

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

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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 [Repealed, 14 SR 2583]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. 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. 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 [Repealed, 14 SR 2583]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 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.

Subp. 6. **Class A vehicle.** "Class A vehicle" means a vehicle that requires its operator to have a class A commercial driver's license with proper endorsement 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 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 commercial driver's license with proper endorsement.

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.

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 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:

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 approving authority or the approving authority'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 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.

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; 14.388; 126.115; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 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; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 21 SR 458*

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 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:

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 has been inspected during the previous six months by a mechanic for an authorized diesel truck dealer or by a person certified to inspect commercial motor vehicles under Minnesota Statutes, section 169.781;

(2) all repairs and replacements of parts indicated by the inspection have been made; and

(3) 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 from the date it was first put into service only if:

(1) the tires, tubes, control cables, 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;

(2) records are available to show inspections and replacements of parts; and

(3) the motorcycles have been inspected during the previous 12 months by a manufacturer's service representative, by a motorcycle mechanic for an authorized motorcycle dealer, or by a certified technical college motorcycle mechanic instructor.

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:

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 education 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 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:

A. the age requirements under subpart 2 and the requirements of dual control brakes and dual control clutch pedal under subpart 1a, item A; and

B. the program insurance requirements under part 7411.0700, subpart 1, for that vehicle, except that the program must verify that the vehicle used by the student during the instruction has at least the minimum amount of insurance required under Minnesota Statutes, chapter 65B.

Statutory Authority: *MS s 14.06; 14.388; 126.115; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 21 SR 458; 21 SR 716*

7411.0500 [Repealed, 14 SR 2583]

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.

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 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:

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 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:

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. 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.

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 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; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 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.

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 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:

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

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 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.

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 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 runoff 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.

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 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.

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 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; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 21 SR 458*

7411.0600 [Repealed, 14 SR 2583]

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:

- 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 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;

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.** 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.

Subp. 5a. **Hearing.** An applicant or instructor must be 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.

Subp. 6. **Vision.** An applicant or instructor must be able to meet the vision requirements to obtain an unrestricted class C license except that the restriction of corrective lenses which enables the applicant or instructor to meet the vision requirement is an acceptable restriction.

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:

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. **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.

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 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.

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

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.

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 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.

E. A program shall not use any substantial part of the state instructor's license test to train 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, 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 con-

tained 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; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 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.

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 commercial 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.

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.

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.

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:

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, 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;

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 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.

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, 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.

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 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:

(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 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.

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 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.

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 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; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; L 1995 1Sp3 art 16 s 13; 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.

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. When the employment of an instructor is terminated with the licensee, the license of the instructor becomes invalid and must be surrendered to the commissioner within ten days. The program shall notify the commissioner in writing within five days of termination. A duplicate license must be issued by the commissioner for employment at another licensed program, if the applicant continues to be qualified. 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 education 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 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.

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 motor-cycle 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.

J. The program or instructor has permitted, aided, or abetted the commission of an illegal act in the operation of the program or in the conduct of employment.

K. The program or instructor has engaged in conduct, in the operation of the program or in the conduct of employment, that is likely to harm the public or student or that demonstrates a willful or careless disregard for the health or safety of other persons or students.

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.

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 after the review 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. 8b. Surrender of license. A license or certificate which is revoked, suspended, or refused renewal must be surrendered to the commissioner. The revocation, suspension, or refusal to renew takes effect as specified in subpart 8a, but credit must not be given toward the specified withdrawal period until the license or certificate is surrendered.

Subp. 8c. Settlement conference. Nothing in this part may be construed as precluding the commissioner from holding an informal conference to exchange information, clarify issues, or resolve any or all issues of the parties.

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; 169.974; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 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.

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

Statutory Authority: *MS s 14.06; 126.115; 171.04; 171.34; 171.35; 171.41; 299A.01*

History: *21 SR 458*

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]

PUBLIC SCHOOL DRIVER TRAINING COURSES

7411.3100 PURPOSE.

The purpose of parts 7411.3100 to 7411.3300 is to carry out the mandate of Minnesota Statutes, section 169.446, subdivision 3, requiring instruction for persons enrolled in driver training programs offered at public schools regarding the requirements of Minnesota Statutes, section 169.444.

Statutory Authority: *MS s 169.446*

History: *19 SR 1965*

7411.3200 SCOPE.

The scope of parts 7411.3100 to 7411.3300 applies to public schools that offer driver training courses that have been approved by the State Board of Education, in accordance with Minnesota Statutes, section 171.04.

Statutory Authority: *MS s 169.446*

History: *19 SR 1965*

7411.3300 COURSE REQUIREMENT.

Public schools that conduct driver training programs must instruct the students on 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.

Statutory Authority: *MS s 169.446*

History: *19 SR 1965*

DRIVER IMPROVEMENT CLINICS

7411.5100 DEFINITIONS.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 169.973 subd 1*

7411.5200 PURPOSE.

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

Statutory Authority: *MS s 169.973 subd 1*

7411.5300 SCOPE.

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

Statutory Authority: *MS s 169.973 subd 1*

7411.5400 METHOD OF APPLICATION.

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

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

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

Statutory Authority: *MS s 169.973 subd 1*

7411.5500 METHOD OF APPROVAL.

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

Statutory Authority: *MS s 169.973 subd 1*

7411.5600 WITHDRAWAL OF APPROVAL.

When the commissioner of public safety has evidence that an approved driver improvement clinic is operated contrary to the rules promulgated by the commissioner under author-

ity of Minnesota Statutes, section 169.89, subdivision 5, 169.971 to 169.973, and 171.20, the commissioner may notify the sponsoring organization of intent to withdraw that approval or may withdraw that approval in writing to the sponsoring organization whereupon the certificate of approval shall be returned.

Statutory Authority: *MS s 169.973 subd 1*

History: *17 SR 1279*

7411.5700 METHOD OF OPERATION.

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

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

Subp. 3. **Course hours.** The course of study shall be not less than eight hours and may not exceed a total of nine hours with no single class lasting more than three hours. The course may consist of three sessions of three hours each, or four sessions of two hours each.

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

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

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

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

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

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

Statutory Authority: *MS s 169.973 subd 1*

History: *17 SR 1279; L 1995 1Sp3 art 16 s 13*

ACCIDENT PREVENTION COURSES

7411.7100 PURPOSE.

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7200 SCOPE.

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7300 DEFINITIONS.

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

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

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

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7400 APPLICATION TO PROVIDE COURSE.

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7500 APPLICATION APPROVAL.

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

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7600 REQUIREMENTS FOR APPROVAL AND OPERATION.

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

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

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

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

A. orientation and administration;

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

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

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

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

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383

7411.7700 QUALIFICATION FOR INSURANCE PREMIUM REDUCTION.

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

Statutory Authority: *MS s 65B.28*

History: 9 SR 2383