

**CHAPTER 7503**  
**DEPARTMENT OF PUBLIC SAFETY**  
**DRIVER'S LICENSE REVOCATION, INCIDENTS**

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**7503.0100 DEFINITIONS.**

*[For text of subpart 1, see MR ]*

Subp 2. **Chemical use assessment.** A “chemical use assessment” is a report prepared under Minnesota Statutes, section 169A 54, subdivision 11, or 169A.70 to evaluate a person’s driving ability in relation to possible chemical abuse.

Subp 3. **Alcohol- or controlled-substance-related incident.** An “alcohol- or controlled-substance-related incident” is a violation or license revocation under current or former Minnesota Statutes, section 169.121, 169 1211, 169 123, subdivisions 2, 2a, 2b, 2c, and 4, 169 127; 169 129, 169A.20, 169A.51, subdivision 1, 2, 3, 4, 5, or 6; 169A.52, subdivision 1, 2, 3, 4, or 5, 169A 54, 171 245, or 609.21, subdivision 1, clauses (2), (3), and (4), subdivision 2, clauses (2), (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4), or a statute from another state in conformity with one of these provisions

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 current or former Minnesota Statutes, section 169 121, 169A 54; 171 04, subdivision 1, clause (6), (10), (11), or (12); 171 13, subdivision 4, or 171 14

*[For text of subps 5 to 6b, see M.R ]*

Subp 7. [Repealed, 27 SR 707]

Subp 8 **Personal injury.** A “personal injury” means either

A “bodily harm” as defined in Minnesota Statutes, section 609.02, subdivision 7,

B “substantial bodily harm” as defined in Minnesota Statutes, section 609 02, subdivision 7a;

C “great bodily harm” as defined in Minnesota Statutes, section 609.02, subdivision 8, or

D. “personal injury” as defined in part 7409.0100, subpart 7b.

Subp 9 **Revocation.** “Revocation” is the commissioner’s withdrawal of a person’s driver’s license and privilege to drive in this state for a specific period under either current or former Minnesota Statutes, section 169.121, 169.123, 169A.52, 169A.54, or 171 17.

Subp 10 **Special review and notice.** “Special review and notice” means the notice given to the driver and the written acknowledgment received from a driver under part 7503 1250

*[For text of subp 11, see MR ]*

Subp 12. **Suspension.** "Suspension" is the commissioner's temporary withdrawal of a person's driver's license and privilege to drive in this state under current or former Minnesota Statutes, section 169 121, subdivision 8, 169A 54, subdivision 11, or 171 18

**Statutory Authority:** *MS s 14 06; 169 798, 169A 75; 171 165, 299A 01*

**History:** 27 SR 707

#### **7503.0200 ALCOHOL- OR CONTROLLED-SUBSTANCE-RELATED SUSPENSION.**

*[For text of subpart 1, see MR ]*

Subp 2 **Failure to complete chemical use assessment.** The commissioner shall suspend the driver's license or driving privilege of any person who fails to complete a chemical use assessment as required by this chapter and either current or former Minnesota Statutes, section 169 121, subdivision 8, or 169A 54, subdivision 11, or who fails to complete any action required by the assessment.

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

#### **7503.0300 SUSPENSION PERIODS.**

Subpart 1 **For revocable offenses.** The commissioner shall suspend for one year the driver's license of a person upon receiving a record of a criminal charge arising out of the operation of a motor vehicle for.

A criminal vehicular homicide or injury, or

B manslaughter

Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction

However, if the suspension is based on a criminal charge and the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

Subp 2 **For failure to complete assessment.** The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete a chemical use assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

**Statutory Authority:** *MS s 14.06, 169.798, 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

#### **7503.0500 HEARING FOLLOWING SUSPENSION.**

The commissioner shall provide a hearing under the procedures in part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 171 18, to any person whose driver's license or driving privilege has been suspended under this chapter or current or former Minnesota Statutes, section 169.121, subdivision 8, 169A 54, subdivision 11, or 171.18

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

#### **7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.**

Except as stated in part 7503 1800, the commissioner shall not reinstate the driver's license or driving privilege of a person whose license or privilege was suspended under current or former Minnesota Statutes, section 169 121, subdivision 8; 169A 54, subdivision 11, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless

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*[For text of items A and B, see MR ]*

C. the person has paid a reinstatement fee as required by Minnesota Statutes, section 171 20 or 171 29

**Statutory Authority:** *MS s 14.06; 169 798, 169A 75, 171 165, 299A 01*

**History:** *27 SR 707*

## 7503.0700 ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED REVOCATION.

Subpart 1 **Following conviction.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person convicted under current or former Minnesota Statutes, section 169 121, 169 129, 169A 20, or 609 21.

Subp 2 **Following test for intoxication or refusal to take test.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person who violates current or former Minnesota Statutes, section 169 123 or 169A 51.

Subp 3. **Following a conviction reported by another state.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person convicted under a statute from another state in conformity with current or former Minnesota Statutes, section 169 121, 169 129, 169A 20, or 609 21

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165; 299A 01*

**History:** *27 SR 707*

## 7503.0800 REVOCATION PERIODS.

Subpart 1 **Statutory periods.** The commissioner shall revoke drivers' licenses or nonresident driving privileges for the minimum periods prescribed in current or former Minnesota Statutes, sections 169 121, 169 123, 169A.52, and 169A.54 The revocation period for a DWI conviction with three or more prior impaired driving incidents is two years unless the violation involved an alcohol concentration of 0.20 or more in which case the revocation period is four years

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of a person convicted under

A Minnesota Statutes, section 609 21, subdivision 1, clause (2), (3), (4), (5), or (6), or subdivision 3, clause (2), (3), (4), (5), or (6), for a period of ten years.

B Minnesota Statutes, section 609 21, subdivision 2, clause (2), (3), (4), (5), or (6), or subdivision 4, clause (2), (3), (4), (5), or (6), for a period of five years.

C Minnesota Statutes, section 609.21, subdivision 2a, clause (2), (3), (4), (5), or (6), for a period of three years.

D Minnesota Statutes, section 609.21, subdivision 2b, clause (2), (3), (4), (5), or (6), for a period of one year.

Subp 3. **For aggravated violations.** Upon receiving a record of conviction of a person under former Minnesota Statutes, section 169 129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of that person for a period of 30 days, 90 days, or one year The length of the revocation period depends on the number of previous convictions for violations of current or former Minnesota Statutes, section 169 129 or 171 24, or a statute of another state in conformity with either of them, on the person's driving record during the three-year period preceding the date of the latest conviction The revocation period must be

A 30 days, if there are no previous convictions,

B 90 days, if there is one previous conviction, or

C one year, if there are two or more previous convictions

A revocation ordered for a conviction under former Minnesota Statutes, section 169 129, runs consecutively with any other revocation imposed as a consequence of the

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same incident upon which the revocation for conviction under former Minnesota Statutes, section 169 129, is based

**Subp 4. Out-of-state convictions.** The period of revocation for incidents occurring outside this state must be the period of revocation that would be imposed if the incident had occurred and the person were convicted in Minnesota

**Subp 5 For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under current or former Minnesota Statutes, section 169 121, subdivision 4, or 169A 54, is based, the period of revocation must be increased as follows.

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

*[For text of subp 6, see MR ]*

**Subp 7 Terminating revocation after assessment action completed.** The commissioner shall terminate a revocation period in accordance with current or former Minnesota Statutes, section 169 123, subdivision 10, or 169A 55, subdivision 1

A The amount of the termination must be 30 days or the length of time remaining in the revocation period, whichever is shorter

B Termination of the revocation period under current or former Minnesota Statutes, section 169 123, subdivision 10, or 169A.55, subdivision 1, 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

C. Termination of the revocation period applies only when the commissioner is notified by the court in writing or by electronic means that a driver has undergone a chemical use assessment and the court indicates either:

(1) no further action is required or the driver has no identifiable chemical abuse problem, or

(2) the driver has completed a court-approved alcohol or controlled substance awareness program, or chemical dependency treatment

D The commissioner shall terminate the revocation period if there is no conviction resulting from the incident, a chemical use assessment is completed, and the individual has completed an alcohol or controlled substance awareness program or chemical dependency treatment.

E. The commissioner shall terminate the revocation period upon receipt of the information specified in item C or D and the person's completed written request for early reinstatement.

**Statutory Authority:** *MS s 14 06; 169 798, 169A 75; 171 165, 299A 01*

**History:** *27 SR 707*

## 7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

**Subpart 1 Temporary driver's license.** Notice of revocation served by a court or by a peace officer is valid as a temporary driver's license for the same class and with the same restrictions, limitations, and certifications of the original driver's license Notice of revocation does not serve as a temporary driver's license if the person does not have a valid driver's license or driving privilege when the notice of revocation is served.

If the notice of revocation and temporary driver's license is issued by a court, the temporary driver's license period expires on the final day on which an appeal of the conviction can be taken from the court. If the notice of revocation and temporary driver's license is issued by a peace officer, the temporary driver's license expires on the seventh day after notice was served

**Subp 2 Notice served by court.** Notice of license revocation is served by the court when a person is convicted of violating current or former Minnesota Statutes, section 169 121 or 169A 20 The commissioner shall provide a format to the court for serving the notice of revocation and issuing a temporary license A completed notice must

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contain the information specified in this subpart and other information provided by the commissioner that the commissioner considers appropriate

*[For text of item A, see MR ]*

B the date notice is served and the revocation is effective,

*[For text of items C to E, see MR ]*

F a statement advising the person that all driving privileges are revoked upon expiration of the temporary license period and the expiration date of any temporary license;

G a statement indicating that no temporary driver's license was issued if the person did not have valid driving privileges at the time of the incident; and

H the signature of the judge issuing the revocation notice.

**Subp. 3. Notice served by peace officer.** Notice of license revocation is served by a peace officer when a person is subject to revocation under current or former Minnesota Statutes, section 169 123 or 169A 52

A. The commissioner shall provide the peace officer with the notice of revocation and temporary license.

B A completed revocation notice must contain.

(1) the person's full name, date of birth, driver's license number, height and weight, and residential address on the driver's record including street number, city and state, and zip code,

(2) the date that notice is served and when the revocation is effective,

(3) the date of the incident;

(4) the traffic case number,

(5) the name and agency name of the peace officer serving the notice,

(6) the reason for the revocation;

(7) the length of the revocation period,

(8) a statement advising the person that all driving privileges are revoked in seven calendar days or specifying the date any temporary license expires,

(9) a statement indicating that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident,

(10) a statement informing the person that the person has a right to:

(a) an administrative review under part 7409 4600, subparts 1 to 4, and Minnesota Statutes, section 169A 53, subdivision 1; and

(b) a judicial review of the revocation order under Minnesota Statutes, section 169A 53, subdivision 2;

(11) information explaining that.

(a) an administrative review of the revocation order may be obtained by submitting a written request for an administrative review to the commissioner in accordance with part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1; and

(b) a judicial review may be obtained by filing a petition for a judicial review within 30 days of receipt of the notice of revocation and otherwise in accordance with Minnesota Statutes, section 169A 53, subdivision 2; and

(12) a statement informing the person that failing to petition for a judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to judicial review of a revocation order under that section.

**Subp 4 Notice served by commissioner.** Notice of license revocation must be served by the commissioner when a person is subject to revocation under Minnesota Statutes, section 169A.52, and valid notice is not served by a peace officer, when a person is convicted of violating current or former Minnesota Statutes, section 169 121 or 169A.20, and notice is not served by a court; when an additional revocation period is imposed under current or former Minnesota Statutes, section 169 121, subdivision 4, or

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169A 54, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied.

A The commissioner shall establish the format for serving the notice of revocation.

B A completed notice must contain the information specified in this item and may contain other information provided by the commissioner that the commissioner considers appropriate:

(1) the person's full name, date of birth, driver's license number, and current residential address obtained from the person's driver's license record, including the street number, city and state, and zip code,

(2) the date the notice of revocation is issued,

(3) the effective date of the revocation order,

(4) the reason for the revocation,

(5) the minimum length of the revocation period,

(6) license reinstatement requirements;

(7) if the person is subject to revocation under Minnesota Statutes, section 169A 52, a statement informing the person that the person has a right to an administrative review under part 7409 4600, subparts 1 to 4, and Minnesota Statutes, section 169A 53, subdivision 1, and to a judicial review of the revocation order under Minnesota Statutes, section 169A.53,

(8) if the person is subject to revocation under Minnesota Statutes, section 169A 52, information explaining.

(a) that an administrative review of the revocation order issued under Minnesota Statutes, section 169A 52, may be obtained by submitting a written request for an administrative review in accordance with part 7409 4600, subparts 1 to 4, and Minnesota Statutes, section 169A 53, subdivision 1, and

(b) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with Minnesota Statutes, section 169A.53;

(9) if the person is subject to revocation under Minnesota Statutes, section 169A.52, a statement informing the person that failing to petition for a judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to a judicial review of a revocation order under that section.

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

**Statutory Authority:** *MS s 14.06; 169 798, 169A 75; 171 165; 299A.01*

**History:** *27 SR 707*

### **7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION, DISQUALIFICATION.**

Subpart 1. **Right to administrative review.** A person whose driver's license is revoked under Minnesota Statutes, section 169A 52, or who is disqualified under Minnesota Statutes, section 171 165, subdivision 2, has the right to an administrative review of the revocation order or disqualification under the procedure specified in part 7409 4600, subparts 1 to 4, and Minnesota Statutes, section 169A 53, subdivision 1.

Subp 2 [Repealed, 27 SR 707]

Subp 3 [Repealed, 27 SR 707]

Subp. 4. [Repealed, 27 SR 707]

Subp 5. [Repealed, 27 SR 707]

Subp. 6 [Repealed, 27 SR 707]

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75; 171.165; 299A.01*

**History:** *27 SR 707*

**7503.1100** [Repealed, 27 SR 707]

**7503.1200 REINSTATEMENT FOLLOWING REVOCATION.**

Subpart 1 **Conditions.** Except as stated in part 7503 1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under current or former Minnesota Statutes, section 169 121, 169 123, 169A.52, 169A.54, or 171 17, unless

A the revocation period has expired;

B the person has paid a reinstatement fee as required by Minnesota Statutes, section 171 29,

C. the person has applied for a new license and paid the application fee for the class of license involved,

D the person has passed the driver's license examination required for issuance of a license as specified under parts 7410 4000 to 7410 5600 and Minnesota Statutes, section 171.13, and

E if the incident is a second conviction under current or former Minnesota Statutes, section 169 121, 169 129, or 169A 20, the person has submitted a certification from the court that:

(1) the court-ordered treatment or rehabilitation has been completed, or

(2) temporary reinstatement is agreed to by the petitioner and respondent because of a delay in hearing

Subp 2 **Notice of expiration of revocation period.** The commissioner shall notify a person whose period of revocation has expired. The notice must be sent by first class mail, and shall contain a statement informing the person of the conditions of reinstatement and the consequences of driving prior to reinstatement.

Subp 3. **Reinstatement order; time of reinstatement.** The driver's license of the subject of a reinstatement notice as specified in subpart 2, must be reinstated on the date and time the reinstatement notice is issued to the subject by the commissioner.

A The reinstatement notice may be issued by first class mail to the residential address on file with the department, or transmitted by facsimile or electronic means.

B Reinstatement of the subject's driver's license is not effective until the reinstatement notice is issued.

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165; 299A 01*

**History:** 27 SR 707

**7503.1250 SPECIAL REVIEW AND NOTICE.**

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

A The special review notice must either be sent by the commissioner to the driver by first class mail to the driver's residential address listed on the driver's record or be included with the revocation notice served by the peace officer

B. The special review notice must require the driver to acknowledge in writing 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 denial of driving privileges in Minnesota

C Completion of the special review notice by the driver must be notarized or witnessed by an authorized representative of the commissioner and placed on the driver's record

**Statutory Authority:** *MS s 14 06, 169 798; 169A 75, 171 165, 299A.01*

**History:** 27 SR 707

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### 7503.1300 LICENSE CANCELLATION AND DENIAL.

*[For text of subpart 1, see MR]*

Subp. 2 **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of a person who

A has incurred three alcohol- or controlled-substance-related incidents within the past ten years,

B has incurred three of these incidents and a special review has been completed and entered in the driver's record within ten years of the third incident, or

C has four or more of these incidents on record

Subp 3 [Repealed, 27 SR 707]

**Statutory Authority:** *MS s 14 06, 169 798; 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

### 7503.1500 ADMINISTRATIVE REVIEW FOLLOWING CANCELLATION AND DENIAL.

The commissioner shall grant an administrative review according to the procedures in part 7409.4600, subparts 1 to 4, to review the order of cancellation and denial to any person whose license has been canceled or whose application for a license has been denied

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165; 299A 01*

**History:** 27 SR 707

### 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 withdrawal of the person's driver's license or driving privilege is outstanding;

B a completed, signed, and returned special review notice is entered on the person's driving record, and

C if the incident is the third alcohol- or controlled-substance-related incident within a ten-year period, or the third incident on record and a special review notice was completed, signed, and entered in the driver's record 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 continued abstinence from the use of alcohol and controlled substances.

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75; 171 165; 299A 01*

**History:** 27 SR 707

### 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 denied following involvement in three or more alcohol- or controlled-substance-related incidents within the past ten years;

B a third alcohol- or controlled-substance-related incident occurs within ten years from the date the completed, signed, and returned special review notice is entered on the person's driving record, or

C there are four or more incidents on record

*[For text of subp 2, see MR]*

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.



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A Variances must be requested by the person to whom the treatment applies and be approved on an individual basis

B If the subject obtains an assessment from a chemical dependency treatment program that treatment is not needed and the subject has abstained for one year past the minimum abstinence time required in subpart 5, then the treatment required in subpart 2, item A, subitems (3) and (4), may be waived

(1) The assessment must contain the date of the assessment

(2) The assessment must have occurred since the date of the last use of a controlled substance or alcohol

(3) The assessment must specify the date of the last use of a controlled substance or alcohol

(4) The assessment must demonstrate consideration of all controlled substance or alcohol-related violations on the subject's driving record.

(5) The assessment must specify that treatment will not be beneficial to continued abstinence

C No variance to the requirement for treatment will be granted if the commissioner has sufficient cause to believe that the subject has ever provided false documentation or information to the commissioner relative to rehabilitation

*[For text of subps 2b and 2c, see MR ]*

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

*[For text of items A and B, see MR ]*

C If the variance is denied, the denial notice must 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

*[For text of items D to F, see MR ]*

*[For text of subp 3, see MR ]*

Subp 4 **Abstinence documentation.** Every person applying for reinstatement after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of license

A The commissioner shall provide the format for the statement to the person applying for license reinstatement

B The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance, whether or not the circumstances involve the operation of a motor vehicle

C The restriction to abstain from the consumption of alcohol and abuse of controlled substances must be placed on the person's driver's license and driving record.

D To substantiate abstinence, the person must sign a statement, on a format provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance This statement must be notarized or completed in the presence of an authorized representative of the commissioner.

E The person applying for license reinstatement also must furnish to the commissioner at least five supporting statements, signed and dated within 30 days of submission, from persons

(1) who are not related to the person applying for license reinstatement by blood, marriage, or adoption;

(2) who are not an employee or employer of the person applying for license reinstatement,

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(3) who do not have a significant relationship as defined in Minnesota Statutes, section 169A.60, subdivision 1, with the person applying for license reinstatement; and

(4) who have known the driver for the minimum required abstinence period.

F Each statement must:

(1) be signed and dated by the person attesting to the abstinence of the person applying for license reinstatement;

(2) include the full name, address, and telephone number of the person filing the supporting statement,

(3) indicate that the person providing the supporting statement has been in weekly contact during the abstinence period with the person applying for license reinstatement,

(4) certify that the person providing the supporting statement is not related to, is not an employee or employer of, or does not have a significant relationship to the person applying for license reinstatement as specified in item E,

(5) indicate the period of time that the person providing the supporting statement can attest to abstinence of the person applying for license reinstatement, and

(6) contain a pledge by the person providing the supporting statement to report promptly to the commissioner, in writing, any use of alcohol or a controlled substance by the person applying for license reinstatement.

Subp 4a [Repealed, 27 SR 707]

*[For text of subps 5 to 9, see MR]*

**Statutory Authority:** *MS s 14 06, 169.798, 169A 75, 171.165, 299A 01*

**History:** *27 SR 707*

**7503.1750** [Repealed, 27 SR 707]

### **7503.1800 LIMITED LICENSES.**

*[For text of subpart 1, see MR]*

Subp 2 **Persons not eligible.** The commissioner shall issue a limited license to a person only when the person complies with the waiting period and conditions specified in this part, part 7409 3600, and Minnesota Statutes, section 171 30

Subp 3. **Conditions of issuance.** Before a limited license may be issued under Minnesota Statutes, section 171 30, subdivision 1, the person must.

A apply for a new license and pay the application fee for the class of license involved,

B pass the driver's license examinations as required by parts 7410 4000 to 7410 5600, and Minnesota Statutes, section 171 13,

C. pay a reinstatement fee as required by Minnesota Statutes, section 171 29, at the time of payment; and

D. request a limited license by written correspondence, facsimile, or e-mail, by personal appearance at the department, or by telephone

Subp 3a. **Judicial review waiver.** The commissioner shall waive items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met before reinstatement of driving privileges

Subp. 4 **Restrictions and limitations.** The commissioner shall restrict and limit the time and use of a limited license as provided in part 7409 3600 and Minnesota Statutes, section 171 30, subdivision 1

Subp 4a **No limited commercial license.** The commissioner shall not issue a limited class A, B, or C license under the provisions of Minnesota Statutes, section

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171 30, during the period the individual is disqualified from holding a commercial class A, B, or C license under Minnesota Statutes, section 171 165.

Subp 4b **Limited class D license issuance exceptions.** The commissioner shall not issue a limited class D license under the provisions of Minnesota Statutes, section 171 30, to an individual:

A if the license is suspended under part 7503 0200, suspended for criminal vehicular homicide or injury, or suspended for manslaughter with a motor vehicle,

B for employment to operate a class A school bus or child care or activity bus as described in Minnesota Statutes, section 169 01 or 171 02, or

C for employment to operate a special transportation service vehicle as described in Minnesota Statutes, sections 221 011, subdivision 49, and 473 386

Subp 4c **Limited licensure to juveniles.** The commissioner shall not issue a limited license for 90 days under Minnesota Statutes, section 171 30, to any person who

A was under the age of 21 at the time of the violation, and

B committed a second violation of Minnesota Statutes, section 169A 33

Subp 5 **Administrative review following denial of limited license.** The commissioner shall grant a person an administrative review according to the procedures in part 7409 4600, subparts 1 to 4, to review a decision not to issue a limited license to that person

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165, 299A 01*

**History:** *27 SR 707*

7503.1900 [Repealed, 27 SR 707]

## 7503.2000 CHEMICAL USE ASSESSMENTS REQUIRED BY COMMISSIONER.

Subpart 1 **Chemical use assessment required.** When the commissioner, under Minnesota Statutes, section 171 13, has reasonable cause to believe a person is unable to exercise ordinary and reasonable control in the operation of a motor vehicle due to the consumption of alcohol or a controlled substance, the commissioner shall determine the individual's fitness to operate a motor vehicle safely upon the highways by requiring the person to have a chemical use assessment. The commissioner shall notify the person by first class mail to the driver's residence address listed on the driver's record that the assessment is required

Subp 2 **By whom conducted.** A chemical use assessment conducted under current or former Minnesota Statutes, section 169.121, subdivision 8, or 169A.54, subdivision 11, must be conducted by an agency approved by the county or district court as outlined in Minnesota Statutes, section 169A 70

Subp 3 **Suspension for failure to complete chemical use assessment.** If a person required to submit to a chemical use assessment under current or former Minnesota Statutes, section 169 121, subdivision 8, or 169A 54, subdivision 11, fails to submit the assessment report to the commissioner or fails to appear for an assessment within 30 days after notification that a chemical use assessment is required, the commissioner shall suspend the driver's license or driving privilege of that person

A. If any treatment or action is required from the chemical use assessment, the commissioner shall establish a deadline based on the type of action or treatment required and the particular needs of the person, provided that the deadline shall not be less than 60 days from the date of the chemical use assessment

B If the action or treatment is not completed before the established deadline, the commissioner shall suspend the driver's license or driving privilege of the person for the period of time prescribed in part 7503 0300, subpart 2

C The commissioner shall not suspend any person's driver's license or driving privilege for failing to complete a chemical use assessment required exclusively under section 169A 70

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## DRIVER'S LICENSE REVOCATION, INCIDENTS 7503.2500

Subp 4 [Repealed, 27 SR 707]

**Statutory Authority:** *MS s 14 06; 169 798; 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

7503.2300 [Repealed, 27 SR 707]

### 7503.2400 DISQUALIFICATION PERIODS.

Subpart 1 [Repealed, 27 SR 707]

Subp 2. **Three-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for three years if the person was transporting hazardous materials at the time of the incident forming the basis for a conviction or revocation under Minnesota Statutes, section 171 165, subdivision 1, clause (1), or subdivision 2. The three-year disqualification period begins on the date specified on the notice of disqualification.

Subp 3 **Disqualification for life; reductions to ten years based on rehabilitation.** The commissioner shall disqualify a person from holding a commercial driver's license for life if the person is disqualified a second or subsequent time in 55 years under Minnesota Statutes, section 171.165, subdivision 1 or 2.

A. The lifetime disqualification period begins on the date specified on the notice of disqualification.

B. If the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification, the lifetime disqualification period will be reduced to a minimum of ten years disqualification, unless either of the circumstances set forth in subpart 4 apply.

C. A person is considered rehabilitated if during that ten-year period:

(1) there is no revocation or conviction resulting from the operation of any type of motor vehicle for an offense listed in Minnesota Statutes, section 171.165, subdivision 1, and

(2) the person's license is not revoked under current or former Minnesota Statutes, section 169.123 or 169A 52, or a statute or ordinance from another state in conformity with these sections.

Subp 4. **Reductions not allowed.** Despite the provisions of subpart 3, the commissioner shall not reduce the lifetime disqualification period if

A. the person has been convicted of a felony as set forth in Minnesota Statutes, section 171 165, subdivision 3, paragraph (a), clause (2), item (u), or

B. the person subsequently commits another disqualifying offense as set forth in Minnesota Statutes, section 171 165, subdivision 1 or 2, or a statute of another state or ordinance in conformity with it, or any combination of those offenses following reinstatement of the commercial motor vehicle driver's license under subpart 3.

**Statutory Authority:** *MS s 14 06; 169 798, 169A 75, 171 165, 299A 01*

**History:** 27 SR 707

### 7503.2500 NOTICE OF DISQUALIFICATION OF COMMERCIAL DRIVING PRIVILEGE.

Subpart 1 **Notice served by peace officer.** Notice of disqualification is served by a peace officer when a person is subject to disqualification under Minnesota Statutes, section 171 165, subdivision 2.

A. The issuing peace officer must forward to the commissioner on the same or next business day a copy of the notice of disqualification together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate.

B. The commissioner shall provide the format for the notice of disqualification and issuing temporary licenses.

C A completed notice must contain the information specified in this subpart and may contain other information provided by the commissioner that the commissioner considers appropriate:

- (1) the person's full name, date of birth, driver's license number, height and weight, and residential address on the driver's record, including street number, city, state, and zip code,
- (2) the date the notice of disqualification is served,
- (3) the date of the incident,
- (4) the traffic case number,
- (5) the type of vehicle being operated at the time of the incident,
- (6) the name, signature, and agency name of the peace officer serving the notice of disqualification,
- (7) the reason for the disqualification,
- (8) the length of the disqualification period,
- (9) a statement advising the person that the person is under an out-of-service order required under Minnesota Statutes, section 169A.54, subdivision 7, paragraph (c), for 24 hours,
- (10) a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period or when the disqualification will be effective,
- (11) a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident,
- (12) a statement informing the person that the person has a right to an administrative reconsideration by the commissioner of the notice of possible disqualification under Minnesota Statutes, section 171 166, subdivision 3, and to a judicial review of the disqualification order under Minnesota Statutes, section 169A 53, subdivision 2,
- (13) information explaining that an administrative review of the disqualification order under Minnesota Statutes, section 169A.52 or 171 65, may be obtained by submitting a written request for an administrative review to the commissioner under part 7409 4600, subparts 1 to 4, and Minnesota Statutes, section 169A 53, subdivision 1, unless the person has already requested reconsideration of the notice of possible disqualification under Minnesota Statutes, section 171 166, subdivision 3,
- (14) information explaining that a judicial review of a disqualification order issued under Minnesota Statutes, section 169A 52, may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification for a violation of Minnesota Statutes, section 169A 52. The request must be made in accordance with Minnesota Statutes, section 169A 53, subdivision 2, and
- (15) a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169A 53, subdivision 2, forfeits the person's right to judicial review of a disqualification order issued under Minnesota Statutes, section 169A 52.

**Subp 2 Notice by commissioner.** Notice of disqualification must be served by the commissioner when a person is subject to disqualification under Minnesota Statutes, section 171 165, subdivision 1, clause (1), and notice is not served by a court, a person is subject to disqualification under Minnesota Statutes, section 171 165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied

A The notice must be in writing and sent by first class mail to the residential address shown on the driver's record.

B The commissioner shall establish a format for serving the notice of disqualification

C A completed notice must contain the information specified in this subpart and may contain other information provided by the commissioner that the commissioner considers appropriate:

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(1) the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code,

(2) the type of vehicle being operated at the time of the disqualifying incident,

(3) the date the notice of disqualification is issued,

(4) when the disqualification order is effective,

(5) the reason for the disqualification,

(6) the length of the disqualification period,

(7) reinstatement requirements,

(8) if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that the person has a right to an administrative reconsideration by the commissioner of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3,

(9) if the person is disqualified under Minnesota Statutes, section 169A.52 or 171.165, information explaining:

(a) that an administrative review of the disqualification order may be obtained by submitting a written request for an administrative review in accordance with part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1, unless a person disqualified under Minnesota Statutes, section 171.165, has already requested reconsideration of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3, and

(b) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification for a violation of Minnesota Statutes, section 169A.52. The request must be made in accordance with Minnesota Statutes, section 169A.53, subdivision 2, and

(10) if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to judicial review of a disqualification order issued under Minnesota Statutes, section 169A.52

**Subp 3. Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating current or former Minnesota Statutes, section 169.1211, 169A.20, or 169A.31, the commissioner shall report that conviction to the driver's state of residence

**Statutory Authority:** *MS s 14.06, 169.798, 169A.75, 171.165, 299A.01*

**History:** *27 SR 707*

**7503.2700** [Repealed, 27 SR 707]

### **7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.**

**Subpart 1 Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied

A the disqualification period has been served and expired,

B the person has paid the reinstatement fee as required by Minnesota Statutes, section 171.20,

C the requirements imposed during this or any previous disqualification period have been satisfied, and

D if issued, the class D license card has been invalidated by the department

**Subp 2 Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will notify the person of reinstatement. Reinstatement of

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the subject's driver's license is not effective until the notice of reinstatement is issued by the commissioner

**Subp. 3 When reinstatement is effective.** When a person's driving privileges have been withdrawn, they must be reinstated at the time and date the commissioner determines the reinstatement requirements have been met

A Reinstatement is effective on the date and time specified in the notice of reinstatement issued by the commissioner

B The notice of reinstatement must be issued by first class mail to the person subject to reinstatement.

C The subject's driving record must reflect reinstatement at the time and date the notice of reinstatement is issued

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165, 299A 01*

**History:** *27 SR 707*

## 7503.2900 SALE OF VEHICLE SUBJECT TO IMPOUND ORDER.

A For purposes of implementing Minnesota Statutes, section 171 60, any motor vehicle sold while its registration plates are subject to an impoundment order or during the time the vehicle's registration plates bear a special series number, must be sold for no less than valid consideration

B The phrase "sale for valid consideration," as used in Minnesota Statutes, section 171 60, subdivision 14, means the average value of similar vehicles established by standards and guides used by the commissioner, whether paid in money or otherwise

**Statutory Authority:** *MS s 14 06, 169 798, 169A 75, 171 165, 299A 01*

**History:** *27 SR 707*