

CHAPTER 7411
DEPARTMENT OF PUBLIC SAFETY
DRIVER EDUCATION

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7411.0100 DEFINITIONS.

Subpart 1 **Scope.** The terms used in parts 7411.0100 to 7411.2000 have the meanings given them in this part.

Subp 2a [Repealed, 28 SR 1167]

Subp 4 **Certificate of approval.** "Certificate of approval" means the written document issued by the commissioner to a public or private driver education program indicating the department's approval of the driver education program under Minnesota Statutes, section 171 05; and parts 7411 0100 to 7411 2000.

Subp 5. [Repealed, 28 SR 1167]

[For text of subps 6 to 8, see MR]

Subp 8a. **Class D vehicle.** "Class D vehicle" means a vehicle that requires its operator to have a class D driver's license or permit 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 or motorized bicycle is not a class D vehicle for purposes of parts 7411 0100 to 7411.2000

Subp 9. **Commercial driver training school.** "Commercial driver training school" has the meaning given in Minnesota Statutes, section 171.33, subdivision 1

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

Subp. 11 [Repealed, 28 SR 1167]

Subp 11a **Date first put into service.** "Date first put into service" means the date a motor vehicle was first driven more than the limited driving necessary to move or road test the vehicle before delivery to a customer

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For a motor vehicle used by a dealer as a demonstration model, "date first put into service" means either the date the motor vehicle was first driven by a potential customer or, if records are not available to show this date, then the date of the beginning of the model year of the motor vehicle

Subp 11b **Dealer.** "Dealer" means an entity licensed under chapter 7400 and Minnesota Statutes, section 168 27

Subp. 11c **Department.** "Department" means the Department of Public Safety

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

A a commercial driver training school licensed by the commissioner, or

B a private or public driver education program approved by the commissioner
A driver education program includes instruction to operate a

(1) class A, B, C, or D motor vehicle,

(2) motorcycle; or

(3) motorized bicycle

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 are based on at least one of the sources specified in this subpart:

A. written information from an identified person,

B facts supplied by the program, instructor, or applicant,

C driver's license or accident records;

D court or police records, or

E facts of which the commissioner or the commissioner's agents have personal knowledge

[For text of subps 14 to 16, see MR]

Subp 17 **Instruction.** "Instruction" means lecture, tutoring, practice driving, lessons, or other teaching method approved by the commissioner to teach the proper operation of a motor vehicle

A One hour of instruction time means 60 minutes of actual instruction.

B Breaks and time between instruction are not counted as instruction time

Subp 18. **Instructor.** "Instructor" means any person of a public, private, or commercial program, who meets the qualifications in parts 7411 0620 to 7411.0690 and provides instruction to a person

A learning to operate a motor vehicle,

B preparing to take an examination for a driver's license, or

C training to be an instructor

Subp 19. **Laboratory instruction.** "Laboratory instruction" means either

A behind-the-wheel instruction in a class A, B, C, or D motor vehicle,

B instruction astride a motorcycle or motorized bicycle;

C simulation instruction as described in part 7411 0525; or

D. range instruction as described in part 7411 0555.

Subp. 19a. **License.** "License" means either

A the document issued by the commissioner to operate a commercial driver training school under this chapter and Minnesota Statutes, sections 171 33 to 171 41, or

B the document issued by the commissioner under Minnesota Statutes, section 171 35, to be an instructor in a commercial driver training school.

[For text of subp 20, see MR]

Subp. 20a. **Motor vehicle.** "Motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 39.

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Subp 21 **Motorcycle.** "Motorcycle" has the meaning given it in Minnesota Statutes, section 171 01, subdivision 40.

Subp 21a **Motorized bicycle.** "Motorized bicycle" has the meaning given it in Minnesota Statutes, section 171 01, subdivision 41

Subp. 22 **Parking or motor vehicle equipment offense.** "Parking or motor vehicle equipment offense" means a violation of:

A Minnesota Statutes, section 169 34 (stopping and parking prohibitions), 169 346 (parking privileges for persons with disabilities), 169 35 or 169 36 (parking requirements), or 169 47 (unsafe equipment); or

B an ordinance in conformity with these sections

Subp. 22a. **Passenger or student observation time.** "Passenger or student observation time" means time spent by an enrollee in a program, in a motor vehicle, observing a person operate the motor vehicle

Subp 22b **Private program.** "Private program" means a program regulated by a board of directors and registered with the secretary of state as a nonprofit corporation that:

A assumes administration of the driver education program,

B assumes liability for the driver education program, and

C. provides instruction with instructors who meet the driver education instructor qualifications in parts 7411 0620 to 7411 0690.

Subp 22c **Public program.** "Public program" means a program that provides instruction to operate any class of motor vehicle to any individual under the age of 18 and the program is an elected or appointed authority of state or local government that

A directly regulates and supervises the program,

B. insures or indemnifies all program activities, and

C provides instruction with instructors who meet the driver education instructor qualifications in parts 7411 0620 to 7411 0690

Subp 22d **Range.** "Range" means a driving area not on a public street or highway, that simulates driving situations

Subp 22e **Range driving.** "Range driving" means that portion of the laboratory instruction where an instructor is positioned outside a motor vehicle but in electronic or oral communication with the student driver, and in visual contact with the motor vehicle

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

Subp. 23a **Simulator; simulation.** "Simulator" or "simulation" means instruction that uses computer-based equipment that reproduces driving situations likely to occur in actual driving performance on the street or highway

Subp. 24 **Traffic violation.** "Traffic violation" means a violation of a traffic law or ordinance involving the movement or operation of a motor vehicle that is not:

A. a parking or motor vehicle equipment offense, a log book offense, or an offense involving the nonpayment of a fine or child support,

B a violation under Minnesota Statutes, section 169 09 (accident stop or reporting), or a comparable law of another state, or

C. a violation under Minnesota Statutes, section 65B 48 (motor vehicle insurance), or a comparable law of another state.

[For text of subp 25, see MR]

Subp 26 **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 50

Statutory Authority: *MS s 14 06, 169.26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0200 PURPOSE.

The purpose of parts 7411.0100 to 7411.2000 is to license or approve driver education programs as required under Minnesota Statutes, sections 169.446, subdivisions 2 and 3 (school bus safety education), 169.974, subdivision 2 (motorcycle courses), 171.02, subdivision 3 (motorized bicycle course), 171.05 (public and private driver education programs); and 171.33 to 171.41 (commercial driver training schools)

Statutory Authority: *MS s 14 06; 169 26, 169 446; 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A.01*

History: *28 SR 1167*

7411.0210 APPLYING FOR DRIVER EDUCATION PROGRAM LICENSE OR APPROVAL.

Subpart 1 **Commercial school licensure.** To operate a commercial driver training school, a person must apply for a license and comply with parts 7411 0100 to 7411.2000 and Minnesota Statutes, sections 171 33 to 171.41

A If a program meets the definition of a commercial driver training school, the applicant must apply for a license.

B A program or person that charges a fee to provide instruction is not subject to Minnesota Statutes, sections 171.33 to 171.41, as a licensed commercial driver training school if the program or instruction is exempt under Minnesota Statutes, section 171.39.

Subp. 2. **Approval of public or private program.** To operate a public driver education program or a private driver education program, a person must apply to the commissioner for a certificate of approval and comply with parts 7411 0100 to 7411.2000 and Minnesota Statutes, section 171 05

Subp 3 **Motorcycle course.** To operate a program that provides instruction to operate a motorcycle, a person must comply with parts 7411.0100 to 7411.2000 and Minnesota Statutes, section 169.974 A course of instruction to operate a motorcycle may be either licensed as a commercial driver training school or certified as an approved public program or private program

Subp 4. **Motorized bicycle course.** To operate a program that is a motorized bicycle course, a person must comply with parts 7411 0100 to 7411 2000 and Minnesota Statutes, section 171.02, subdivision 3. A motorized bicycle course may be either licensed as a commercial driver training school or certified as an approved public program or private program.

Subp. 5. **Community education programs.** A driver education program offered through community education must be either

A approved as a public program by the commissioner under parts 7411 0100 to 7411 2000 if the program

(1) is administered through the local school board,

(2) is insured or indemnified by the local school board, and

(3) employs instructors who meet the instructor qualifications in parts 7411 0620 to 7411.0690; or

B. if the program does not meet the criteria in item A, offered through a contract with a commercial driver training school licensed by the commissioner under parts 7411 0100 to 7411 2000 and Minnesota Statutes, sections 171 33 to 171 41.

Subp 6 **Postsecondary schools.** A driver education program provided by a postsecondary college or university is exempt from approval or licensure by the commissioner under this chapter if the institution:

A provides the instruction as a part of the normal program or curriculum for that institution,

B directly regulates or administers the program;

C insures or indemnifies all program activities, and

D does not provide instruction to operate a motor vehicle to persons under the age of 18

Subp. 7. Application content for program license or certificate of approval. Application for a new or renewal license or certificate of approval for the program must be made on a format prescribed by the commissioner.

A Owners, partners, corporate directors, administrators, and officers must be named, with their titles, on each program application

B. The application must be signed by one of the program owners, partners, corporate directors, administrators, or officers.

C An initial and renewal application must be accompanied by the schedule of maximum course fees and charges distributed to students

(1) The schedule of fees and charges may be amended by the program at any time.

(2) Changes in the fee schedule must be filed with the commissioner at least ten days before the changes become effective

D A program application must identify the authorized official specified in part 7411 0250 and must contain an exemplar of the authorized official's signature.

E. A program application must identify the instructors of students and provide each instructor's driver's license number. If an individual holding a Board of Teaching license will be providing instruction, the program must provide the teaching license number of that individual and identify any valid teaching and driver education instruction certificates the individual holds

F. A program application must be accompanied by the information about each instructor's qualifications as required to be submitted by parts 7411.0620 to 7411 0690

G. The application must specify each class of motor vehicle for which the program wants to provide instruction

H. The application must specify whether the program will be providing classroom instruction, laboratory instruction, or both, for each class of motor vehicle delineated.

Subp 8 Commissioner's approval before start of program instruction. The program must receive a license or a certificate of approval of the program before training, instruction, or preparation to operate a motor vehicle begins.

A If there is a material change in either the class of motor vehicle instruction offered, the curriculum, or the program's administration, approval must be obtained from the commissioner before the change is implemented

B. All instructors must meet the qualifications in parts 7411 0620 to 7411 0690 before providing instruction in any program

Subp 9. Duplicate license or certificate. If the program changes its location or if the license or certificate of approval for the program is lost within the year of issuance, the commissioner shall issue a duplicate license or certificate of approval if the program continues to comply with this chapter. The fee for issuing a duplicate license or certificate of approval for the program is \$25

Subp 10. License or certificate at program locations. The commissioner shall issue a single license or certificate of approval for the program for both the program's administrative office and one location at which classroom or laboratory instruction is provided. An additional license or certificate of approval must be obtained if

A. the program provides either classroom or laboratory instruction, or both, at more than one permanent location, and

B the program has exclusive use of the classroom or laboratory location during the hours of instruction for a continuous period of 90 days or more

Subp 11. Renewal of license or certificate. A program license or certificate of approval expires one year from the date issued and may be renewed on application to

the commissioner Application for renewal of the license or certificate 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. 12 **Fees payable to commissioner.** Fees for an original, renewal, duplicate, or replacement program license or certificate of approval must be made payable to the commissioner

Statutory Authority: *MS s 14.06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0220 PROGRAM LICENSE OR CERTIFICATE NOT TRANSFERABLE.

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

Statutory Authority: *MS s 14 06, 169 26; 169 446, 169 974, 171 02, 171 05; 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0230 DISPLAY OF LICENSE OR CERTIFICATE.

The license or certificate of approval to operate a program must be displayed in a conspicuous place at each licensed or approved location

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171.0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0250 AUTHORIZED PROGRAM OFFICIAL.

Subpart 1 **Designation, signature.** Each program must designate a person who is authorized on behalf of the program to execute program licensure and approval certificates and sign student contracts, student agreements, and student certificates of course completion.

A The authorized official need not be a licensed or qualified instructor

B The program owner or administrator shall provide written notice to the commissioner of

(1) the name of the authorized official at the time of initial application for program licensure or approval, and

(2) any change in the designation of the authorized official before the designation of the new official

C A complete signature of the full name of the authorized official must be on file with the commissioner before the authorized official may sign or issue the documents specified in this part.

Subp. 2 **Duties of program's authorized official.** The authorized official shall perform the duties specified in this subpart

A The authorized official shall issue each student under age 18 a letter of completion of the classroom portion of a program providing instruction to operate a class D motor vehicle, motorcycle, or motorized bicycle in a format provided by or specified by the commissioner, within 15 calendar days after the student completes the classroom portion of a program

B If the student completes the classroom portion of a program and demonstrates current financial enrollment in the laboratory portion of a class D or motorcycle program, the authorized official shall issue a certificate of enrollment in the laboratory portion of the class D or motorcycle program. The certificate must be in a format provided or specified by the commissioner.

C Within 15 days after a student under age 18 completes the laboratory portion of a class D or motorcycle program, the authorized official shall issue a certificate of completion of the laboratory portion of the program, in a format provided or specified by the commissioner

D For a motorcycle endorsement training course where classroom and laboratory instruction may be taken concurrently, the student must be issued a certificate of enrollment by the authorized official, indicating the student is enrolled in both the classroom and laboratory portions of a course at the same time. Upon completion of the motorcycle endorsement training course, a certificate of completion of both the classroom and laboratory portions of the course, in a format provided by or specified by the commissioner, must be issued by the authorized official within 15 calendar days after the student completes both portions of the course

E The authorized official shall notify the commissioner within 15 days of the time a student fails to continue or complete the laboratory portion of a class D motor vehicle program or motorcycle endorsement course as specified in the program's contract or agreement with the student.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0260 PROHIBITED CONDUCT BY PROGRAM PERSONNEL.

Subpart 1 **Interaction with public safety personnel.** An owner, operator, partner, officer, administrator, authorized official or representative, or employee of a program shall not influence, or attempt to influence, a decision of an employee of the commissioner to issue a permit, license, or endorsement to a student of the program, or to any other person.

Subp 2. **Interaction with students.** An owner, operator, partner, officer, administrator, authorized official or representative, or employee of a program shall not imply to a student or to any other person that the program or an instructor can influence driver's license examiners or other employees of the commissioner.

Statutory Authority: *MS s 14 06, 169 26; 169 446, 169 974, 171 02, 171.05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0270 MOTOR VEHICLE INSURANCE.

Subpart 1 **General requirements.** If a driver education program allows a student to operate a motor vehicle for laboratory instruction, the program must provide the motor vehicle insurance specified in this part

A At the time of application for program licensure or program approval, the program must file with the commissioner evidence of liability insurance obtained from a company authorized to do business in Minnesota

B The program must 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 this part 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, then on the date the insurance cancellation becomes effective the program's certificate of approval is withdrawn automatically or the program license is revoked automatically

(1) All motor vehicles used for instruction in a 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 program's certificate of approval or program license has been reinstated

(2) When motor vehicle insurance is provided by an instructor or motor vehicle lessor and the vehicle insurance is canceled, the motor vehicle must immediately be removed from the program's approved motor vehicle list as filed with the commissioner. If the vehicle is not removed from service, the program's certificate of approval is withdrawn automatically or the program license is revoked automatically.

(3) A program whose certificate of approval has been withdrawn or whose license has been revoked may reapply for a license or certificate upon meeting the insurance requirements under this part.

Subp. 2 Class A, B, C, and D vehicles. A program providing instruction in a class A, B, C, or D motor vehicle must maintain insurance or demonstrate insurance coverage in the amounts of:

A. at least \$250,000 because of bodily injury to, or death of, any one person in any one accident,

B. at least \$500,000 because of bodily injury to, or death of, two or more persons in any one accident;

C. at least \$100,000 because of damage to, or destruction of, property of others in any one accident,

D. at least \$40,000 for medical expenses, and

E. at least the minimum amount of uninsured motorist coverage, when any portion of the program instruction is conducted on public streets.

Subp. 3 Motorcycles. A program providing motorcycle instruction must maintain insurance or demonstrate insurance coverage in the amounts of:

A. at least \$100,000 because of bodily injury to, or death of, any one person in any one accident,

B. at least \$300,000 because of bodily injury to, or death of, two or more persons in any one accident,

C. at least \$50,000 because of damage to, or destruction of, property of others in any one accident,

D. at least \$20,000 for medical expenses, and

E. at least the minimum amount of uninsured motorist coverage, when any portion of the program instruction is conducted on public streets.

Statutory Authority: *MS s 14 06; 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.0275 BOND.

Subpart 1. General requirement. A commercial driver training school must secure and submit to the commissioner with the application for program licensure a continuous surety company bond.

Subp. 2. Bond based on student enrollment. Except as otherwise provided in subpart 3, the surety bond for a program whose license is approved or renewed after January 1, 2004, must be based on the total number of students enrolled in the program the previous calendar year.

A. Student enrollment must be reported for all permanent and temporary locations at which the program provided instruction the previous calendar year.

B. Enrollment must be reported for all student contracts and agreements entered into by the program the previous calendar year.

C. If the program enrolled one to 100 students, a \$10,000 bond must be secured.

D. If the program enrolled 101 to 500 students, a \$20,000 bond must be secured.

E. If the program enrolled 501 or more students, a \$30,000 bond must be secured.

Subp. 3 **New ownership.** A school that assumes ownership of a previously licensed school must obtain an initial bond at the student enrollment level reported by the acquired school the previous calendar year

Subp. 4 **Adjustments.** The bond must be adjusted after the first year of program operation after July 1, 2003, and every two years after on the date of renewal of the program license

At the time of adjustment, the bond must be in an amount as specified in subpart 2 that reflects student enrollment for the previous calendar year

Subp. 5 **Sureties.** The bond must be undertaken by a company authorized to do business in Minnesota

A. The school shall furnish satisfactory evidence of coverage to the commissioner at the time of application for renewal of the school's license.

B. The bond must indicate that the concerned surety company may cancel the bond only after giving 30 days' written notice to the commissioner

C. The bond must indicate that the surety company is relieved of all liability for the breach of a condition of the bond occurring after the effective date of cancellation.

Subp. 6 **Revocation.** If the bond is canceled, then on the date the bond cancellation becomes effective, the program's license is revoked automatically

A program whose license has been revoked for failure to maintain a bond, may apply for license reinstatement upon meeting the bond requirements under this part.

Statutory Authority: *MS s 14 06; 169 26; 169 446, 169 974, 171 02, 171 05, 171 055; 171 0701, 171 33 to 171 41; 299A.01*

History: *28 SR 1167*

7411.0280 PROGRAM RECORDS.

Subpart 1 **General requirements.** The program must:

A maintain the records specified in this part for at least five years;

B. keep an instruction record of every person enrolled, whether or not the person was given instruction or other services relating to classroom instruction, laboratory instruction, or both, in operating a motor vehicle, and the instruction record must contain:

(1) the person's legal name, including first, middle, and last name, residence address, date of birth, unique identifier of the contract or agreement, date and number of hours of all instruction, and type of instruction, and

(2) for a student who has completed a portion of the driver education program, the completion date of the portion of the program shown on the document issued to the student and the name of both the last instructor and the program's authorized official;

C. keep a file containing the original, subsequent, and renewal contracts or agreements specified in part 7411 0305 between the program and every person receiving instruction, and any other services provided by the program to the person relating to the operation of a motor vehicle,

D maintain program records in a businesslike manner, using only standard abbreviations;

E make the records available for inspection by the commissioner during reasonable business hours, and

F. report immediately to the commissioner by affidavit the loss, mutilation, or destruction of the records required to be maintained by the program, stating the date the records were lost, destroyed, or mutilated, the circumstances involving the loss, destruction, or mutilation; the names of the law enforcement officer or fire department official to whom the loss was reported; and the date of the report.

Subp 2 **Location of records.** The program records must be available in Minnesota at the program's administrative office for inspection by the commissioner. At the time of application for program licensure or approval, the commissioner must be informed of the location where records will be available. The commissioner must be notified of a change in the record location before the change occurs.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171.05; 171 055, 171 0701, 171 33 to 171 41, 299A.01*

History: 28 SR 1167

7411.0295 ADVERTISING RESTRICTIONS.

Subpart 1 **General restrictions.** A driver education program must 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 or examination material used by the state,

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

E advertise a location for instruction other than a licensed location or approved location;

F advertise any temporary location without identifying it as a temporary location and without also indicating the address of the program's permanent location, or

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

Subp 2 **Advertising on test vehicles.** Program instructors may appear at driver test locations operated by the state with a student scheduled for an examination, in a program vehicle on which appear the markings and signs required or authorized in part 7411 0850.

Subp 3 **Advertising in state driving manuals.** Advertising for a driver education program contained in the department-produced Minnesota driver's manual is not subject to the distance restriction in subpart 1, item G.

Subp 4 **Permitted statement.** A program may use in its advertising or on forms, contracts, and other materials, one of the following phrases, as applicable:

A "This program is licensed by the Minnesota Department of Public Safety" if the program is a commercial driver's training school licensed by the Minnesota Department of Public Safety.

B "This program is approved by the Minnesota Department of Public Safety" if the program is a public program with a certificate of approval or a private program with a certificate of approval issued by the Minnesota Department of Public Safety.

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02, 171 05, 171 055; 171 0701, 171 33 to 171 41; 299A 01*

History: 28 SR 1167

7411.0300 [Repealed, 28 SR 1167]

7411.0305 STUDENT AGREEMENTS OR CONTRACTS.

Initial and revised contracts and agreements between a program and student must comply with this part.

A The contract or agreement must be approved by the commissioner before it is used by the program.

B Each contract or agreement must bear an individual, unique number or identifier.

C A driver education program must not give a person instruction or other service relating to instruction in motor vehicle operation until a written contract or written agreement has been executed between the program and the person

D The contract or agreement must be signed by the program's authorized official designated under part 7411.0250.

E A program must not represent or agree orally, in writing, or as part of an inducement to sign a contract or agreement for instruction

(1) to give instruction until a driver's license, permit, or license endorsement is obtained; or

(2) to offer premiums or provide discounts if a driver's license, permit, or license endorsement is not obtained.

F A contract or agreement for a program providing laboratory instruction to operate a class D motor vehicle must be limited to a maximum of 30 hours of laboratory instruction

G. The contract or agreement must specify the dates for the start and completion of instruction by the student.

H. If a program wants to exceed the hours specified in item F, the contract or agreement may be renewed only by mutual agreement between the student and program, in writing, and only if approved by the commissioner

I. When an original contract or agreement and each subsequent contract or agreement for instruction expires, the instructor shall evaluate with the student the progress made and determine how much further instruction, if any, is necessary

(1) The instructor and authorized official shall then determine if the student can complete the instruction

(2) If the instructor and authorized official of the program determine that the student cannot complete the instruction, the authorized official shall notify the commissioner in writing

(3) The program may continue the instruction of that student only if authorized to do so in writing by the commissioner

J. A contract or agreement to provide instruction to operate a class A, B, or C motor vehicle must

(1) specify the hours of instruction to be provided to the student;

(2) describe the course or individualized instruction provided,

(3) specify the course fee or hourly rate for individualized instruction,

(4) provide that the authorized program official notify the commissioner in writing if the instructor and official determine that the student cannot complete the instruction, and

(5) specify that the program may continue the instruction of that student only if authorized to do so in writing by the commissioner.

K Contracts or agreements for which a fee is charged must address the issue of refunds in the event a student or the program is not able to complete instruction

L The contract or agreement must specify whether and under what circumstances a person other than the student or instructor will be permitted or required in the motor vehicle during laboratory instruction

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A 01*

History: *28 SR 1167*

7411.0325 STUDENT AGE, QUALIFICATIONS; ENROLLMENT REQUIREMENTS.

Subpart 1 Generally. A program shall not offer driver education

A. classroom or laboratory instruction to operate a class A or C motor vehicle to a student who is not at least 18 years old and in possession of at least a class D driver's license,

B. classroom or laboratory instruction to operate a class B motor vehicle to a student who is not at least 16 years old and in possession of at least a class D driver's license,

C. classroom or laboratory instruction for a motorcycle endorsement to a student who is not at least 15 years old; or

D. classroom instruction to operate a class D motor vehicle or motorized bicycle to a student who is not at least 14 years old.

Subp 2. **Motorcycle endorsement course enrollment.** A program offering a course to obtain a motorcycle endorsement must require that a student who takes the motorcycle endorsement course be enrolled in both the classroom and laboratory portions of the course.

Subp 3 **Students under age 18.** A program offering a class D motor vehicle course to a student under the age of 18 must require the student to enroll in either the classroom phase of a program, the laboratory phase of a program, or both

A. Proper enrollment must be reflected in the student contract or agreement.

B. Enrollment in either classroom instruction or laboratory instruction need not occur with the same program.

C. A homeschooled student need only indicate enrollment in the laboratory phase of a program.

D. Classroom instruction hours are not transferable from one program to another unless the commissioner can verify documentation of comparable instruction.

Statutory Authority: *MS s 14 06, 169 26; 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A 01*

History: 28 SR 1167

7411.0335 WITHHOLDING CERTIFICATE OF COURSE COMPLETION.

A program is not required to issue a certificate or letter of course completion to a student who has not paid the fees agreed on in the student contract or agreement.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A 01*

History: 28 SR 1167

7411.0340 PROGRAM ANNUAL REPORT.

The authorized official of a program must submit to the commissioner an annual report 30 days after the close of the calendar year

A. The annual report must indicate:

(1) the number of students who were enrolled in the program the previous calendar year, and

(2) the number of students who completed instruction from the program the previous calendar year

B. The commissioner shall make the report format available to the program at least 60 days before the report is due.

Statutory Authority: *MS s 14 06, 169.26, 169 446, 169 974; 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A.01*

History: 28 SR 1167

7411.0345 LOCATION OF PROGRAM ADMINISTRATIVE OFFICE.

Subpart 1 **Location of program administrative office.** A program must have an administrative office that meets the location requirements specified in this part

A. A program must have a permanent administrative office located in Minnesota

B The program must have continuous and exclusive control of the permanent administrative office location for at least one year beginning on the date of projected program licensure or approval either through ownership or a lease.

C. The program must have a program certificate of approval or program license from the commissioner to operate a driver education program out of the permanent administrative office location.

D The program may operate its classroom and laboratory instruction at sites and locations separate from the space occupied by the program's permanent administrative office

Subp. 2. **Location change.** A program may not change the program's permanent administrative office location specified on its license or certificate of approval without prior notice to the commissioner

Subp 3 **Distance from state examination sites.** No program's permanent office location or any instruction location may be within 150 feet of a site where any part of a driver's license examination is administered This subpart does not apply to a program with a license or certificate of approval in operation at the location before a state examination site was established

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171.0701, 171 33 to 171.41, 299A 01*

History: 28 SR 1167

7411.0355 INSTRUCTION LOCATIONS.

Subpart 1. **Classroom instruction locations.** Each classroom instruction location operated by a program must be approved by the commissioner before instruction begins. Instruction must be in a nonresidential occupancy, or occupancy not occupied as a residence, except for instruction provided by a parent to a homeschooled student

Subp 2. **Temporary locations.** A program may obtain classroom or laboratory facilities at temporary locations that comply with this part The program must notify the commissioner of the address, time, and date of each scheduled use of each temporary location before using it for instruction

Subp. 3. **Classroom size.** A program providing classroom instruction in a classroom must provide instruction in a room of at least 300 square feet and suitable for instruction

Subp 4. **Teleconferenced instruction location.** Classroom instruction must be provided to a student, except for a homeschooled student, in a location complying with subpart 3 The instructor must be either physically present or immediately available to the student through teleconferencing during the classroom instruction period to instruct as well as address questions and comments

Subp 5. **Laboratory instruction route location.** A program must not provide laboratory instruction on the actual routes used for state driver's license road tests, except when unavoidable due to the lack of alternative routes.

Subp 6 **Class C or D driving range size.** If a program offers class D training on a driving range, the program must provide at least 80,000 square feet of unobstructed driving surface space other than space occupied by light standards.

Subp. 7. **Class A or B vehicle driving range size.** A program offering class A or B vehicle instruction must provide a 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 additional class A motor vehicle.

Subp. 8. **Motorcycle endorsement course riding range.** A riding range used for motorcycle course laboratory instruction must be at least 160 feet long and 60 feet wide.

A. 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.

B There must be at least 20 feet of level, run-out space around the outside of the range and between an intended path of travel and the nearest obstacle

C The riding range area must be paved

D The commissioner 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 must obtain the waiver before instruction begins

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.0365 SITUATIONS REQUIRING NOTIFICATION.

The authorized official of a program shall notify the commissioner, in writing, if any of the situations specified in this part occur.

A. The program's authorized official shall notify the commissioner when an instructor is hired by the program or there is a change in a program instructor

(1) An individual must be approved by the commissioner before the individual provides either classroom or laboratory instruction.

(2) Approval must be in accordance with parts 7411 0620 to 7411 0690

B The program's authorized official shall notify the commissioner if one of the program's instructors incurs a conviction or violation as specified in part 7411.0620. Notice of the conviction or violation must occur within three calendar days of the date the program's authorized official becomes aware of the conviction or violation

C. The commissioner must be notified if one of the program's instructors is involved in a reportable motor vehicle accident as specified in Minnesota Statutes, section 169 09. Notice of the accident must occur within ten calendar days of the date of the accident

D The commissioner must be notified within ten calendar days from the date of the accident if one of the program's students, while receiving laboratory instruction, is involved in a motor vehicle accident requiring reporting under Minnesota Statutes, section 169 09

(1) The student must be informed by the program of the student's obligation to submit an accident report to the commissioner when required by Minnesota Statutes, section 169 09

(2) The program must provide the student with information about the motor vehicle and insurance that is required to be on the accident report

E A program must notify the commissioner within five calendar days 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

F The authorized official of the program shall notify the commissioner within five calendar days of the death, retirement, resignation, or discontinuance of employment or service of an instructor

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02, 171 05, 171 055, 171 0701; 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.0400 Subpart 1 [Repealed, 28 SR 1167]

Subp. 1a [Repealed, 28 SR 1167]

Subp 2 [Repealed, 28 SR 1167]

Subp 3 [Repealed, 21 SR 458]

Subp 4 [Repealed, 28 SR 1167]

Subp 5 [Repealed, 28 SR 1167]

Subp. 6 [Repealed, 28 SR 1167]

Subp. 7 [Repealed, 28 SR 1167]

7411.0410 SUBMISSION OF PROGRAM CURRICULUM.

The program must submit all curriculum that will be provided to students to the commissioner for approval at the time of application for program licensure or approval.

A. The commissioner shall approve the curriculum if it meets the curriculum requirements in this chapter.

B. If a program wants to change its curriculum during the period of program licensure or program approval, the program must submit the new curriculum to the commissioner for review and approval.

C. A program may not use the proposed curriculum until the curriculum has been approved by the commissioner.

D. Curriculum must be submitted for approval for each motor vehicle classification for which instruction will be provided.

E. If a program seeks to provide motorcycle instruction, separate curricula must be submitted for approval if either consecutive or concurrent classroom and laboratory instruction is to be provided.

F. If a program seeks to provide instruction to operate a class A, B, or C motor vehicle, the curriculum must be submitted for approval if either classroom, laboratory, or individualized instruction is to be provided.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0435 INSTRUCTION MAY NOT DUPLICATE STATE TESTS.

Knowledge tests, curriculum used by a program, and instruction must not substantially duplicate any part of a Minnesota driver's knowledge examination and must not duplicate the road or skills test administered to students or instructor applicants, including state test ranges and routes.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171.33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0510 [Repealed, 28 SR 1167]

7411.0515 CURRICULUM FOR DRIVER EDUCATION PROGRAMS.

Subpart 1. **Scope.** This part applies to all driver education programs.

Subp. 2 **Classroom curriculum for class D motor vehicles.** The classroom curriculum presented and delivered to each student enrolled in a program for class D motor vehicle operation must include:

A. opportunity for the student 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 alcohol and the use of other drugs on the ability of a person to operate a motor vehicle,

(2) the hazards of driving while under the influence of alcohol or other 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 other drugs,

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

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

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

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

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

H. opportunity for the student to gather information and practice making decisions about vehicle ownership, leasing, insurance, and maintenance,

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

J. opportunity for the student to explore alternative ways to become a better driver;

K. duties of the driver when encountering a school bus, the content and requirements of Minnesota Statutes, section 169.444, and the penalties for violating that section,

L. principles of safe operation of a motor vehicle at railroad-highway grade crossings;

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

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

O. opportunity for the student to become informed about becoming an organ donor

Subp. 3 Laboratory curriculum for class D motor vehicles. The laboratory curriculum presented and delivered to each student enrolled in a program for class D motor vehicles must include

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

B. orientation to gauges, 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. changing lanes, crossing intersections, merging, 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. a written evaluation, self-evaluation, and plan for future improvement.

Subp. 4 Class A, B, or C motor vehicle curriculum. The curriculum presented to each student provided instruction to operate a class A, B, or C motor vehicle must

A. specify the hours of instruction to be provided to the student,

B. describe the content of all classroom and laboratory instruction for all courses and individualized instruction, and

C. specify the course fee or hourly rate for instruction

Subp. 5. Motorcycle classroom curriculum. The classroom curriculum presented for a driver education program for a motorcycle endorsement must meet the requirements in either item A or B.

A. The classroom curriculum must be the Motorcycle Safety Foundation Basic Rider Course and also address the provisions in Minnesota Statutes, section 169.974

The Motorcycle Safety Foundation Basic Rider Course Curriculum Manual, 2001, is incorporated by reference and is not subject to frequent change. The manual is available through the interlibrary loan system or a copy may be obtained from the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, California, 92618-3806.

B The curriculum must address:

- (1) the purpose, content, and procedures for classroom instruction;
- (2) the location and operation of motorcycle controls and indicators,
- (3) the opportunity for students to identify, analyze, and practice making decisions about proper protective gear,
- (4) the procedures for starting, riding, and stopping a motorcycle,
- (5) the procedures for turning, changing gears, and using both brakes to stop a motorcycle;
- (6) the identification of basic riding strategies and preparation to ride safely in traffic,
- (7) the various methods used to reduce the risks of riding hazards,
- (8) the procedures for passing, controlling rear wheel skids, and nighttime riding;
- (9) preparation for handling unusual or emergency situations,
- (10) the opportunity for the student to gather information and practice making decisions about selecting and maintaining a motorcycle,
- (11) how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle, including:
 - (a) information on the effects of the consumption of alcohol and the use of other drugs on the ability of a person to operate a motor vehicle,
 - (b) information on the hazards of driving while under the influence of alcohol or other drugs, and
 - (c) information on 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;
- (12) having the student's knowledge evaluated;
- (13) the duties of a driver when encountering a school bus, the content and requirements of Minnesota Statutes, section 169.444, and the penalties for violating that statute, and
- (14) the principles of safe operation of vehicles at railroad-highway grade crossings.

Subp 6 **Motorcycle laboratory curriculum.** The laboratory curriculum presented for a driver education program for a motorcycle endorsement must meet the requirements in either item A or B.

A The laboratory curriculum must be based on the Motorcycle Safety Foundation Basic Rider Course, incorporated by reference in subpart 5, and also address the provisions in Minnesota Statutes, section 169.974

B The curriculum must include:

- (1) orientation to the purpose, content, and procedures for laboratory instruction,
- (2) instruction in mounting, dismounting, starting, and stopping the engine;
- (3) instruction in moving the motorcycle,
- (4) instruction in understanding the friction zone;
- (5) instruction in riding in a straight line,
- (6) instruction in turning, which must include slow, tight turns and higher speed turns,

- (7) instruction in shifting,
- (8) instruction in braking, which must include braking technique for stopping in a straight line and in a curve, emergency straight-line braking, and emergency braking in a curve;
- (9) instruction in scanning techniques for recognizing and responding to hazards,
- (10) instruction in changing lanes;
- (11) instruction in counter-steering and changing lanes quickly, and
- (12) formal written skills evaluation, self-evaluation, and planning for future improvement.

Subp 7. Curriculum hours for motorized bicycles.

A The curriculum presented to each student enrolled in a motorized bicycle driver education program must include at least three hours of classroom instruction.

B. The commissioner shall approve a course if the course content includes the subject items listed in Minnesota Statutes, section 171 02, subdivision 3.

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0520 CLASSROOM AND LABORATORY INSTRUCTION.

Subpart 1 **Curriculum guide.** An approved written classroom curriculum guide must be available to and used by an instructor providing classroom instruction for class A, class B, class C, class D, motorcycle, and motorized bicycle courses

Subp. 2 **Instruction location.** Classroom instruction must be conducted in a location complying with part 7411 0355.

Subp 3 **Classroom hours limitation.** A program may offer no more than three hours of classroom instruction per day to a student under 18 years of age who has not yet obtained a driver's license

Subp 4 **Required number of class D motor vehicle classroom hours.** A class D motor vehicle program must provide a student who is less than 18 years old with a minimum of 30 hours of approved classroom instruction

Subp 5 **Motorcycle classroom hours.** A program shall provide a student enrolled in a motorcycle endorsement driver education program who is less than 18 years old with a minimum of four hours of approved classroom instruction

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0525 SIMULATION INSTRUCTION.

Subpart 1. **Authority generally.** Computer-simulated instruction may be used to reproduce driving situations likely to be encountered during actual driving performance.

Subp 2 Class D programs. In a class D program

A Simulation instruction must be counted as laboratory instruction in a ratio of four hours of simulator time equaling one hour of on-street time

B Simulator instruction must not be substituted for more than two hours of on-street laboratory instruction and in no case may a student receive less than four hours of on-street laboratory instruction if range instruction as specified in part 7411 0570 is not also provided

C. The simulator for a class D vehicle must be equipped with a brake pedal, accelerator, steering wheel, gear shift, operator seat, speedometer, and turn signals

D The simulator curriculum must allow the student to evaluate risk and make proper driving decisions and responses

E The simulation must be designed to replicate actual on-the-vehicle or on-the-motorcycle driving situations

F A simulator must provide a means to measure each student's decisions and responses.

Subp. 3 Motorcycle program. A motorcycle endorsement program may use machines that simulate motorcycle riding but may not substitute simulator instruction for the required ten hours of laboratory instruction

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0530 TELECONFERENCED CLASSROOM INSTRUCTION.

Teleconferenced classroom instruction for class A, B, C, or D motor vehicles or for a motorcycle endorsement may be used to link multiple classroom locations

A. The broadcasting location must have a licensed or approved instructor present during classroom instruction

B Each location where students receive instruction must be in a classroom that complies with part 7411 0355.

C. If the receiving location has one or more students under the age of 18 receiving program instruction, the location must have a proctor, who is at least 21 years old, with the classroom for control and assistance

D Locations must be linked using both picture and sound so that instruction and the ability to interact with students is assured.

E Identical curriculum materials must be available at all locations

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169.974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0535 ON-LINE CLASSROOM INSTRUCTION; ADULT ONLY.

Classroom instruction via the Internet may be provided by a program to any student who is at least 18 years old

A The course of study must provide a means for the student to measure performance outcomes.

B. There must be a pool of rotating quiz questions.

C The course must have accountability features to ensure the age and identity of the student taking the course

D Technical designs must have features that measure the amount of time a student spends on each section of the course

E Customer support access must be made available through a toll-free telephone number

F. The course must have a secure server and be backed up by a second unit.

G The program must have preventives in place to protect against the access of private information.

H The course must have the ability to update course content uniformly throughout the state.

I. The course must have a location in Minnesota where program and student records are accessible

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701; 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0540 HOMESCHOOL CLASSROOM INSTRUCTION.

A Classroom instruction for a class D motor vehicle program must be accessible to full-time homeschool students under the age of 18

B A student shall submit a letter to the commissioner from the school superintendent or authorized school authority in the district in which the student resides, verifying the student's full-time homeschool status.

C The commissioner must be informed in writing by the homeschool parent or guardian of the student's completion of 30 hours of classroom instruction for a class D motor vehicle, including the student's full legal name and date of birth

D. Course materials must be approved by the commissioner and identified in writing when informing the commissioner that classroom instruction has been completed

E When the classroom course requirements are met, the commissioner shall furnish the student with a letter of classroom completion for the class D motor vehicle course

Statutory Authority: *MS s 14.06, 169.26, 169.446, 169.974, 171.02, 171.05; 171.055, 171.0701, 171.33 to 171.41, 299A.01*

History: *28 SR 1167*

7411.0545 LABORATORY INSTRUCTION.

The requirements in this part apply to laboratory instruction for all programs.

A. Whenever laboratory instruction is provided to a student on a public roadway, an instructor must be in the seat beside the student.

B An instructor shall ensure that any student operating a motor vehicle has passed the Minnesota knowledge test representative of the class of vehicle for which instruction is to be given and is in possession of either:

- (1) a valid Minnesota instruction permit,
- (2) a valid Minnesota driver's license, or
- (3) a valid driver's license or permit from another state or country.

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

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

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

F A firearm may not be transported in any vehicle used for driver education. For the purpose of this item, "firearm" has the meaning given it in Minnesota Statutes, section 97A.015, subdivision 19

Statutory Authority: *MS s 14.06, 169.26, 169.446, 169.974; 171.02; 171.05, 171.055; 171.0701, 171.33 to 171.41, 299A.01*

History: *28 SR 1167*

7411.0550 [Repealed, 28 SR 1167]

7411.0555 CLASS D PROGRAM LABORATORY SCHEDULE; HOURS.

A. A class D motor vehicle program

(1) must not provide more than two hours of laboratory instruction per day to a student under 18 years old in a class D motor vehicle,

(2) must provide a class D driver education student who is less than 18 years old with a minimum of six hours of laboratory instruction,

(3) except for the instruction offered in class A, B, or C vehicles, must not give a student more than 30 hours of laboratory instruction without the written authorization of the commissioner, and

(4) may substitute range driving hours for laboratory instruction hours if
 (a) the student has in possession a valid Minnesota instruction permit;

(b) the student is operating the class D motor vehicle, and

(c) no more than two hours of range instruction are substituted for one hour of the daily laboratory instruction permitted in subitem (1)

B. Total on-street time for class D motor vehicle laboratory instruction must not be less than four hours of the required six hours of laboratory instruction. However, if a program providing class D motor vehicle instruction provides both range and simulator instruction, no less than three hours of on-the-road laboratory instruction may be provided if the program also provides

(1) at least eight hours of simulator instruction; and

(2) at least two hours of range instruction

C. Observation time in a class D motor vehicle does not count as laboratory instruction time.

Statutory Authority: *MS s 14 06, 169.26; 169 446, 169 974, 171 02; 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0565 MOTORCYCLE LABORATORY SCHEDULE; HOURS; PROTECTIVE GEAR.

Subpart 1. **Hours.** A motorcycle endorsement program must provide a student who is less than 18 years old with at least ten hours of approved laboratory instruction.

Subp. 2. **Hour limits.** A program may offer a student no more than a total of eight hours of motorcycle instruction per day

Subp 3. **Enrollment.** A student under age 18 wishing to take the motorcycle endorsement course must be enrolled in both the classroom and laboratory portions of the course

Subp 4 **Protective clothing.** The instructor in a motorcycle endorsement program shall ensure that during laboratory instruction all students wear a helmet, an 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.

Statutory Authority: *MS s 14 06, 169 26; 169 446, 169 974, 171.02, 171 05; 171 055, 171 0701; 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0570 LABORATORY RANGE INSTRUCTION.

Subpart 1 **General requirements.**

A. Range driving instruction must take place on a range that.

(1) is designated for range driving during the period of instruction;

(2) is visually separated from on-street driving areas, and

(3) meets the location and size requirements for a driving range specified in part 7411 0355.

B. The instructor must be able to communicate with each separate motor vehicle on the driving range

C. For range driving time to count as laboratory instruction, the student must operate a motor vehicle representative of the class of vehicle for which the student being trained is to be licensed.

Subp 2 **Class C or D range.**

A. The student-to-instructor ratio on a range used for class C or D motor vehicle instruction must not exceed 12 students operating a class C or D motor vehicle for each instructor who meets the qualifications in parts 7411 0620 to 7411.0690.

B For instruction provided to a student under the age of 18, only one student may be present in the motor vehicle.

Subp 3 **Motorcycle range.** During motorcycle laboratory instruction:

A. No more than eight students may receive instruction at one time on a range 160 feet long and 60 feet wide

B. 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

C The instructor-to-student ratio of one qualified instructor to up to eight students must be maintained at all times

Subp 4 **Class A or B range.** The student-to-instructor ratio on a range used for class A or B motor vehicle instruction must not exceed ten students operating class A or B vehicles for each qualified instructor present on the range. If a class A combination vehicle is in use, the student-to-instructor ratio must be five to one

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169.974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0610 [Repealed, 28 SR 1167]

7411.0620 INSTRUCTOR QUALIFICATIONS FOR ALL PROGRAMS.

Subpart 1 **Generally.** An instructor must

A be at least 21 years old;

B have been a valid licensed driver for three years in Minnesota or another United States state,

C have a valid driver's license for the class of motor vehicle for which the applicant wants to provide instruction, and

D have a high school diploma or the equivalent.

Subp 2. **Certified copy of driving record.**

A An instructor applicant shall submit a certified copy of the applicant's driving record to the program's authorized official

B An instructor who does not have a Minnesota driver's license shall submit a certified copy of the instructor's driving record from the United States state where the instructor is licensed to the commissioner when initially applying to become an instructor and annually afterward

(1) For a licensed instructor, the annual certified copy of the instructor's driving record must be submitted with the instructor's license renewal application

(2) For an instructor at an approved public or private program, the annual certified copy of the instructor's driving record must be submitted with the program's annual application for renewal of its certificate of approval

C. A certified copy of a driving record submitted under this subpart must be dated no earlier than 30 days before the date the commissioner receives it

Subp. 3 **Report of driving violations and incidents.** An instructor shall notify the commissioner and authorized program official, in writing, if the instructor is convicted of a traffic violation or is involved in a motor vehicle accident requiring reporting under Minnesota Statutes, section 169 09, subdivision 7. The written notification must be submitted to the commissioner and authorized program official within ten days from the date of the conviction or the accident

Subp. 4. **Initial and annual review of driving record.**

A. The commissioner shall review the driving record of each initial instructor applicant

B The commissioner shall also annually review the driving record of each instructor at the time of renewal of the instructor license or at the time of program approval

Subp. 5 General health.

A When the commissioner has good cause to believe that an instructor has a physical or mental disability that will interfere with the safe operation of a motor vehicle, the commissioner shall require a physician's statement as often as necessary for the commissioner to monitor the instructor's condition

B. The physician's statement must be submitted no later than 30 days after the examination on which the statement is based.

Subp. 6 Hearing.

A 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.

B An exception to item A is allowed for an instructor specializing in the instruction of hearing-impaired students in class D, motorcycle, or motorized bicycle programs.

Subp 7 Vision. An applicant or instructor must be able to meet the vision requirements to obtain an unrestricted class D license, except that the restriction of corrective lenses enabling the applicant or instructor to meet the vision requirement is an acceptable restriction

Subp. 8 Criminal history. Each person applying to become a qualified instructor shall authorize an investigation with the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI) to determine if the applicant or instructor has a criminal record

A The authorization fingerprints and the fee for the FBI background check must be submitted with the application for an instructor's license

B If the investigation by the BCA indicates no criminal record, the person must be issued a temporary license pending the outcome of the check of the national criminal data repository

C If a person has been convicted of a gross misdemeanor or felony, then the person is ineligible to be an instructor unless:

(1) the commissioner determines that the crime does not directly relate to the position of instructor, or

(2) the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor

D An instructor is disqualified from providing instruction to any student under age 18 for any violations specified in Minnesota Statutes, section 171.3215

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974; 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0630 INSTRUCTOR TRAINING QUALIFICATIONS.

Subpart 1 Generally. The training requirements for an instructor who provides instruction in a driver education program are specified in this part

Subp 2. Initial training. An individual must satisfactorily complete training approved by the commissioner to be an instructor in a program that provides instruction to operate a motor vehicle

A An individual may not provide instruction until:

(1) the commissioner approves the public or private program, or

(2) the individual is licensed as an instructor for a commercial driver training program

B Satisfactory completion of instructor training must be provided by the instructor applicant to the commissioner.

Subp 3. **Classroom instructor in class D program.** To provide classroom instruction in a program providing instruction to operate a class D motor vehicle, the individual must document and demonstrate competency of the individual's

A. knowledge of the classroom curriculum for class D motor vehicles specified in part 7411.0515, subpart 2,

B. ability to identify and apply current state law and regulations applicable to the ownership and operation of a class D vehicle,

C. organization of lessons and preparation to conduct classroom instruction,

D. ability to maintain a learning environment and management of a class,

E. ability to assess, monitor, and adjust performance as necessary,

F. time management,

G. record keeping in compliance with this chapter;

H. written communication skills;

I. ability to contact first aid resources in the event of an emergency,

J. oral instruction presentation and delivery techniques,

K. ability to use visual aids and technical apparatus pertinent to the program's curriculum, and

L. completion of team teaching with a qualified instructor

Subp 4 **Laboratory instructor in class D program.** To provide instruction in a program providing instruction to operate a class D motor vehicle, the individual must document and demonstrate competency of the individual's:

A. knowledge of the class D vehicle laboratory curriculum specified in part 7411.0515, subpart 3;

B. ability to provide instruction and demonstrate vehicle operation and control from the right passenger position;

C. use of vehicle tools for vehicle control;

D. oral instruction presentation and delivery techniques,

E. ability to plan and maintain the scheduling of lessons, in the case of an instructor who must plan lessons and schedule lessons,

F. ability to develop training routes,

G. ability to respond calmly and decisively to instruction situations;

H. ability to develop task breakdown explanations,

I. ability to role play while behind-the-wheel with another qualified instructor,

J. ability to organize lessons,

K. ability to conduct performance assessments;

L. ability to demonstrate safe personal driving skills,

M. ability to identify and apply current state law and regulations applicable to the ownership and operation of a class D vehicle;

N. ability to contact first aid resources in the event of an emergency, and

O. ability to comment on the driving environment while safely operating the motor vehicle

Subp. 5 **Instructor with Board of Teaching credential.** An individual with a Board of Teaching license and certification under part 8710.4350 (2003) meets the requirements in subparts 3 and 4.

Subp 6 **Class A, B, or C motor vehicle training instructor.** An instructor providing instruction to operate a class A, B, or C motor vehicle must have a commercial driver's license representative of the vehicle class used for instruction

A. To provide instruction in a program for the operation of a class A, B, or C motor vehicle, the instructor must successfully complete training to operate the class of motor vehicle for which instruction will be provided

B To qualify as an instructor, the individual must document and demonstrate competency of the individual's:

- (1) knowledge of the motor vehicle class;
- (2) knowledge of federal and state laws and regulations related to the class of motor vehicle for which instruction will be provided;
- (3) written communication skills,
- (4) oral instruction presentation and delivery techniques,
- (5) ability to conduct performance assessments;
- (6) ability to control driving activities on the range;
- (7) experience, by a showing of 3,000 hours within the last five years of experience operating the class of vehicle for which instruction will be provided;
- (8) ability to develop training routes and ranges,
- (9) record keeping in compliance with state rules and federal regulations;
- (10) ability to develop and maintain a learning environment,
- (11) ability to give clear and concise directions,
- (12) ability to develop task breakdown explanations;
- (13) ability to organize and deliver lessons;
- (14) ability to respond calmly and decisively to instruction situations,
- (15) time management,
- (16) ability to comment on the driving environment while safely operating the motor vehicle;
- (17) ability to take control of the vehicle from the right passenger seat of the vehicle, and
- (18) ability to contact first aid resources in the event of an emergency.

Subp 7 **Training for motorcycle instructor.** To be an instructor in a program providing instruction on the operation of a motorcycle, a person must satisfactorily complete motorcycle instructor training provided by the Motorcycle Safety Foundation or another training course that provides the training described in this subpart.

A. The training must consist of at least 45 hours of instruction.

B Instructor training must include:

- (1) 8-1/2 hours of instruction on classroom instruction techniques and classroom course content;
- (2) 11-1/2 hours of instruction on laboratory instruction techniques and laboratory course content;
- (3) 11 hours of peer instruction, with each instructor-student acting as both an instructor and a student to other instructor-students in the class, and
- (4) 14 hours of participation as a student instructor in a program providing instruction to operate a motorcycle, with the student-instructor providing instruction for a portion of both the classroom and laboratory phases of the program.

Subp. 8 **Requirement to renew motorcycle instructor license.** To qualify for renewal of a license to provide instruction to operate a motorcycle, an instructor must provide instruction for at least two courses on the operation of a motorcycle during the two-year period preceding renewal

Statutory Authority: *MS s 14 06; 169 26, 169 446, 169 974, 171 02; 171 05, 171 055, 171 0701; 171 33 to 171 41, 299A 01*

History: 28 SR 1167

NOTE Subparts 5 to 8 were originally adopted as subparts 4a to 7, at 28 SR 1167 They were renumbered editorially

7411.0640 QUALIFICATIONS FOR TELECONFERENCED CLASSROOM INSTRUCTION.

To use teleconferencing as a method of instruction, an instructor must complete commissioner-approved training in this instructional method

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055; 171 0701, 171.33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0645 LABORATORY INSTRUCTOR DISQUALIFICATION.

Subpart 1 **Class D and motorcycle programs.** A person is ineligible to provide on-street or range laboratory instruction with a licensed or approved program for class D motor vehicle operation or a motorcycle endorsement 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 not less than one year has elapsed since the person's driver's license has been reinstated,

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 date of 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 date of the last conviction.

Subp 2. **Class A, B, or C program.** The commissioner shall disqualify an instructor from providing laboratory instruction in a program for class A, B, or C motor vehicle operation for violations and incidents that would preclude the individual from obtaining a commercial driver's license

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02; 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A 01*

History: 28 SR 1167

7411.0650 INSTRUCTOR TESTS.

Subpart 1 **For all qualified instructors.** The test requirements to qualify as an instructor are specified in this part To be a qualified instructor, an applicant must pass a written test and a road test administered by the commissioner

Subp 2. **Test content.** The tests must address motor vehicle operation, traffic laws, road signs, requirements of this chapter, and other material pertaining to and affecting the driver, traffic, the motor vehicle, and instruction methods.

A The tests must be developed or approved by the commissioner.

B When an applicant fails the road test portion after two attempts, the commissioner shall require the applicant to undergo a driver evaluation interview given by the department

C A test addressing methods of instruction must be administered and consist of an evaluation of the instructor's instruction methods and ability. The applicant must be evaluated for the type of instruction for the class of motor vehicle for which the applicant seeks to provide instruction

(1) Classroom evaluation must be witnessed live, via teleconferencing or videotape

(2) Laboratory evaluation for an initial instructor must be simulated.

D. An applicant who fails to pass any part of a test fails the entire test

E. An applicant who fails a test twice within six months may not retest for six months after the date of the second test

F. When the commissioner has good cause to believe that an instructor is not able to properly instruct in a driver education program or safely operate a motor vehicle, the commissioner shall require the instructor to submit to reexamination, consisting of all or part of the tests specified in this part or to a review of the instructor's instruction methods and ability while actually instructing students.

Subp 3 **Motorcycle instructor tests.** To instruct in a program providing instruction to operate a motorcycle, a person must first pass a written motorcycle instructor test. The written test must be developed or approved by the commissioner. The written test must be administered by the commissioner.

A. An applicant who fails the written test twice within six months may not retest for six months after the second test.

B. The written test must cover:

- (1) knowledge of motorcycle operation,
- (2) state traffic laws,
- (3) road signs;
- (4) provisions in this chapter relevant to a program providing instruction in the operation of a motorcycle;
- (5) other material pertaining to and affecting the motorcycle operator, traffic, and other motor vehicles; and
- (6) instructional methods.

Statutory Authority: *MS s 14 06, 169.26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.0655 COMMERCIAL PROGRAM INSTRUCTOR LICENSE.

Subpart 1 **Instructor license application; duplicate license.** Application for a new license or for renewal of a license to be an instructor in a commercial program must be made on a format prescribed by the commissioner.

A. The application for an instructor's license must be signed by the applicant and the authorized official of the program where the instructor is employed or is to be employed.

B. The license is valid only while the instructor is in the employment of the commercial driving school.

C. When the employment of an instructor with the commercial driving school is terminated, the license of the instructor becomes invalid and must be surrendered to the commissioner within ten days.

D. The authorized official of the commercial driving school shall notify the commissioner in writing within five days of termination of a licensed instructor.

E. The commissioner shall issue a duplicate license for employment at another licensed commercial driving school if the applicant continues to be qualified as an instructor.

F. If the instructor attests that the license is lost, mutilated, or destroyed, the commissioner shall issue a duplicate.

(1) The instructor shall attest to the date the license was lost, mutilated, or destroyed and the circumstances involving the loss, mutilation, or destruction of the license.

(2) The fee for issuing a duplicate instructor's license is \$5.

G. An instructor may be licensed at the same time by separate commercial driving schools if the applicant continues to be qualified as an instructor and holds separate licenses for each program.

H. When an instructor's license has been expired over one year but less than three years, the testing requirements shall consist of an evaluation by the commissioner of the teaching methodologies for classroom, laboratory, or both, depending on the scope of instruction, before relicensure.

Subp. 2 **Instructor license in possession.** An instructor must be able to produce the department-issued instructor license at the request of a peace officer, the commissioner, or an officer authorized to enforce the laws relating to the operation of a motor vehicle on public streets and highways.

Subp 3. **Renewal of instructor license.** An instructor license expires one year from the date issued and may be renewed on application to the commissioner. Application for renewal of the license 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. 4. **Fees payable to commissioner.** Fees for an original, renewal, duplicate, and replacement instructor license must be made payable to the commissioner

Statutory Authority: *MS s 14 06, 169 26, 169.446, 169 974, 171 02, 171 05; 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0670 QUALIFICATIONS FOR MOTORIZED BICYCLE INSTRUCTOR.

An instructor for a motorized bicycle course must be:

A. a current licensed or approved instructor for a class A, B, C, or D vehicle or a motorcycle,

B. a current representative of a dealership that sells motorized bicycles and holds a valid class D driver's license; or

C. a certified law enforcement officer.

Statutory Authority: *MS s 14 06, 169.26, 169 446, 169 974, 171.02; 171 05; 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0690 INSTRUCTOR CONTINUING EDUCATION.

The department shall require instructors to complete driver and traffic safety education periodically when the education is approved, provided, or supervised by the commissioner.

Statutory Authority: *MS s 14 06, 169 26, 169.446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A.01*

History: 28 SR 1167

7411.0700 [Repealed, 28 SR 1167]

7411.0800 Subpart 1 [Repealed, 28 SR 1167]

Subp 2. [Repealed, 28 SR 1167]

Subp 2a [Repealed, 28 SR 1167]

Subp 3. [Repealed, 28 SR 1167]

Subp. 4 [Repealed, 14 SR 2583]

Subp 5 [Repealed, 28 SR 1167]

Subp 6 [Repealed, 14 SR 2583]

Subp 7. [Repealed, 28 SR 1167]

Subp 8. [Repealed, 28 SR 1167]

Subp 8a. [Repealed, 28 SR 1167]

Subp. 8b [Repealed, 28 SR 1167]

Subp 8c. [Repealed, 28 SR 1167]

Subp. 9 [Repealed, 28 SR 1167]

Subp 10 [Repealed, 28 SR 1167]

7411.0850 VEHICLE REQUIREMENTS.

Subpart 1. **Safety standards.** A vehicle used for driver education instruction must comply with federal and state motor vehicle safety standards for the model year of the vehicle

A A vehicle must be maintained in a safe operating condition.

B The vehicle age limits specified in this part do not relieve a program of its responsibility to ensure that a vehicle used by the program is maintained in a safe operating condition.

C An instructor shall report in writing to the program and the commissioner a mechanical problem affecting the safe operation of a vehicle.

D The program must correct the problem before again using the vehicle for driver education instruction.

E If a vehicle used for driver education instruction is not maintained in a safe operating condition, the commissioner shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected.

F The commissioner shall suspend or revoke the license or certificate of approval of a program or an instructor license, or both, if the commissioner determines that the unsafe condition could foreseeably be the cause of serious personal injury or property damage and that the program or instructor had notice, or should have had notice through the ordinary discharge of duties, of the unsafe condition of the vehicle.

Subp. 2 Vehicle inspection. A vehicle inspection form must be completed.

A for all training vehicles after a reportable accident,

B annually for any motorcycle or class D motor vehicle over six years of age; and

C annually for any class A, B, or C vehicle over ten years of age. For class A, B, and C motor vehicles, the commissioner shall accept a state patrol motor vehicle inspection report.

Subp. 3. Equipment required on vehicles. A class A, B, C, or D vehicle used for driver education instruction must have an outside rearview mirror on each side of the vehicle, a separate inside rearview mirror for the instructor's use, and seat belts for each occupant of the vehicle as required by state law. In addition:

A a class D vehicle, other than one used on a driving range, 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 motor vehicle.

Subp. 4. Class A, B, or C motor vehicle age limit. A class A, B, or C motor vehicle may be used for more than ten years from the date it was first put into service, only if

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

B all repairs and replacements of parts indicated by the inspection have been made; and

C records are available to show the inspection, repair, and replacement of parts.

Subp. 5. Age limit for semitrailers. Semitrailers are exempt from age limitation provided there is a record of current inspection and repair.

Subp. 6. Age limit for motorcycles. A motorcycle may be used for more than six years from the date first put into service, only if

A 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, brake and clutch cables, and steering and suspension 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,

B a record is available to show the inspection and replacement of parts, and

C the motorcycle has been inspected during the previous 12 months by a manufacturer's service representative or certified mechanic, by a motorcycle mechanic for a licensed motorcycle dealer; or by a certified technical college mechanic instructor.

Subp 7 **Age limit for class D motor vehicles.** A class D motor vehicle may be used for more than six years from the date first put into service, only if.

A the following parts 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.

- (1) accelerator, to ensure it is not damaged or loose;
- (2) belts to fan and power assist units,
- (3) dual and parking brakes, to ensure they are not damaged and the lines or linings are not worn,
- (4) clutch,
- (5) door latches, locks, hinges, and handles,
- (6) drive train, to ensure it is not damaged or loose,
- (7) hood latches, locks, hinges, and handle,
- (8) horn,
- (9) head, tail, parking, and brake lights;
- (10) rearview, inside, outside, right, and left mirrors;
- (11) motor, transmission, and body mountings,
- (12) exhaust system and muffler;
- (13) license plates, to ensure they are attached and unobstructed,
- (14) signs required by this subpart, to ensure they are visible and attached;
- (15) assembly sheeting, to ensure it is not damaged, worn, or loose,
- (16) seat belts, to ensure they are not damaged or loose,
- (17) steering assembly, to ensure it is not damaged or loose,
- (18) tires, to ensure they are not cut or damaged and have a minimum tread depth of 1/16 inch,
- (19) turn signals, and
- (20) unobstructed windshield with wipers and washers,

B a record is available to show the inspection and replacement of parts; and

C the motor vehicle was inspected during the previous 12 months by a manufacturer's service representative, a mechanic for a licensed dealer for the vehicle, a certified technical or vocational college mechanics instructor, or an automotive service excellence mechanic fully certified by a vocational or technical school or college in all areas of vehicle inspection

Subp 8. **Vehicle markings.** While being used for on-street laboratory instruction, class A, B, C, and D program vehicles must have signs conspicuously and legally displayed on the rear of the vehicle, with background and letters of contrasting colors stating "Student Driver"

A On vehicles used for class D driver education, the "Student Driver" lettering must be at least two but not more than five inches in height.

B On vehicles used for class A, B, and C driver education, the "Student Driver" lettering must be at least ten inches in height.

C No other signs or advertising may be displayed on the vehicle without the approval of the commissioner.

D When on a vehicle owned or used by a public program, the sign must be removed when the vehicle is used for purposes other than driver education instruction

Subp 9 **Tax-exempt plates.** Any vehicle owned or used by a driver education program and used exclusively for instruction may display tax-exempt license plates

A. A letter stating that the vehicle is used for instruction in the driver education program and a copy of the program license or certificate of approval must be submitted to the commissioner when applying for tax-exempt license plates

B Any class D vehicle licensed under this subpart must have the name of the driver education program displayed on both sides of the vehicle in letters not less than 2-1/2 inches high and one-half inch wide

C Any class A, B, or C vehicle licensed under this subpart must have the name of the driver education program displayed on both sides of the vehicle in letters comparable to the marking requirements in Code of Federal Regulations, title 49, section 390.21. The color of the letters must contrast with the area on which they are placed

Subp 10 **Good cause vehicle inspections.** When the commissioner has good cause to believe a vehicle used for driver education purposes does not meet the requirements of this chapter, the commissioner shall inspect or require the inspection of the vehicle

Subp 11. **Commercial use of driver education program vehicle.** A class A, B, or C vehicle used in a driver education program may not be used for commercial purposes during driver education unless each condition in this subpart is met

A. hazardous materials, hazardous substances, and hazardous waste are not transported;

B. an instructor accompanies the student in the motor vehicle while it is being used for commercial purposes, and

C. the student is covered by the program's insurance as required in part 7411.0270

Subp 12 **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 in this part and the program insurance requirements under part 7411.0270 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 the

A. age requirements under subparts 4 to 7,

B. requirements of dual control brakes and dual control clutch pedal under subpart 3, and

C. program insurance requirements under part 7411.0270 for that vehicle, provided the program verifies 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, 169 26, 169 446; 169 974, 171 02, 171 05; 171 055, 171 0701; 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.0900 [Repealed, 28 SR 1167]

7411.1800 PROGRAM ADMINISTRATIVE ENFORCEMENT ACTIONS.

Subpart 1. **Suspension, revocation, or refusal to renew program license.** The license of a program may be revoked, suspended, or not renewed for any of the conditions specified in this subpart

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

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

E The program or an instructor has delayed the start or completion of instruction without good reason.

F. The program or an instructor has conducted business in a way that adversely affects the student's education or public safety and that substantially departs from commonly accepted practices as used by other driver education programs and instructors.

G. The program or an instructor encouraged a student to continue indefinite instruction beyond the point the student is capable of passing a driver's license, permit, or endorsement examination or it is easily 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.

H. The program failed to comply with the requirements for programs in this chapter and Minnesota Statutes, chapters 169 and 171

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

J. The program or an instructor has.

(1) engaged in conduct, in the operation of the program or in the conduct of employment, that is likely to harm the public or a student; or

(2) demonstrated a willful or careless disregard for the health or safety of another person or student.

K. The program or an instructor committed serious or repeated violations of the requirements of a statute, rule, or correction order

L The program or an instructor has allowed the alteration or illegal use of a license or certificate of approval

Subp. 2 **Withdrawal of program approval.** The commissioner's approval of a program may be withdrawn for any of the conditions specified in subpart 1

Statutory Authority: *MS s 14 06, 169.26, 169.446, 169 974, 171 02; 171 05; 171 055; 171 0701, 171.33 to 171 41, 299A 01*

History: 28 SR 1167

7411.1850 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW INSTRUCTOR'S LICENSE.

The license of an instructor may be revoked, suspended, or not renewed for any of the conditions specified in this part

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

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

C. There is evidence that the instructor consumed or permitted the consumption of intoxicating beverages on the program premises or in an education vehicle.

D The instructor failed to keep or has been repeatedly late for appointments with students without good reason.

E. The instructor has delayed the start or completion of instruction without good reason

F The instructor has provided instruction in a way that adversely affects the student's education or public safety and that substantially departs from commonly accepted practices used by other driver education instructors.

G The instructor has encouraged a student to continue indefinite instruction beyond the point the student is capable of passing a driver's license, permit, or 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

H. The instructor failed to comply with the requirements for instructors in this chapter and Minnesota Statutes, chapters 169 and 171

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

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

K. The program or an instructor has committed serious or repeated violations of the requirements of a statute, rule, or correction order

L. The program or an instructor has allowed the alteration or illegal use of a license or certificate of approval.

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02, 171.05; 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.1875 CORRECTION ORDER.

The commissioner may issue to a licensed program or instructor or approved program a correction order requiring violations cited in the order to be corrected within 30 calendar days from the date the order is received

A. The person to whom the order is issued shall provide information to the commissioner before the 31st day after the order is received demonstrating that the violation has been corrected or that the person has developed a corrective plan acceptable to the commissioner.

B. The commissioner shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's determination

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02; 171 05, 171.055; 171 0701, 171.33 to 171 41, 299A.01*

History: 28 SR 1167

7411.1900 CEASE AND DESIST ORDER.

The commissioner, or a department employee designated by the commissioner, may issue an order to cease a program or instructor's activity if continuation of the activity would result in an immediate risk to public safety

A. An order issued under this part is effective for a maximum of 72 hours.

B. In conjunction with the issuance of the cease and desist order, the commissioner may post a sign to cease an activity until the cease and desist order is lifted and the sign is removed by the commissioner.

C. To enjoin the violation after the 72 hours has expired, the commissioner must either.

(1) seek injunctive relief in a district court in Ramsey County or, at the commissioner's discretion, in a district court in the county in which the violation occurred, or

(2) pursue other administrative action as provided in this part.

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02; 171 05, 171 055, 171 0701, 171 33 to 171 41; 299A 01*

History: 28 SR 1167

7411.1925 ADMINISTRATIVE REVIEW OR HEARING.

When the commissioner notifies a program or an instructor of a license revocation, suspension, or refusal to renew, or when the commissioner notifies a program of

withdrawal of the program's approval, the affected program or instructor may request a review or hearing on the action in accordance with this part.

A A license revocation, suspension, or refusal to renew or the withdrawal of approval is not effective until the time for requesting a review or hearing has lapsed or, if a review or hearing is requested, until completion of these proceedings

B The notice of revocation, suspension, or refusal to renew or the approval withdrawal is adjudged received three days after mailing to the last known address of the program or instructor as listed in the records of the commissioner.

C The program or instructor may ask the commissioner to review the revocation, suspension, refusal, or withdrawal

(1) The program or instructor may request a review by submitting a statement, together with written materials supporting the position of the program or instructor

(2) In addition to submitting written materials, the program or instructor may request to appear before the commissioner to show cause why the revocation, suspension, refusal, or withdrawal should be rescinded.

(3) The request for review must be submitted within ten days after the program or instructor receives notice of the revocation, suspension, refusal, or withdrawal

(4) The commissioner shall perform the review and notify the program or instructor within ten days after the review whether the revocation, suspension, refusal, or withdrawal will be affirmed or rescinded.

D. The program or instructor may request a contested case hearing under Minnesota Statutes, chapter 14, only after undergoing the review process in item C.

(1) The request must be in writing and must be received within 30 days after the program or instructor receives notice of the revocation, suspension, refusal, or withdrawal or within ten days after the party receives notice of an adverse determination under item C, whichever period is longer

(2) When a contested case 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, refusal, or withdrawal.

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171.02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.1975 BOARD OF TEACHING REFERRAL.

If the commissioner takes administrative action against a program due to action of an instructor with a license or certificate issued by the Board of Teaching, the commissioner shall notify the Board of Teaching so appropriate action may be taken by the board

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: *28 SR 1167*

7411.1985 PROGRAM SUSPENSION OR TERMINATION OF UNQUALIFIED INSTRUCTOR.

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 providing instruction 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

Statutory Authority: *MS s 14 06, 169 26, 169 446; 169 974, 171 02, 171 05, 171 055, 171 0701, 171.33 to 171 41, 299A 01*

History: 28 SR 1167

7411.2000 COMMISSIONER NOTICE TO PROGRAM OF INSTRUCTOR DIS-QUALIFICATION.

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

Statutory Authority: *MS s 14 06, 169 26, 169 446, 169 974, 171 02, 171 05, 171 055, 171 0701, 171 33 to 171 41, 299A 01*

History: 28 SR 1167

7411.3100 [Repealed, 28 SR 1167]

7411.3200 [Repealed, 28 SR 1167]