

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. 2. [Repealed, 14 SR 2583]

Subp. 2a. [Repealed, 28 SR 1167]

Subp. 3. [Repealed, 14 SR 2583]

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 [Repealed, 28 SR 1167]

Subp. 6. **Class A vehicle.** "Class A vehicle" means a vehicle that requires its operator to have a class A commercial driver's license with proper endorsement before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2.

Subp. 7. **Class B vehicle.** "Class B vehicle" means a vehicle that requires its operator to have only a class B commercial driver's license with proper endorsement before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A commercial driver's license with proper endorsement.

Subp. 8. **Class C vehicle.** "Class C vehicle" means a vehicle that requires its operator to have a class C commercial driver's license with proper endorsement before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A or class B driver's license with proper endorsement.

Subp. 8a. **Class D vehicle.** "Class D vehicle" means a vehicle that requires its operator to have a class D driver's license 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 [Repealed, 28 SR 1167]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.

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. 12a. **Duty status record-keeping offense.** "Duty status record-keeping offense" means a violation of a Federal Motor Carrier Safety Administration regulation codified in Code of Federal Regulations, title 49, section 395.8, as amended.

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.

Subp. 14. **Hazardous material.** "Hazardous material" has the meaning given it in Minnesota Statutes, section 221.012, subdivision 16.

Subp. 15. **Hazardous substance.** "Hazardous substance" has the meaning given it in Minnesota Statutes, section 221.012, subdivision 17.

Subp. 16. **Hazardous waste.** "Hazardous waste" has the meaning given it in Minnesota Statutes, section 221.012, subdivision 18.

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 authorizing the operation of 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, authorizing a person to act as an instructor in a commercial driver training school.

Subp. 20. [Repealed, 34 SR 767]

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

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 remains 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 169.011, subdivision 72.

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 duty status record-keeping 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.

Subp. 25. **Truck-tractor.** "Truck-tractor" has the meaning given it in Minnesota Statutes, section 169.011, subdivision 89.

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

Statutory Authority: *MS s 14.06; 14.388; 121A.36; 126.115; 169.26; 169.446; 169.974; 171.02; 171.04; 171.05; 171.055; 171.0701; 171.33 to 171.41; 299A.01*

History: *14 SR 2583; 17 SR 2282; 21 SR 458; 21 SR 716; 23 SR 1931; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12; 28 SR 1167; 34 SR 767*

Published Electronically: *January 3, 2011*