

7421.0700 FRAUD; DISQUALIFICATION, CANCELLATION.**Subpart 1. Conviction of fraud related to the testing and issuance of a CLP or CDL.**

A. The commissioner shall disqualify the CDL privilege or application of a CDL holder or driver applicant for one year when the commissioner is notified that the CDL holder or driver applicant has been convicted of fraud related to the issuance or testing of a CDL or CLP.

B. The commissioner shall record the disqualification and the conviction of fraud in the person's driving record.

Subp. 2. Fraud suspected related to the testing and issuance of a CLP or CDL. If the commissioner has sufficient cause to believe that a CDL holder or a driver applicant is suspected, but has not been convicted of fraud, related to the issuance of the CDL or CLP, then the commissioner shall send written notice to the CDL holder or driver applicant stating that the CDL holder or driver applicant must retake either the applicable knowledge test or the applicable road test, or both, under chapter 7410.

Subp. 3. Failure to pass required test; cancellation. The commissioner shall cancel the CDL privilege of a CDL holder or driver applicant described in subpart 2 if the CDL holder or driver applicant does not pass the required tests within 30 days of the date of the notice. The commissioner shall not reinstate the CDL privilege until the driver applicant satisfies the CDL testing requirements under chapter 7410.

Subp. 4. Appeal. A person who disagrees with the commissioner's decision under subpart 2 may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the written notification under subpart 5. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision of the issue under appeal is the final decision of the department.

Subp. 5. Notice. The commissioner shall send written notice to the CDL holder or driver applicant upon disqualifying the CDL privilege under subpart 1 or upon cancelling the CDL privilege under subpart 2. The notice must state the duration of any applicable disqualification period.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

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