

CHAPTER 7410

DEPARTMENT OF PUBLIC SAFETY

DRIVERS' LICENSES, VEHICLE RECORDS

INFORMATION ON LICENSES, PERMITS, IDENTIFICATION CARDS, AND VEHICLE RECORDS

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INFORMATION ON LICENSES, PERMITS, IDENTIFICATION CARDS, AND VEHICLE RECORDS

7410.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7410.0100 to 7410.0600, the following terms have the meaning given them.

Subp. 1a. **Department.** "Department" means the Minnesota Department of Public Safety, Driver and Vehicle Services Division, and includes those persons appointed as deputy registrars and agents of the department.

Subp. 2. **Driver's license and vehicle records.** "Driver's license and vehicle records" includes all applications for:

- A. drivers' licenses;
- B. instruction permits;
- C. Minnesota identification cards;
- D. motorized bicycle operator permits; and
- E. vehicle certificates of title and vehicle registration.

Subp. 3. **Full name.** "Full name" means:

A. for drivers' licenses, permits, identification cards, and vehicle certificates of title and registration by an owner who is an individual, an individual's first name, one or more middle names if listed on the primary document, and one or more last names as they appear on a primary document; and

B. for vehicle certificates of title and registration by an owner that is an entity or organization other than an individual, the full name of the sole proprietorship, unincorporated association, partnership, limited partnership, limited liability partnership, corporation, limited liability company, cooperative, business trust, or other private or governmental organization, which is that name attested to by the applicant and either:

- (1) the name filed or registered with the Secretary of State; or
- (2) if no filing or registration has been made or none is required with the Secretary of State, the name listed as the federal taxpayer identification name.

Subp. 4. **First name.** "First name" means the name that appears first in an individual's full name or is the individual's first given name.

Subp. 4a. **Identification card.** "Identification card" means the card issued by the department under Minnesota Statutes, section 171.07, subdivision 3, to provide identification. An identification card does not provide for any driving privileges.

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Subp. 4b. **Last name.** "Last name" means the final name or surname on a primary document. When the final two names are connected with a hyphen, it is both names connected by the hyphen.

Subp. 5. **Middle name.** "Middle name" means:

- A. the name or names between an individual's first name and last name; or
- B. pursuant to Minnesota Statutes, section 171.06, subdivision 3a, the applicant's last name before marriage.

Subp. 6. [Repealed, 23 SR 832]

Subp. 7. **Owner.** "Owner" has the meaning given in Minnesota Statutes:

- A. section 168.011, subdivision 5a, for purposes of vehicle registration, taxation, and sale; and
- B. section 168A.01, subdivision 13, for purposes of vehicle certificates of title.

Subp. 8. **Permit.** "Permit" means:

- A. an instruction permit issued under Minnesota Statutes, section 171.05; or
- B. a motorized bicycle permit issued under Minnesota Statutes, sections 171.02, subdivision 3, and 171.05, subdivision 3.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes:

- A. section 171.01, subdivision 5, with respect to vehicle registration; and
- B. section 168A.01, subdivision 14, with respect to vehicle titles.

Subp. 10. **Primary document.** "Primary document" means a document listed in part 7410.0400, subpart 2, containing an individual's full name and date of birth and verifiable with the issuing entity.

Subp. 11. **Registration.** "Registration" means the issuance of vehicle license plates and tabs according to Minnesota Statutes, chapter 168.

Subp. 12. **Residence address and permanent mailing address.** For purposes of drivers' licenses, permits, and identification cards, "residence address" and "permanent mailing address" mean the postal address of the permanent domicile within this state where an individual:

- A. resides;
- B. intends to reside within 30 calendar days after the date of application; or
- C. intends to return whenever absent.

Subp. 13. **Secondary document.** "Secondary document" means a document listed in part 7410.0400, subpart 3.

Subp. 14. **Title.** "Title" means the certificate of title issued by the Minnesota Department of Public Safety under Minnesota Statutes, chapter 168A.

Subp. 15. **Vehicle.** "Vehicle" has the meaning given in Minnesota Statutes, section 168A.01, subdivision 24.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: *9 SR 1252; 23 SR 832*

7410.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** Parts 7410.0100 to 7410.0600 provide standards for the administration of:

- A. Minnesota Statutes, sections 171.02, 171.06, and 171.07, requiring that the full name, date of birth, residence address, and permanent mailing address if different, a description of the licensee, and the applicant's usual signature appear on the driver's license, identification card, or permit;

- B. Minnesota Statutes, chapters 168 and 168A, requiring the full name of owners on vehicle registration and title records; and

- C. subsequent name changes on these documents.

Subp. 2. **Scope.** The scope of parts 7410.0100 to 7410.0600 is intended to be confined within the framework and to be consistent with the provisions of Minnesota Statutes, chapters 168, 168A and 171.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0300 NAME, NAME COMBINATION, LENGTH.

Subpart 1. **Full name required.** Except as otherwise provided in this part, the full name is required on drivers' licenses, identification cards, permits, and vehicle title and registration records.

Subp. 2. **Length of full name.** The space provided for recording a full name may not exceed 32 characters and spaces.

A. If the full name exceeds 32 characters and spaces on a new application, it will be truncated by the department in a manner that will permit proper record storage and printing on the license.

B. If the full name of an individual must be shortened, each middle name will be truncated beginning with the last character of the middle name and proceeding, as necessary, through the second letter of the middle name. Each middle initial must be recorded. If the full name still exceeds 32 characters, truncation will continue starting with the last character of the first name and proceeding, as necessary, through the second letter of the first name. The first initial of the first name must be recorded.

C. If an individual has only one name, that name must be recorded as the individual's last name.

D. If the individual's first name is unknown, no first name may be recorded.

E. Multiple middle names must be recorded with a space separation and, if necessary, according to item B.

F. No titles or forms of address such as "Mr" or "Ms" may be recorded.

Subp. 3. **Name combinations.** If an individual has more than one middle name or more than one last name, the last name must be recorded in combination separated by a hyphen only if that is how it is recorded on the presenting primary document.

Subp. 4. **Name difference.** The full name of an individual on a driver's license, permit, identification card, or vehicle certificate of title or registration when the owner is an individual, must be the full name as listed on a primary document unless:

A. the applicant submits a document, as specified in part 7410.0500, subpart 2, verifying a name change; or

B. the name has been truncated following the policy in subpart 2.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0400 DOCUMENTING PROOF OF NAME, DATE OF BIRTH, IDENTITY.

Subpart 1. **In general.** At the time of application for a driver's license, permit, identification card, or vehicle certificate of title or registration by an owner who is an individual, the applicant shall present a Minnesota driver's license, permit, or Minnesota identification card if one of these has been issued to the applicant.

A. The Minnesota driver's license, identification card, or permit must not have expired more than one year before it is presented.

B. If the applicant for a Minnesota driver's license, identification card, or permit possesses a driver's license, identification card, or permit from any another jurisdiction, it must be invalidated and returned to the individual.

C. The applicant must present one primary document as proof of full name, date of birth, and identity and one secondary document if the applicant cannot present:

(1) a Minnesota driver's license, identification card, or permit that is current or has been expired for one year or less; or

(2) a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that:

(a) is current or not expired for more than one year; and

(b) has a color photograph or electronically produced or digitized image of the applicant.

D. The individual applicant for a vehicle certificate of title or registration shall present one primary document as proof of full name and date of birth.

Subp. 1a. **Residence address on license, permit, or identification card.** A Minnesota driver's license, permit, or identification card must be issued only to an individual who has a residence address, in the state, at the time of application.

A. The applicant must indicate on the application form for a Minnesota driver's license, identification card, or permit, the applicant's residence address in the state.

B. An individual may have only one residence address where the individual is domiciled at any particular time.

C. The residence address of the individual is presumed to continue until the contrary is shown.

D. The applicant shall indicate a residence number, street name, street type, directional if any, city or town, state, and zip code.

Subp. 1b. **Physical description.** When applying for a driver's license, identification card, or permit, the individual must indicate on the application form, the individual's height in feet and inches, weight in pounds, eye color, and sex.

Subp. 2. **Primary documents.** If the applicant for a driver's license, permit, or identification card, or an individual who is applying as the owner for a vehicle title or registration, cannot present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less at the time of application, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant, then the applicant must present one legible, unaltered, primary document that contains the applicant's full name and date of birth as proof of name, date of birth, and identity, which are described as follows:

A. A driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year may be presented.

B. A copy of the applicant's certificate of birth certified by the issuing government jurisdiction of the United States, Canada, District of Columbia, Guam, Puerto Rico, or Virgin Islands may be presented if it satisfies the following conditions:

(1) A certificate of birth issued by a hospital or a baptismal certificate is not acceptable.

(2) The certified copy of the certificate of birth must bear the raised or authorized seal of the issuing government jurisdiction or a protective equivalent.

(3) The certified certificate of birth must be issued by:

(a) a government bureau of vital statistics or board of health;

(b) the United States Department of State as a Certificate of Birth Abroad (FS-545, DS-1350); or

(c) a United States embassy as a Report of Birth Abroad of A United States Citizen (FS-240).

(4) Instead of a certified copy of a birth certificate issued by a United States government bureau of vital statistics or by a board of health, an original certificate is acceptable only if it is in the files of the bureau or board and can be readily viewed by the official accepting the application.

C. A certified copy of an adoption certificate with the applicant's full name and date of birth from a United States or Canadian court of competent jurisdiction that bears the raised court seal or other court certification may be presented.

D. An unexpired identification card (Form DD-2) issued to the applicant by the United States Department of Defense for active duty, reserve, or retired personnel may be presented.

E. A valid unexpired passport issued to the applicant by the United States Department of State or by the Canadian government may be presented.

F. An applicant or owner may present a valid, unexpired passport issued to the applicant from a jurisdiction other than the United States Department of State or the Canadian government with either:

(1) a United States Department of Justice, Immigration and Naturalization Service (INS) Arrival and Departure Form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status; or

(2) an unexpired I-551 stamp.

G. An applicant or owner may present one of the following documents issued by the United States Department of Justice, Immigration and Naturalization Service or any subsequent form or version of the documents specified in this item:

(1) Certificate of Naturalization (Form N-550, N-570, N-578);

(2) Certificate of Citizenship (Form N-560, N-561, N-645);

(3) United States Citizen Identification card (Form I-179 or I-197);

(4) Permanent Resident or Resident Alien card (Form I-551 or I-151)

that is valid;

(5) Northern Mariana card (Form I-551 with "Northern Mariana" imprinted instead of "Resident Alien");

(6) American Indian card (Form I-551 with "American Indian" imprinted instead of "Resident Alien");

(7) unexpired record of Arrival and Departure Form I-94 without a valid passport but stamped "Refugee" with a photo affixed;

(8) employment authorization document with a photograph (Form I-688, I-688A, I-688B, or I-766) that has not expired; or

(9) unexpired Re-entry Permit/Refugee Travel Document (I-571).

Subp. 3. Secondary documents. If an applicant for a driver's license, permit, or identification card cannot present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant, then, in addition to presenting a primary document, the applicant must also present a secondary document, described as follows:

A. a second primary document listed in subpart 2;

B. a driver's license, identification card, or permit that has expired for more than one year but not more than five years, or that is current but without a photograph;

C. a certified copy of a court order or judgment from a United States or Canadian court of competent jurisdiction containing the applicant's full name and date of birth and bearing the raised court seal or other court certification;

D. a current United States or Canadian government jurisdiction employee photo identification card;

E. a certified copy of a certificate of birth issued by a government jurisdiction other than one in the United States, Canada, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands;

F. a current identification card or document issued to the applicant by the United States Department of Defense, described as:

(1) DD-1173 series, for dependents of active duty personnel; or

(2) DD-214, Certificate of Release or Discharge;

G. a copy of a marriage certificate certified by the issuing government jurisdiction, or the original certificate only if it is in the files of the issuing jurisdiction and can be readily viewed by the official accepting the application;

H. an unexpired permit to carry a firearm or concealed weapon issued by a chief of police in an organized, full-time United States Police Department or by a United States County Sheriff, bearing a color photo of the applicant;

I. a current pilot's license issued by the United States Department of Transportation, Federal Aviation Administration;

J. a copy of records or a transcript containing the applicant's full name and date of birth certified by the issuing secondary or postsecondary school;

K. the certificate of completion containing the applicant's full name, date of birth, and signature issued by a driver education program licensed or certified by the Minnesota Department of Public Safety under chapter 7411;

L. a United States nonmetal social security card or a Canadian social insurance card; or

M. a current secondary school student identification card with the student's name, a photograph or electronically produced image of the student, and the student's date of birth or unique student identification number.

Subp. 4. **Identification of owners other than individuals.** The agent or employee applying for a vehicle certificate of title or registration for a person other than an individual must provide a Minnesota driver's license at the time of application if the agent or employee holds one.

Subp. 5. **Non-English documents; translation.** For all documents submitted to the department in a language other than English:

A. The document must be accompanied by a translation of that document into the English language.

B. The translation must be sworn to by the translator as being a true and accurate translation.

C. The translator must not be related by blood or marriage to the applicant.

D. The translator must be either:

(1) certified by the American Translators Association;

(2) recognized by the Minnesota Translation Laboratory;

(3) certified by a court of competent jurisdiction;

(4) approved by an embassy or consulate of the United States or diplomatic or consular official of a foreign country assigned or accredited to the United States;

(5) affiliated with or approved by the United States Department of Justice, Immigration and Naturalization Service, or a government jurisdiction within the United States; or

(6) an attorney licensed to practice in the United States or affiliated with that attorney.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 9 SR 1252; 23 SR 832

7410.0425 ADDITIONAL DOCUMENTATION.

Subpart 1. **When required.** Additional documentation may be requested by the department if the documents provided by the applicant appear to be altered or fraudulent, or there is reason to believe the applicant is not who the applicant claims to be.

Subp. 2. **Refusal.** The department may refuse to accept suspected fraudulent documents.

Subp. 3. **Effect of acceptance.** Acceptance by the department of copies of documents or review at the time of application is not acknowledgment of authenticity or veracity of those documents.

Subp. 4. **Notice of refusal.** This subpart applies if: an application is not accepted because suspected fraudulent documents were presented at the application site; or an application is accepted at the application site but, upon subsequent review of the documents presented, the department refuses to issue a driver's license, identification card, or permit.

A. If an application is not accepted because of suspected fraudulent documents, the applicant must be given a written notice when the application is refused at the application site indicating that the applicant is entitled to an administrative review by the department's office of driver evaluation and a judicial review under Minnesota Statutes, section 171.19. The notice must indicate:

(1) the location and telephone number of the St. Paul driver evaluation office; and

(2) what documents are acceptable for identification and application purposes.

B. If an application is accepted at an application site and the documents presented are viewed, but fraudulent documents are suspected, the application and a copy of the documents presented must be transmitted to the department's driver and vehicle services division for review and verification with the issuing authority.

(1) If verification of the presented documents is confirmed, the department shall issue the driver's license, identification card, or permit.

(2) If verification of the presented documents is not confirmed by the department within 45 days of the application date, a written notice of refusal must be sent to the applicant to the address on the application form, indicating the department is not able to approve the application.

(3) The applicant must be advised on the notice to contact the St. Paul driver evaluation office within 180 days of the date of the notice for an administrative review of the documents presented and of the applicant's right to a judicial review under Minnesota Statutes, section 171.19.

(4) If the applicant does not contact the driver evaluation office within 180 days of the date on the notice, the application must be placed in suspense. The application may remain in suspense for up to five years if the department is not contacted by the applicant, after which the application must be destroyed.

C. The applicant may appear at the department's driver evaluation office in St. Paul for an administrative review, or may call the St. Paul driver evaluation office at the telephone number indicated on the notice to schedule an administrative review, at an alternate driver evaluation site.

(1) The commissioner may seek additional written information from the applicant requesting the administrative review or from an agency or person believed to have information relating to the facts underlying the matter.

(2) The applicant may present additional information to the department at the time of the administrative review.

D. If the department is able to verify the authenticity of presented documents and the applicant's identity as a result of the administrative review, the department

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shall notify the applicant within 15 days after completion of the administrative review that the application has been approved.

E. If the administrative review causes the department to refuse to issue the driver's license, identification card, or permit, the applicant must be notified in writing of the refusal within 15 days after completion of the administrative review. The notice shall provide the reasons for the refusal.

Subp. 5. **Title and registration.** An owner that is an entity with a name that is not one listed in part 7410.0100, subpart 3, items A and B, may be required to provide evidence to verify the authority of the individual to sign on behalf of the entity if the authority of the individual signing is unknown.

Subp. 6. **Rules of evidence.** Authentication of a disputed primary or secondary document may be proved by any of the standards or methods listed in Minnesota Rules of Evidence, Rule 902.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0450 DUPLICATES.

If a driver's license, identification card, or permit is lost, stolen, destroyed, illegible, or mutilated beyond recognition, the applicant for a duplicate must:

A. attest to that fact in writing on the back of the application form; and

B. present documentation of full name, date of birth, and identity as required in part 7410.0400 unless an individual's digital image and signature from the previous application is on file with the department and the technology is available to retrieve that information at the application site.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0500 CHANGE OF NAME.

Subpart 1. **In general.** When a change of name is required by Minnesota Statutes, section 171.11, or requested by an applicant who is an individual, the documentation in subparts 2 and 3 must be presented by the applicant.

Subp. 2. **Specific documentation.** If the applicant is required by Minnesota Statutes, section 171.11, or desires to change the last name, add an additional middle name or last name, or change any name:

A. The applicant must first present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant.

B. If the applicant cannot present a document specified in item A, then the applicant must present a primary and secondary document as specified in part 7410.0400, subparts 2 and 3, to verify the identity of the applicant before the name change.

C. To verify the name change, the applicant must then present one of the following documents:

(1) a copy of the applicant's certificate of marriage certified by the issuing government jurisdiction;

(2) a certified copy of a court order specifying the name change;

(3) a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or

(4) a certified copy of a United States Department of Justice, Immigration and Naturalization Service, Certificate of Naturalization (Form N-550, N-570) issued to the applicant.

Subp. 3. **Last name in place of middle name.** An applicant may use the applicant's last name prior to marriage on the driver's license, identification card, permit, or title in place of the middle name. A certified copy of the applicant's certificate of birth from a United States or Canadian jurisdiction as specified in part 7410.0400, subpart 2, item B, is acceptable as proof of that name.

Subp. 4. **Title, registration, name changes for person other than individual.** To change the owner's full name on a vehicle title or registration:

A. for a person other than an individual, the owner must present to the department:

(1) the index receipt number where the change of name is registered or filed with the Secretary of State; or

(2) the name listed as the federal taxpayer identification name if no filing or registration has been made or none is required with the Secretary of State; or

B. for an owner that is an entity other than those listed in part 7410.0100, subpart 3, items A and B, the owner must present to the department the name of the entity attested to by the applicant.

Statutory Authority: *MS s 14.06; 168.10; 168.105; 168A.04; 168A.24; 171.02; 171.06; 171.061; 171.07; 299A.01*

History: 23 SR 832

7410.0600 VARIANCES.

Subpart 1. **Commissioner may grant.** The commissioner of public safety may grant variances from part 7410.0400.

Subp. 2. **Application for variance.** If a person is unable to comply with the provisions and requirements of part 7410.0400, he or she may make written application to the commissioner of public safety or a designee for a variance.

Subp. 3. **Documentation.** A person applying for a variance must submit written documentation of the reasons why a variance should be granted, including the reasons the required documents are not available. The applicant must provide additional information regarding his or her name and identity, such as names of relatives, date and place of birth, place of residence, social security number, military service information, and any arrest information, to aid the commissioner in verifying the applicant's identity.

Subp. 4. **Review.** The commissioner of public safety or a designee shall review the request for the variance. In making a decision to grant or deny the variance, the commissioner or a designee shall consider the following:

- A. the availability of the required documents;
- B. the degree of hardship placed on the applicant;
- C. the effect of granting the variance on the public;
- D. the effect of granting the variance on the integrity of the record system;

and

E. the trustworthiness of the information supplied by the applicant regarding his or her name and identity.

Subp. 5. **Conditions for granting.** The commissioner shall grant the variance if all of the following conditions are present:

A. the documents required by part 7410.0400 are either not reasonably available or do not exist;

B. compliance with part 7410.0400 would cause an undue hardship for the applicant;

C. granting the variance will have no adverse effect on the public;

D. granting the variance will not jeopardize the integrity of the record system;
and

E. the applicant has established his or her name and identity by trustworthy evidence and documentation.

Subp. 6. **Decision.** The commissioner of public safety or a designee shall grant or deny the request for the variance within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30-day period.

Statutory Authority: *MS s 171.06*

History: *17 SR 1279*

PHOTOGRAPH REQUIREMENT

7410.1800 DRIVER'S LICENSE PHOTOGRAPH.

Subpart 1. **Purpose.** The purpose of this part is to provide for a method of identification on a driver's license in lieu of a photograph for persons with religious objections to being photographed.

Subp. 2. **Scope.** The scope of this part is intended to be consistent with Minnesota Statutes 1971, section 171.071.

Subp. 3. **Issuance of driver's license without photograph.** Procedures for issuing a driver's license without a photograph are:

A. Any person having religious objections to being photographed and to the use of a photograph as a means of identification may apply to the director of motor vehicle service for issuance of a driver's license valid without photograph.

B. In order to qualify for a driver's license valid without photograph, an applicant must present to the motor vehicle services director a signed certificate or statement that the taking of a photograph and its use as identification violates the tenets and beliefs of the applicant's religion. The certificate or statement must accompany the regular application for driver's license or renewal of license.

Subp. 4. **Specifications for driver's license valid without photograph.** The driver's license issued to qualified applicants having religious objections to the use of a photograph shall be the same as the classified photo license, except, in the space normally occupied by the photograph of the licensee, the following shall appear:

VALID WITHOUT
PHOTO IN
COMPLIANCE WITH
Minnesota Statutes,
section 171.071
AND Minnesota Rules,
part 7410.1800

Statutory Authority: *MS s 171.071*

History: *17 SR 1279*

PHYSICAL AND MENTAL QUALIFICATIONS

7410.2100 DEFINITION OF GOOD CAUSE TO BELIEVE.

When used in parts 7410.2100 to 7410.3000, the following phrase shall have the following meaning: "Good cause to believe" means grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which are based on at least one of the following sources:

A. written information from an identified person;

B. facts supplied by the driver or applicant; or

C. facts of which the commissioner or the commissioner's employees or agents have personal knowledge.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.2200 PURPOSE.

Parts 7410.2100 to 7410.3000 set out general standards for effective administration of the driver licensing statutes relating to the issuance, restriction, or denial of driving privileges with respect to persons having physical or mental disabilities under Minnesota Statutes, sections 171.04, 171.13, and 171.14.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

7410.2300 SCOPE.

Parts 7410.2100 to 7410.3000 are intended to be confined within the framework of, and consistent with, the provisions of Minnesota Statutes, chapter 171.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

7410.2400 VISION.

Subpart 1. **In general.** Every applicant shall submit to a vision screening or examination. The purpose of the vision screening is:

A. to screen applicants to ensure that those with insufficient vision take the steps required to achieve the best vision possible; and

B. to deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles.

Subp. 1a. **Definitions.** The terms used in this part have the following meanings:

A. "Visual acuity" means acuteness or sharpness of vision.

B. "Visual field" means the area within which an object may be seen when the eye is fixed.

Subp. 2. **Unrestricted/corrective lens restriction.** The applicant, if otherwise eligible, will be considered for an unrestricted driver's license or a driver's license with a corrective lens restriction if the applicant meets the following visual standards:

A. visual acuity of 20/40 or better, with either one usable eye or with both eyes, with or without corrective lenses; and

B. visual field of 105 degrees or greater in the horizontal diameter with either one usable eye or with both eyes.

If the applicant needs corrective lenses to meet the visual acuity standards or if a licensed physician or an optometrist recommends that the applicant wear corrective lenses, the applicant must wear the corrective lenses while operating a motor vehicle.

If a licensed physician or an optometrist recommends that corrective lenses not be worn, the commissioner shall impose suitable restrictions, if applicable, upon the applicant's driving privileges.

Subp. 3. [Repealed, 20 SR 2122]

Subp. 4. **Vision examinations.** An applicant shall submit a vision examination certificate from a licensed physician or an optometrist in a form as prescribed by the commissioner when:

A. the applicant disagrees with the results of the screening;

B. the applicant's vision cannot be determined;

C. any court or police officer has recommended that the applicant's vision be examined;

D. the commissioner has good cause to believe that an examination is warranted;

E. the applicant has double vision;

F. the applicant's visual acuity is less than 20/40 with either one usable eye or with both eyes, with or without corrective lenses; or

G. the applicant's visual field is less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

An applicant's vision examination must have been conducted within six months of completion of the vision examination certificate.

Subp. 5. Restricted license; vision requirements. If otherwise eligible, and subject to subpart 5a, an applicant will be issued a restricted license to drive if the applicant has:

A. visual acuity of 20/50 or less corrected vision with either one usable eye or with both eyes; or

B. visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

Subp. 5a. Restricted license; driving restrictions. An applicant eligible for a restricted license under subpart 5 shall comply with the applicable restrictions on driving described in items A to E.

A. Speed restrictions.

20/50	55 miles per hour
20/60	50 miles per hour
20/70	45 miles per hour

B. Restriction as to type of road. An applicant subject to speed restrictions under item A may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public. A person limited to a maximum speed of 45 m.p.h. or less is prohibited from driving on any freeway, expressway, or limited access highway that has a speed limit of more than 45 m.p.h.

C. Area restrictions. An applicant with visual acuity of 20/50 or less corrected vision may be restricted to driving within an area to be determined by the commissioner, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

D. Daylight restriction. An applicant with visual acuity of 20/50 or less corrected vision may be restricted to daylight hours to be determined by the commissioner if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

E. Equipment restriction. An applicant with a visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes must be restricted to driving with left and right outside rearview mirrors or restrictions in items A to E, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

Subp. 6. Other situations. When the applicant's visual acuity is 20/80 or up to, but not including, 20/100 corrected vision, or when the applicant has any vision readings or problems not covered by the above general standards, the application will be referred to the driver evaluation unit, who shall determine whether a restricted license can be issued and the kinds of restrictions that are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others.

Subp. 7. License denial/cancellation. An applicant's driver's license will be denied or an existing driver's license will be canceled under the authority of Minnesota Statutes, sections 171.04, subdivision 1, clause (10), 171.14, and 171.32, when:

A. the applicant has visual acuity of 20/100 or less corrected vision;

B. the applicant is known to be receiving assistance for the blind;

C. the applicant has visual field of less than 100 degrees in the horizontal diameter with either one usable eye or with both eyes;

D. the commissioner receives a recommendation from a licensed physician or optometrist that the applicant's driver's license should be canceled or denied; or

E. the applicant fails to submit a required vision examination certificate within the requested time period.

Statutory Authority: *MS s 14.06; 171.04; 171.13; 171.14; 299A.04*

History: *17 SR 1279; 20 SR 2122; L 1999 c 238 art 2 s 91*

7410.2500 LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subpart 1. Scope. This part applies to drivers and applicants for driving privileges who have experienced a periodic or episodic loss of consciousness or voluntary control. This part applies regardless of whether the driver or applicant has an aura or warning of imminent seizure or attack or whether the driver or applicant has only had nocturnal attacks.

Subp. 1a. Definition. In this part, "loss of consciousness or voluntary control" means inability to assume and retain upright posture without support or inability to respond rationally to external stimuli.

Subp. 2. Reports required. A person shall report an episode of loss of consciousness or voluntary control, in writing, to the department:

A. at the time of applying for a driver's license, if an applicant has experienced an episode; or

B. within 30 days after the episode, if a driver experiences an episode.

Each report must specify the date of the episode and must be accompanied by a physician's statement in a form prescribed by the commissioner.

Subp. 2a. Failure to report; misrepresentation. If a driver or applicant has reason to know the requirements of subpart 2 and fails to submit a report required under that subpart or willfully makes a material misrepresentation to the department concerning a loss of consciousness or voluntary control:

A. the commissioner shall cancel or deny the person's driving privilege for six months from the date the failure to report or misrepresentation is discovered by the department; or

B. if the loss of consciousness or voluntary control is due to the abuse of alcohol or a controlled substance, the commissioner shall cancel or deny the person's driving privilege for one year from the date the failure or misrepresentation is discovered by the department.

Subp. 3. Cancellation. If the commissioner has good cause to believe that a driver or applicant has experienced an episode of loss of consciousness or voluntary control as described in subpart 1, or if a physician's report required by subpart 2 indicates an unfavorable prognosis for control of the person's condition, the commissioner shall cancel or deny the person's driving privileges until six months have elapsed since the episode or diagnosis and until the person submits a physician's report that indicates a favorable prognosis for episode free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and indicates that the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, except as provided in items A to D.

A. If the driver or applicant submits a physician's statement that indicates that the episode resulted from a change or removal of medication on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

B. If the driver or applicant submits a physician's statement that the episode was the first episode experienced by the person and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall not cancel or deny the person's driving privileges.

C. The commissioner shall not cancel or deny the person's driving privileges if the driver or applicant submits a physician's statement indicating:

(1) that the episode was the first episode experienced by the driver or applicant in four or more years;

(2) that the episode was due to intervening and self-limiting temporary illness, treated by a physician, or to the driver or applicant forgetting to take the medication; and

(3) that the short and long term prognoses for episode free control of the person's condition are favorable.

D. If the loss of consciousness or voluntary control is reported and is due to alcohol or controlled substance abuse, and is not the first episode experienced by the driver or applicant, the commissioner shall cancel or deny the person's driving privileges for a year from the date of the episode.

Subp. 4. **Reinstatement.** For reinstatement, the commissioner shall require (1) a physician's statement that indicates a favorable prognosis for episode free control of the person's condition, indicates that the person is cooperating in the treatment of the condition, and that indicates the person is medically qualified to exercise reasonable and proper control over a motor vehicle on the public roads, and (2) a satisfactory statement from the driver or applicant stating the date of the last loss of consciousness or voluntary control.

Subp. 5. **Review of driver's condition.** Except as otherwise provided in items A to E, a driver who has experienced a loss of consciousness or voluntary control shall submit an annual physician's statement on a form prescribed by the commissioner, regarding the driver's medical history, present situation, and the prognosis with respect to the driver's ability to operate a motor vehicle with safety to the driver and others.

A. When a driver or applicant submits a physician's statement indicating that loss of consciousness or voluntary control resulted from a change or removal of medication on physician's orders and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

B. When a driver submits a physician's statement indicating that the episode of loss of consciousness or voluntary control was the first episode experienced by the driver and the physician does not recommend cancellation or denial of the person's driving privileges, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

C. When the driver fulfills the requirements of subpart 3, item C, the commissioner shall require a physician's statement every six months for a year, or at shorter intervals as recommended by the reporting physician.

D. When the commissioner has good cause to believe that the driver's condition is not controlled, the commissioner shall require a physician's statement every six months, or at shorter intervals as recommended by the reporting physician.

E. If a driver has been free from episodes of loss of consciousness or voluntary control for four years, the commissioner shall require a physician's statement every four years, unless the physician recommends more frequent reports.

Statutory Authority: *MS s 171.04; 171.09; 171.113; 171.14*

History: *13 SR 980*

7410.2600 [Repealed, 17 SR 2284]

7410.2610 INSULIN-TREATED DIABETES MELLITUS.

Subpart 1. **Scope.** This part applies to drivers and applicants for drivers' licenses who have diabetes and are treated with insulin.

Subp. 2. **Definitions.** The terms in this part have the meanings given them in this subpart.

A. "Applying" means the completion of a department initial application, renewal, or duplicate driver's license form.

B. "Commissioner" means the commissioner of the Department of Public Safety, acting directly or through authorized officers and agents.

C. "Department" means the Department of Public Safety.

D. "Driving-related episode" means an episode that occurs while a person is driving, operating, or in physical control of a motor vehicle.

E. "Episode" means loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

F. "Loss of consciousness or voluntary control" means the inability to assume and retain an upright posture without support or the inability to overcome diabetic symptoms without the assistance of another.

Subp. 3. **Reporting diagnosis of insulin-treated diabetes or episode.** A person shall report a diagnosis of insulin-treated diabetes or an episode, in writing, to the department as follows:

A. after a diagnosis of insulin-treated diabetes:

- (1) at the time of applying for a driver's license; and
- (2) within 30 days after the diagnosis;

B. for a driving-related episode:

- (1) within 30 days after the episode; and
- (2) on a regularly scheduled physician's statement as required in subpart

3a; and

C. for a non-driving-related episode, on a regularly scheduled physician's statement as required in subpart 3a.

If a person has reason to know the requirements of items A and B, and willfully fails to report or willfully makes a material misrepresentation to the department concerning the person's diabetic condition, the commissioner shall suspend the person's driver's license for six months. The six-month suspension period will begin within 30 days from the date the department discovers the failure to report or misrepresentation.

Subp. 3a. **Physician's statement required.** A physician's statement, on a form prescribed by the commissioner, is required:

A. after the person:

- (1) is diagnosed as having insulin-treated diabetes; or
- (2) has a driving-related episode under subpart 3; and

B. every six months until the person has been episode free for a year; and then

C. annually until the person has been episode free for four years; and then

D. every four years; and additionally

E. as recommended by the physician or by the department.

The six-month, one-year, or four-year period will begin from the date the most recent physician's statement has been received and approved by the department. During a period of cancellation or suspension under this part, the department shall not require a physician's statement until the end of the cancellation or suspension period.

If a person fails to return a physician's statement to the department within 30 days from the date of mailing, the commissioner shall cancel the person's driver's license until the physician's statement is submitted to the department and accepted.

The physician's statement must indicate, at least, the date of each of the person's episodes since the previous physician's statement, whether the person is cooperating in the treatment of the condition, the person's prognosis for control of the person's

diabetic condition, and whether the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Subp. 4. [Repealed, 17 SR 2284]

Subp. 5. [Repealed, 17 SR 2284]

Subp. 5a. **Cancellation or denial.** After a review of a person's physician's statement, the commissioner shall cancel or deny a person's driver's license under the conditions and for the periods stated as follows:

A. If the commissioner receives a physician's statement that indicates that the person is not medically qualified to exercise reasonable and ordinary control over a motor vehicle, the period of cancellation or denial will be based on the recommendation of the physician and the department unless the cancellation period in item B or C applies. If the department and the treating physician do not agree on the cancellation period, the physician's statement and the person's medical history will be submitted to the Medical Review Board for its recommendation upon the request of the individual, the physician, or the department.

B. If a person has a driving-related episode, the person's driver's license will be canceled for a period of six months from the date of the episode.

C. If a person has a driving-related episode that resulted from the use of alcohol or a controlled substance, the person's driver's license will be canceled for a period of one year from the date of the episode.

Subp. 5b. **Notice.** The commissioner shall notify a person whose driver's license has been or is subject to cancellation, suspension, or denial. The notification must be in writing and be personally served or sent by first-class mail to the person's last known address shown on department records. The notice must contain:

- A. the reason for the cancellation, suspension, or denial;
- B. the length of withdrawal;
- C. a statement that a person has a right to an administrative review; and
- D. the requirements for reinstatement of the person's driver's license.

The notice is deemed received three days after mailing by the department to the last known address of the person shown on department records.

Subp. 6. **Reinstatement or issuance.** The commissioner shall reinstate or issue the driver's license of a person whose license has been suspended, canceled, or denied when:

- A. the period of suspension, if any, has expired;
- B. the person has paid the suspension reinstatement fee as required by statute;
- C. no withdrawal of the person's driver's license is outstanding;
- D. the requirements that resulted in suspension, cancellation, or denial have been completed; and
- E. the person submits a physician's statement, on a form prescribed by the commissioner, indicating:

- (1) the date of each of the person's episodes since the previous physician's statement;
- (2) the person is cooperating in the treatment of the condition;
- (3) a favorable prognosis for the control of the person's diabetic condition; and
- (4) the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Statutory Authority: *MS s 14.06; 171.04; 171.09; 171.113; 171.14; 299A.01*

History: *13 SR 980; 17 SR 2284*

7410.2700 MENTAL ILLNESS OR DEFICIENCY.

Subpart 1. **Good cause.** For the purposes of this part, good cause to believe exists only if the commissioner has:

- A. information that a person has operated a vehicle in an unsafe manner;
- B. information that a person lacks judgment and coordination to safely operate a vehicle based on competent medical authority; or
- C. facts supplied by the driver or applicant.

Subp. 2. **Loss of driving privilege.** When the commissioner has good cause to believe that a person is mentally ill, incompetent, or deficient, and that the mental illness, incompetency, or deficiency will affect the person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be canceled under authority of Minnesota Statutes, section 171.14, and denied under authority of Minnesota Statutes, section 171.04, clause (5) or (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

Subp. 3. **Reinstatement.** For reinstatement, the commissioner shall require a satisfactory statement from any institution in which the person has been treated, from any treating physician, or from any competent authority demonstrating that the individual is competent to drive safely.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.2800 MISCELLANEOUS PHYSICAL OR MENTAL CONDITIONS.

Subpart 1. **Requirements for physician's statement.** When the commissioner has good cause to believe that any of the situations listed in subpart 2 exist, and would adversely affect the driver's or applicant's ability to drive safely, a physician's statement in such form as the commissioner may prescribe shall be required within 30 days, or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the statement the commissioner finds that the person cannot drive safely, all driving privileges shall be canceled under authority of Minnesota Statutes, section 171.13, subdivision 4, or Minnesota Statutes, section 171.14, and denied under authority of Minnesota Statutes, section 171.04, clause (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

Subp. 2. **Conditions requiring physician's statement.** Situations covered by subpart 1 are:

- A. use of any medication, whether or not prescribed;
- B. any disease that raises reasonable doubts as to the person's ability to drive safely;
- C. use of alcohol or controlled substances;
- D. lack of physical control, such as that manifested by fainting or a dizzy spell, blackout, or period of unconsciousness;
- E. lack of physical endurance, such as that manifested by a person subject to fatigue, exhaustion, nervous tension, or adverse reaction to monotony;
- F. abnormal reflexes, such as those manifested by persons suffering from cerebral palsy, multiple sclerosis, Parkinson's disease, or similar conditions.

Subp. 3. **Requirements for driver's test.** When the commissioner has good cause to doubt the adequacy of the driver's or applicant's ability to safely operate a vehicle under the conditions listed in subpart 4, a driver's license examination shall be required within 30 days or within such reasonable time that a person may need to obtain a

driver's test. If the driver's test is not satisfactorily completed within 30 days, or in such reasonable time as the person may require to obtain an examination, all driving privileges shall be canceled under the authority of Minnesota Statutes, section 171.13, and denied under the authority of Minnesota Statutes, section 171.04. For reinstatement, the commissioner shall require proof of satisfactory completion of the driver's test.

Subp. 4. Conditions requiring driver's test. Conditions covered by subpart 3 are:

- A. driving procedures;
- B. judgment of space, time, and motion;
- C. physical strength to operate a vehicle's controls;
- D. physical condition to operate a vehicle.

Statutory Authority: *MS s 171.04; 171.09; 171.113; 171.14*

History: *13 SR 980*

7410.2900 OTHER RESTRICTED LICENSES.

Subpart 1. Issuance. When a person has failed, after three attempts, to pass the driver's license examination, but can establish a genuine need to be able to drive, the person may apply for a restricted license. All such applications shall be referred to the chief driver evaluator. The applicant must undergo examination by an examining supervisor, who shall determine the risk involved, and forward his/her written recommendations including, when applicable, suggested basic restrictions, to the chief driver examiner for forwarding to the chief driver evaluator. The chief driver evaluator shall review the entire record and determine whether any driving privileges may be authorized.

Subp. 2. Cancellation. Any restricted licenses issued shall be subject to cancellation whenever the commissioner determines that the person has violated the restrictions imposed. The commissioner may notify local law enforcement agencies of the issuance of any special restricted license and of the restrictions involved. Any report of a violation of the restrictions shall be referred to the chief driver evaluator for consideration. Any conviction indicating a violation of the restrictions shall result in cancellation. After cancellation no driving privileges may be allowed until the commissioner determines that the licensee can be trusted to operate within the restrictions imposed. Any reinstatement may be conditioned upon compliance with additional restrictions for such period as the commissioner may direct.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*

7410.3000 MEDICAL REVIEW BOARD.

Subpart 1. Composition. A medical review board shall be established for each of the various general types of physical and mental qualifications dealt with by parts 7410.2100 to 7410.3000. Each medical review board shall consist of one or more licensed physicians nominated by the state medical association. The physicians shall preferably be specialists in the area to which the problem relates.

Subp. 2. Variance. A person who disagrees with the determination of the commissioner, may apply, in writing, for a variance from parts 7410.2100 to 7410.2900.

A variance from statutory standards shall not be granted. A variance, other than from statutory standards, shall be granted to any person who establishes, under the individual circumstances in that person's case, that the person can operate a motor vehicle safely, with reasonable and ordinary control, and without posing a danger inimical to public safety or welfare.

Any applicant applying for a variance shall have the treating physician or physicians provide the commissioner with a complete medical history relating to the condition in question, together with good medical reasons why a variance should be granted. The commissioner shall then forward to the appropriate medical review board

all information submitted by the applicant together with the commissioner's records relating to the matter. Each physician on the review board shall review the file and make a recommendation to the chair of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application, take whatever action the commissioner then deems appropriate, and inform the driver or the applicant of the decision and of the reasons for the decision. This decision shall be reached and the applicant informed of the decision within 60 days of the request for a variance.

Statutory Authority: *MS s 171.04; 171.13; 171.14*

History: *17 SR 1279*