written notice to the commissioner.

C. If the insurance is canceled, the commercial program's license or certificate terminates automatically on the date the insurance cancellation becomes effective. 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 from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the insurance requirements under this part.

D. The commercial driver education 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. If the bond is canceled, the program's license terminates automatically on the date the bond cancellation becomes effective. Program licenses terminated under this item must be surrendered to the commissioner within ten days from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the bond requirements under this part.

Items B, C, and D are not required for public high school driver education programs.

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

A. A commercial driver education 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 commercial 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 commercial 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.

[For text of item D, see M.R.]

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

[For text of item F, see M.R.]

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.

This subpart does not apply to public high school driver education programs.

Subp. 3. Records. The program shall maintain the following records for a minimum of five 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 and number of hours of all instruction, and type of instruction. For a student who has completed a phase of the driver education instruction, the record must also contain the completion date of the phase of the instruction and the name of the instructor.

[For text of item B, see M.R.]

The records 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.

Item B does not apply to public high school driver education programs.

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

[For text of items A to D, see M.R.]

E. advertise or intimate that an instructor's license or program's license or certificate, except for public high schools, encompasses licensing by the Minnesota Department of Children, Families, and Learning,

F. advertise the address of a location other than a licensed or certified location or a temporary location, if applicable;

[For text of items G and H, see M.R.]

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

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

B. A commercial driver education 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.

[For text of items C and D, see M.R.]

E. A contract must be limited to a maximum of ten hours of laboratory instruction, except for class A, class B, or class C driver education 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 education, if any, is necessary.

F. A contract for a review course in a class A, class B, or class C vehicle must be limited to 20 hours of laboratory instruction. Contracts for complete education courses in class A, class B, or class C vehicles must state that at least 40 hours of classroom education, 60 hours of laboratory education, 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, class B, or class C education course after 40 hours of education, 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 the education of that student only if authorized to do so in writing.

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

Items A to F do not apply to public high school driver education programs.

[For text of subp 6, see M.R.]

Subp. 7. Use of driver education vehicle for test. An instructor shall accompany an applicant appearing for the state driver's license road test when a driver education 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 one authorized official per program. The authorized official for a public school need not be licensed under part 8700.4900, unless that person also is an instructor in the program. The program must provide written notification to the approving authority of the name of the authorized official and any change in the designation of an authorized official. The authorized official shall perform the following duties:

A. The authorized official shall furnish the student:

[For text of subitem (1), see M.R.]

(2) a verification statement of completion form, as approved by the department, 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, 16, or 17 years of age fails to continue or complete the required automobile driver education course, including laboratory instruction.

[For text of items C and D, see M.R.]

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 if instructing at a commercial driver education school or a Minnesota teaching license if instructing at a certified program or public high school. The documents must be 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. This item does not apply to public high school driver education programs.

[For text of subp 10, see M.R.]

Subp. 11. Certified programs; licensure and age conditions. A certified or public high school 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 D 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 approving authority 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 approving authority.

Subp. 13. Situations requiring notification. A program shall notify the approving authority, in writing, if one of its instructors is convicted of a traffic violation or is involved in a reportable motor vehicle accident as required by law.

A program shall notify the approving authority, in writing, if one of its students, while receiving instruction, is involved in a motor vehicle accident. The written notification must be submitted to the office within ten days from the date of the 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 approving authority 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 commercial program shall offer a driver education student under 18 years of age the required course of classroom instruction and the required course of laboratory instruction.

Subp. 15. Exemption for experimental program. A public high school desiring an exemption from this chapter must follow the procedures contained in part 3500.1000.

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*

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. This part does not apply to public high school driver education programs.

Subp. 2. Program application; duplicate license or certificate. Application for a new or renewal license or certificate for a driver education 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.

[For text of subps 2a to 7, see M.R.]

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:

[For text of items A to C, see M.R.]

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

[For text of item E, see M.R.]

F. The program, the instructor, or both have delayed the start or completion of education 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 education programs and instructors.

[For text of items H to K, see M.R.]

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. The notice of revocation, suspension, or refusal is adjudged received three days after mailing to the last known address of the program or instructor as listed by the records of the driver education office of the department.

[For text of items A and B, see M.R.]

[For text of subps 8b and 8c, see M.R.]

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

Subp. 10. Suspension and revocation. A public high school teacher license shall be revoked or suspended pursuant to part 8700.7500 or successor rules or Minnesota Statutes, sections 125.09 and 125.185.

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*

7411.0900 EXEMPTION.

Subpart 1. Limited instruction. Regarding conditions for limited operations, an applicant for a license to operate a commercial driver education 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 education 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 education instruction for a fee, or instructing for a fee.

[For text of subp 2, see M.R.]

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.41; 299A.01*

History: *21 SR 458*