

**CHAPTER 7503**  
**DEPARTMENT OF PUBLIC SAFETY**  
**DRIVER AND VEHICLE SERVICES DIVISION**  
**INCIDENTS FOR LICENSE REVOCATION**

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**7503.0100 DEFINITIONS.**

*[For text of subps 1 to 3, see M R.]*

Subp 4 **Cancellation and denial.** "Cancellation and denial" is the commissioner's withdrawal of a person's driver's license and privilege to drive in Minnesota pursuant to Minnesota Statutes, section 169.121, 171.04, subdivision 1, clause (5), (9), or (10), 171.13, subdivision 4, or 171.14.

Subp 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency as specified in part 7503.1700, subpart 2, item A, in a.

- A program licensed or approved by the state of Minnesota;
- B. comparable program licensed or approved by another state,
- C hospital-based treatment program, or
- D. alternative treatment program preapproved by the commissioner of public safety.

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*[For text of subps 5a to 9, see M R.]*

Subp. 10. **Special review notice.** "Special review notice" means the notice given to the driver and the acknowledgment received from a driver under part 7503.1250.

*[For text of subps 11 and 12, see M.R.]*

**Statutory Authority:** *MS s 14.06; 169.128; 171.165; 299A.01*

**History:** 22 SR 1103

**7503.0800 REVOCATION PERIODS.**

*[For text of subps 1 to 6, see M R ]*

Subp 7 **Terminating revocation after assessment action completed.** The commissioner shall terminate a revocation period in accordance with Minnesota Statutes, section 169.123, subdivision 10. The amount of the termination must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under Minnesota Statutes, section 169.123, subdivision 10, does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements. Termination of the revocation period applies only in the following circumstances

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

**Statutory Authority:** *MS s 14.06, 169.128; 171.165, 299A.01*

**History:** 22 SR 1103

**7503.1250 SPECIAL REVIEW NOTICE.**

When a person incurs two alcohol- or controlled-substance-related incidents within five years or has three or more incidents on record, the commissioner shall require the person to complete, sign, and return a special review notice form

A The special review notice must be sent by first class mail.

B The special review notice must require the driver to attest that the driver understands that an alcohol- or controlled-substance-related incident not currently on the driver's

Minnesota driving record may result in the cancellation and demal of driving privileges in Minnesota

**Statutory Authority:** *MS s 14.06; 169 128, 171.165, 299A.01*

**History:** *22 SR 1103*

**7503.1300 LICENSE CANCELLATION AND DENIAL.**

Subpart 1 **Failure to return completed special review notice form.** The commissioner shall cancel and deny the driver's license and driving privilege of any person who fails to complete, sign, and return the special review notice form as described in part 7503 1250

*[For text of subs 2 and 3, see M R.]*

**Statutory Authority:** *MS s 14 06, 169.128; 171.165; 299A.01*

**History:** *22 SR 1103*

**7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.**

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless.

A. no revocation or suspension of the person's driver's license or driving privilege is outstanding,

B the person has completed, signed, and returned the special review notice form, and

C if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third incident on record and a special review notice form was completed, signed, and returned within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation

Reinstatements following rehabilitation must be conditioned upon contmued abstinence from the use of alcohol and controlled substances.

**Statutory Authority:** *MS s 14 06, 169 128, 171.165; 299A 01*

**History:** *22 SR 1103*

**7503.1700 REHABILITATION.**

Subpart 1 **When applicable.** A person must complete rehabilitation whenever:

A the person's driver's license or driving privileges have been canceled and demed following involvement in three or more alcohol- or controlled-substance-related incidents within five years,

B a third alcohol- or controlled-substance-related incident occurs within ten years from the date the person completed, signed, and returned the required special review notice form; or

C there are four or more incidents on record.

Subp 2. **Rehabilitation requirements.** To complete rehabilitation, a person must.

A. successfully complete chemical dependency treatment following the last documented date of the use of alcohol or a controlled substance and submit evidence to the commissioner of chemical dependency treatment that satisfies the following requirements

(1) the chemical dependency treatment must be in a program that requires abstinence;

(2) for an individual's initial treatment, primary chemical dependency treatment for a minimum of 48 hours of individual, group, or family counseling must be successfully completed,

(3) for an individual's second or subsequent treatment, relapse chemical dependency treatment for a minimum of 24 hours of individual, group, or family counseling must be successfully completed and is acceptable only when primary treatment has previously been successfully completed, and

(4) the chemical dependency treatment may include aftercare, which is additional treatment not to exceed 180 calendar days, prescribed by a treatment program for the successful rehabilitation of the individual, other than the primary treatment or relapse treatment, and which may include the abstinence-based support specified in item B,

B participate in a generally recognized support group based on ongoing abstinence, at least once a week for 12 consecutive weeks immediately before submitting to the commissioner evidence showing compliance with the rehabilitation requirements,

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

**Subp 2a Variance to amount of treatment.** The commissioner may grant a variance from the durational amounts of chemical dependency treatment set forth in subpart 2, item A, subitems (2) and (3), and item B. Variances must be requested by the person to whom the treatment applies and approved on an individual basis

**Subp 2b Variance procedure.** The individual requesting the variance shall submit the variance request in writing to the commissioner. The request must contain:

A the specific language in the rule or rules from which the variance is requested,

B the reasons why the rule cannot be met, and

C a description of the alternative treatment that will be taken to ensure a comparable degree of protection to the public safety if the variance is granted

**Subp 2c Variance criteria; conditions.** The commissioner shall grant a variance request if

A the request was made as prescribed in subpart 2b,

B the variance will have no potential adverse effect on public safety,

C the alternative treatment to be taken, is equivalent to or superior to that prescribed in the applicable rule;

D strict compliance with the applicable rule will impose an undue burden on the applicant,

E the variance has only future effect; and

F the variance does not vary a statutory standard

**Subp. 2d Notice of decision.** The commissioner shall notify the individual in writing of the commissioner's decision to grant or deny the variance

A If the variance is granted, the notice must specify the period of time for which the variance will be effective and the alternative treatment and conditions the applicant must meet.

B The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 2b or 2c are not met

C If the variance is denied, the denial notice shall specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by the chemical abuse review panel established under part 7503.2200.

D Alternative measures or conditions attached to the variance have the force and effect of the applicable rule

E If the party violates the alternative measures or conditions attached to the variance, the party is subject to the enforcement actions and penalties attached to the applicable law or rule

F The individual to whom a variance has been issued shall notify the commissioner in writing within 30 days of a material change in the conditions on which the variance was granted.

**Subp. 3 Evidence of chemical dependency treatment.** Evidence of chemical dependency treatment submitted to the commissioner consists of written material supplied by the treating program. It must include

A the last reported date of use of alcohol or a controlled substance,

B the starting and ending dates of primary treatment or relapse treatment,

C the number of program hours for primary treatment or relapse treatment,

D verification of successful completion of all treatment, including primary treatment or relapse treatment and aftercare if required by the treatment program, and

E a discharge summary with a prognosis and any recommended aftercare program. If the prognosis is not favorable or if the person fails to complete an aftercare program recommended by the treating program, the commissioner shall reinstate the person's driver's

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license and driving privilege only following completion of an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5

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

Subp 4a **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and from the computer records that are disclosed to any persons or agencies outside the driver and vehicle services division, Department of Public Safety, with the exception of law enforcement and court-related personnel, after the following requirements are met

A. a minimum of five years has elapsed since the completion of rehabilitation,  
B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request, and

C. the person completes an application and pays a duplicate fee as required by Minnesota Statutes, section 171.06

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement

Subp 5 **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed

The required period of documented abstinence is

- A. for a person who has not previously undergone rehabilitation, one year,
- B. for a person who has once completed rehabilitation, three years, or
- C. for a person who has completed rehabilitation two or more times, six years

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to C. A minimum of six months must be spent in an uncontrolled environment immediately before submitting evidence to the commissioner showing compliance with all rehabilitation requirements

*[For text of subps 6 and 7, see M R ]*

Subp 8 **Fraudulent documentation.** If a person submits fraudulent documentation of rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all rehabilitation requirements and a cancellation period of one year in addition to the abstinence periods prescribed in subpart 5. Fraudulent documentation of rehabilitation is the deliberate submission of information that is false or misleading and includes falsified attendance or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents

Subp 9 **Additional offense.** If a person required to complete rehabilitation under subpart 1 has any additional alcohol or controlled-substance incidents before beginning or completing rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only after completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5

**Statutory Authority:** *MS s 14.06, 169.128, 171.165, 299A.01*

**History:** *22 SR 1103*

7503.2100 [Repealed, 22 SR 1103]

## 7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1 **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or accepted by the commissioner. Members of the panel must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and selected by the commissioner based on the recommendation of the Department of Human Services

Subp 2 **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures

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

C The commissioner may submit written materials for consideration by the chemical abuse review panel. These materials will be supplied to the applicant if requested.

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

F After receiving the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment be changed only if the person establishes that the type of treatment or diagnosis is appropriate or correct under the individual circumstances of that person's case.

*[For text of items G to I, see M.R.]*

**Statutory Authority:** *MS s 14 06; 169 128, 171 165, 299A 01*

**History:** *22 SR 1103*