

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

7503 0100 DEFINITIONS
 7503 0300 SUSPENSION PERIODS
 7503 0600 REINSTATEMENT FOLLOWING
 SUSPENSION
 7503 0800 REVOCATION PERIODS
 7503 0900 NOTICE OF REVOCATION, ISSUING
 TEMPORARY LICENSES
 7503 1000 ADMINISTRATIVE REVIEW OF
 REVOCATION OR
 DISQUALIFICATION
 7503 1200 REINSTATEMENT FOLLOWING
 REVOCATION
 7503 1300 LICENSE CANCELLATION AND
 DENIAL
 7503 1600 REINSTATEMENT FOLLOWING
 CANCELLATION

7503 1700 REHABILITATION
 7503 1750 RESTRICTED LICENSES
 7503 1800 LIMITED LICENSES
 7503 2000 ASSESSMENTS REQUIRED BY
 COMMISSIONER
 7503 2200 CHEMICAL ABUSE REVIEW PANEL
 7503 2300 COMMERCIAL LICENSE
 DISQUALIFICATION
 7503 2400 DISQUALIFICATION PERIODS
 7503 2500 NOTICE OF DISQUALIFICATION
 7503 2600 ISSUING CLASS C LICENSES
 7503 2700 INFORMAL HEARING FOLLOWING
 DISQUALIFICATION
 7503 2800 REINSTATEMENT FOLLOWING
 DISQUALIFICATION

7503.0100 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. Alcohol- or controlled-substance-related incident. An "alcohol- or controlled-substance-related incident" is a violation or license revocation under Minnesota Statutes, section 169.121; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 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.

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

Subp. 5. Chemical dependency treatment. "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, treatment in a hospital-based treatment program, or alternative treatment program approved by the commissioner of public safety. All programs must include a requirement of abstinence.

Subp. 5a. Commercial motor vehicle. "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of Minnesota Statutes, section 171.02, subdivision 2, paragraph (a).

[For text of subp 6, see M.R.]

Subp. 6a. Department. "Department" means the Minnesota Department of Public Safety.

Subp. 6b. Disqualification. "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

[For text of subp 7, see M.R.]

Subp. 8. Personal injury. A "personal injury" is substantial bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 7a, or great bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 8.

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 minimum period under Minnesota Statutes, section 169.121, 169.123, or 171.17.

[For text of subps 10 to 12, see M.R.]

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.0300 SUSPENSION PERIODS.

Subpart 1. **For revocable offenses.** The commissioner shall suspend the driver's license or driving privilege of a person who commits an offense for which mandatory revocation of a driver's license is required upon conviction for the revocation period that is imposed for conviction of the offense in Minnesota, up to a maximum period of one year. 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 an alcohol problem 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, 171.165*

History: *15 SR 2406*

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 Minnesota Statutes, section 169.121, subdivision 8, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless:

A. the suspension period has expired or the person has satisfied the conditions of suspension;

B. the conditions of the person's outstanding license withdrawals have been satisfied; and

C. the person has paid a reinstatement fee as required by Minnesota Statutes.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.0800 REVOCATION PERIODS.

[For text of subpart 1, see M.R.]

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 Minnesota Statutes, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2), (3), or (4), for a period of five years. The commissioner shall revoke the driver's license or driving privilege of a person convicted under Minnesota Statutes, section 609.21, subdivision 2, clause (2), (3), or (4), subdivision 2a, clause (2), (3), or (4), or subdivision 4, clause (2), (3), or (4), for a period of three years from the date the record of conviction is received.

Subp. 3. **For aggravated violations.** Upon receiving a record of conviction of

a person under 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 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 Minnesota Statutes, section 169.129, runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under Minnesota Statutes, section 169.129, is based.

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

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 Minnesota Statutes, section 169.121, subdivision 4, is based, the period of revocation must be increased as follows:

- A. for a personal injury, the additional period of revocation must be 180 days;
- B. for a fatality, the additional period of revocation must be one year.

[For text of subp 6, see M.R.]

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

A. When notified that a driver has undergone an alcohol problem assessment and that the driver is not required by the court to complete a driver improvement course, alcohol awareness program, or treatment for chemical dependency and that the driver has no identifiable chemical abuse problem, the commissioner shall terminate the revocation period. The person may inform the commissioner of the court's decision by telephone to the department's driver evaluation office in Saint Paul.

[For text of item B, see M.R.]

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

[For text of subpart 1, see M.R.]

Subp. 2. Notice served by court. Notice of license revocation is served by the

court when a person is convicted of violating Minnesota Statutes, section 169.121. The commissioner shall provide forms to the court for serving the notice of revocation and issuing a temporary license. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

[For text of items A to D, see M.R.]

E. the minimum length of the revocation period;

[For text of items F and G, see M.R.]

H. a statement advising the person that all driving privileges are revoked upon expiration of the temporary license period;

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

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 Minnesota Statutes, section 169.123. The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of revocation 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. The commissioner shall provide the forms for notice of revocation and issuing temporary licenses. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

[For text of items A to F, see M.R.]

G. the minimum length of the revocation period;

[For text of items H to K, see M.R.]

L. a statement indicating that the driver's license cannot be surrendered if the license is lost, stolen, already surrendered, or otherwise unavailable;

[For text of items M to O, see M.R.]

Subp. 4. Notice served by commissioner. Notice of license revocation may be served by the commissioner when a person is subject to revocation under Minnesota Statutes, section 169.123, and notice is not served by a peace officer; when a person is convicted of violating Minnesota Statutes, section 169.121, and notice is not served by a court; when an additional revocation period is imposed under Minnesota Statutes, section 169.121, subdivision 4, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied. The commissioner shall establish a form for serving notice of revocation, that contains space for the following information and may contain other information that the commissioner considers appropriate:

[For text of items A to D, see M.R.]

E. the minimum length of the revocation period;

[For text of items F and G, see M.R.]

H. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that the person has a right to administrative and judicial review of the revocation order under Minnesota Statutes, section 169.123;

I. if the person is subject to revocation under Minnesota Statutes, section 169.123, information explaining that an administrative review of the revocation order issued under Minnesota Statutes, section 169.123, may be obtained by submitting a written request for review in accordance with Minnesota Stat-

utes, section 169.123, subdivision 5b, and this chapter, and 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 169.123, subdivision 5c;

J. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 5. Notice of revocation to other states. If the driving privilege of a non-resident is revoked under Minnesota Statutes, section 169.121, 169.123, 169.129, or 609.21, the commissioner, pursuant to Minnesota Statutes, sections 169.123, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION OR DISQUALIFICATION.

Subpart 1. Right to administrative review. A person whose driver's license is revoked under Minnesota Statutes, section 169.123, or disqualified under Minnesota Statutes, section 171.165, subdivision 2, has the right to an administrative review of the revocation or disqualification order under the procedure outlined in this chapter. The review is final and no subsequent administrative review will be granted on the order of revocation or disqualification.

Subp. 2. Requesting written administrative review. A written administrative review of an order of revocation under Minnesota Statutes, section 169.123, or disqualification under Minnesota Statutes, section 171.165, subdivision 2, is initiated by filing a written request for review with the commissioner at one of the department's driver evaluation offices. The driver evaluation offices shall provide forms for requesting administrative review. The request for review must contain the following information:

A. the person's full name, date of birth, driver's license number, and the date of the incident for which review is being requested; and

B. a written statement of the factual basis upon which the person seeks to have the revocation rescinded.

Subp. 3. Performance of administrative review. Upon receipt of a request for an administrative review, the commissioner shall review the submitted statement together with the information upon which the order of revocation or disqualification was based. The commissioner may seek additional written information from the person requesting the review or from an agency or person believed to have information relating to the facts underlying the order of revocation or disqualification. Written findings will be reported to the person by first class mail within 15 days after the commissioner received the request for administrative review.

Subp. 4. Appearances. A person requesting administrative review of a revocation order under Minnesota Statutes, section 169.123, or a disqualification order under Minnesota Statutes, section 171.165, subdivision 2, shall file a written request with the commissioner. The person may present additional information to the commissioner before the date the administrative review is completed. Additional information may be presented at the department's driver evaluation office in Saint Paul by personal or telephone appearance. Personal appearances are held without appointment during regular business hours at the department's driver evaluation office in Saint Paul and may also be scheduled at other offices throughout the state. Telephone appearances may be made by calling the driver

evaluation office in Saint Paul during regular business hours. The commissioner shall provide a person electing to make a personal or telephone appearance a report of the results of the administrative review within 15 days following the date the personal or telephone appearance was held or scheduled.

Subp. 5. Scope and standard of review. The scope of an administrative review is as set forth in Minnesota Statutes, section 169.123, subdivision 5b.

Subp. 6. Administrative review distinguished. Administrative review of a revocation order under Minnesota Statutes, section 169.123, or disqualification order under Minnesota Statutes, section 171.165, subdivision 2, is separate and distinct from review by the chemical abuse review panel or review by the commissioner in an informal hearing procedure.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

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 Minnesota Statutes, section 169.121, 169.123, or 171.17, unless:

A. the revocation period has expired;

B. the person has paid a reinstatement fee as required by Minnesota Statutes;

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 an original license; and

E. if the incident is a second conviction under Minnesota Statutes, section 169.121 or 169.129, the person has submitted a certification that the court-ordered treatment or rehabilitation has been completed.

[For text of subp 2, see M.R.]

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.1300 LICENSE CANCELLATION AND DENIAL.

[For text of subpart 1, see M.R.]

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 (1) has incurred three alcohol- or controlled-substance-related incidents within the past five years, (2) has incurred three of these incidents and a special review has been conducted within ten years of the third incident, or (3) has four or more of these incidents on record.

Subp. 3. Consumption of alcohol or controlled substance after completing rehabilitation. The commissioner shall cancel and deny the driver's license or driving privilege of a person whose license or privilege has been reinstated after completion of rehabilitation when the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the documented date of abstinence.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

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

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

B. the person has completed a special review and any special review action required; and

C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third incident on record and a special review was conducted 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; 171.165*

History: *15 SR 2406*

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation when (1) 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 five years, (2) a special review has been conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record, or (3) there are four or more incidents on record.

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

A. successfully complete treatment for chemical dependency following the last documented date of the use of alcohol or controlled substance and submit evidence of chemical dependency treatment to the commissioner;

B. participate in a generally recognized, ongoing abstinence-based support group and submit evidence of attendance to the commissioner showing regular participation for a minimum of three months immediately before submission;

C. abstain from the use of alcohol and the use of controlled substances, attest to the abstinence for a period prescribed in subpart 5, and furnish evidence of abstinence for the required period to the commissioner; and

D. appear for a rehabilitation interview at one of the department's driver evaluation offices.

[For text of subps 3 and 4, see M R.]

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

A. a minimum of five years has elapsed since the completion of rehabilitation;

B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

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

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

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilita-

tion is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The required period of documented abstinence is:

- A. for a person who has not previously undergone rehabilitation, one year;
- B. for a person who has once completed rehabilitation, three years;
- C. for a person who has twice completed rehabilitation, six years; or
- D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to D.

Subp. 6. Failure to abstain following rehabilitation. The commissioner shall cancel and deny the driver's license and driving privilege of a person on sufficient cause to believe that the person has consumed alcohol or a controlled substance after the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of a person until the rehabilitation requirements of this chapter have been completed. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Subp. 7. Rehabilitation interview. A person seeking reinstatement following rehabilitation shall appear in person for an interview at one of the department's driver evaluation offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.1750 RESTRICTED LICENSES.

Subpart 1. Authority. Pursuant to Minnesota Statutes, section 171.09, the commissioner shall issue a restricted license to a person who has successfully completed the elements of a third or subsequent rehabilitation as required by part 7503.1700.

Subp. 2. Issuing restricted license. In addition to the rehabilitation requirements and before the commissioner may issue a restricted license, the applicant must:

- A. apply for a new license and pay the application fee for the class of license involved;
- B. pass the driver's license examination required for issuance of the class of license for which applied;
- C. pay the reinstatement fee as required by Minnesota Statutes;
- D. appear personally at one of the department's driver evaluation offices to request a restricted license;
- E. satisfy the requirements of any previous license withdrawals; and
- F. demonstrate a need for a restricted license. The commissioner shall issue a restricted license as needed for employment, or attendance at chemical dependency treatment, counseling programs, or postsecondary education. The commissioner shall also issue a restricted license as needed for homemaker responsibilities if necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household.

The commissioner shall prescribe constraints on the time and use of the restricted license.

Subp. 3. Length of restricted license period. A person is eligible for restricted driving privileges only after completing a third or subsequent rehabilitation. The period of restricted driving privileges is:

A. for a person who has successfully completed a third rehabilitation and documented abstinence period, three years; or

B. for a person who has successfully completed a fourth or subsequent rehabilitation and documented abstinence period, double the period required after the latest rehabilitation.

Subp. 4. Informal hearing following denial of restricted license application. The commissioner shall grant an applicant an informal hearing to review a decision to deny the application for a restricted license.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.1800 LIMITED LICENSES.

[For text of subpart 1, see M.R.]

Subp. 2. Persons not eligible. The commissioner shall not issue a limited license to a person whose driver's license or driving privilege is canceled or denied. No limited license may be issued to a person incurring a second alcohol- or controlled-substance-related incident within five years or to a person with three alcohol- or controlled-substance-related incidents on record, unless one-half of the revocation period has expired. However, a license must be issued as required by Minnesota Statutes, section 171.30, subdivision 3.

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 examination required for issuance of an original license;

C. pay a reinstatement fee as required by Minnesota Statutes;

D. appear personally, by telephone, or by mail at one of the department's driver evaluation offices to request a limited license, except that a person who has two alcohol- or controlled-substance-related incidents within five years, or three of these incidents on record must appear personally to request a limited license; and

E. demonstrate a need for a limited license for employment; attendance at chemical dependency treatment, counseling programs, or postsecondary education; or, as a homemaker, to prevent the substantial disruption of the educational, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household. A person may demonstrate the need for a limited license using letters from the person's employer, proof of attendance at a chemical dependency treatment or counseling program, or proof of attendance at a postsecondary institution of education. The commissioner shall consider the particular circumstances and needs of the individual before issuing a limited license.

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.

If a limited license is issued, the conditions need not be repeated when seeking reinstatement, but any additional conditions must be satisfied.

Subp. 4. Restrictions and limitations. The commissioner shall prescribe restrictions on the time and use of a limited license as provided in Minnesota Statutes, section 171.30, subdivision 1.

Subp. 5. Informal hearing following denial. The commissioner shall grant a person an informal hearing to review a decision not to issue a limited license to that person.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2000 ASSESSMENTS REQUIRED BY COMMISSIONER.

Subpart 1. Assessment required after 0.07 test. When an evidentiary test administered under authority of Minnesota Statutes, section 169.123, discloses an alcohol concentration of 0.07 percent or more, the result must be reported to the commissioner. If a second test of 0.07 percent or more occurs within two years, the commissioner shall require the person to appear for an assessment. The commissioner shall notify the person by first class mail that the assessment is required.

Subp. 2. By whom conducted. An alcohol problem assessment conducted under Minnesota Statutes, section 169.121, subdivision 8, must be conducted by an agency approved by the county or municipal court as outlined in Minnesota Statutes, section 169.126.

[For text of subps 3 and 4, see M.R.]

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

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

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

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall submit the person's requests and materials to the chemical abuse review panel not more than 30 days from receipt of the request for review.

C. The commissioner may submit written materials in addition to the record of the special review or alcohol problem assessment for consideration by the chemical abuse review panel. These materials will be supplied to the applicant, if the person requested copies of the commissioner's materials when requesting a special review.

D. Both parties have the right to submit additional written material for rebuttal until the review date.

E. On the review date, the written material submitted by both parties will be sent to the chemical abuse review panel.

F. After receiving the written materials, the chemical abuse review panel

shall recommend an alternative form of chemical dependency treatment or recommend acceptance of a different diagnosis to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment not be changed or that a diagnosis other than the contested diagnosis not be accepted, if the person does not establish that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case.

G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

Subpart 1. Driving under influence of alcohol or controlled substance. The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.121, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 2. Alcohol-related driving. The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.1211.

Subp. 3. Implied consent revocation. The commissioner shall disqualify a person from holding a commercial driver's license when the person's license has been revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 4. Out-of-state incidents. Upon receiving a record of conviction or revocation from another state, the commissioner shall disqualify a person from holding a commercial driver's license if the conviction or revocation would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2400 DISQUALIFICATION PERIODS.

Subpart 1. One-year disqualification. Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for one year for a first conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The one-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

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 the record of conviction or revocation is received by the commissioner.

Subp. 3. Not less than ten-year disqualification. 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. The lifetime disqualification period begins on the date the record of conviction or revocation is received by the commissioner. The lifetime disqualification period will be reduced to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in Minnesota Statutes, section 171.165, subdivision 1, and if the person's license is not revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2500 NOTICE OF DISQUALIFICATION.

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.

The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of disqualification together with the license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of disqualification and issuing temporary licenses. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, height and weight, and current residential address, including street number, city, state, and zip code;

B. the date that notice is served;

C. the date of the incident;

D. the traffic citation number;

E. the type of vehicle being operated at the time of the incident;

F. the name, signature, and business telephone number of the peace officer serving the notice;

G. the reason for the disqualification;

H. the minimum length of the disqualification period;

I. a statement that the person must surrender to the peace officer the driver's license certificates in the person's possession, unless the person is not a resident of Minnesota;

J. a statement advising the person that the person is under an out-of-service order required under Minnesota Statutes, section 169.1215, for 24 hours;

K. 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;

L. a statement informing the person that failing to surrender all driver's licenses may subject the person to criminal prosecution under Minnesota Statutes, sections 171.22 and 171.241, and suspension of the driver's license under Minnesota Statutes, section 171.18, clause (8);

M. a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

N. a statement that the driver's license cannot be surrendered, if the license is lost, stolen, already surrendered, or otherwise unavailable;

O. a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

P. information explaining that an administrative review of the disqualification order may be obtained by submitting a written request for review to the commissioner under Minnesota Statutes, section 169.123, subdivision 5b, and this chapter;

Q. information explaining that judicial review may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c; and

R. a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 2. Notice by commissioner. Notice of disqualification may 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. The commissioner shall establish a form for serving notice of disqualification. The form must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. 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;

B. the type of vehicle being operated at the time of the disqualifying incident;

C. the date the notice of disqualification is issued;

D. the effective date of the disqualification order;

E. the reason for the disqualification;

F. the length of the disqualification period;

G. reinstatement requirements;

H. a demand for surrender of the license certificates issued to the person or submission of a sworn statement from the person that an outstanding certificate was lost, stolen, or destroyed;

I. 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 administrative and judicial review of the disqualification order;

J. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, information explaining:

(1) that an administrative review of the disqualification order issued under Minnesota Statutes, section 171.165, subdivision 2, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter; and

(2) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

K. 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 169.123, subdivision 5c, forfeits the person's right to judicial review of a disqualification order under Minnesota Statutes, section 171.165, subdivision 2; and

L. a statement informing the person that the person has a right to an informal hearing to review a disqualification order under Minnesota Statutes, section 171.165, subdivision 1, clause (1).

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

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2600 ISSUING CLASS C LICENSES.

Subpart 1. **Class C license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 1, will be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver license examination station where a paper record of examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class C vehicles only. If the period of disqualification exceeds 90 days, a paper class C license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class C license card.** A person who would prefer a class C license card must apply for a duplicate class C license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 4. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

The commissioner shall grant an informal hearing to a person who has been

disqualified from operating commercial motor vehicles as a result of a conviction under Minnesota Statutes, section 169.121 or 169.1211. No informal hearing may be granted to review the validity of an order of disqualification under Minnesota Statutes, section 169.123, but administrative review of the disqualification is set out in part 7503.1000.

Statutory Authority: *MS s 14 06; 171 165*

History: *15 SR 2406*

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;
- C. the requirements imposed during this or any previous disqualification period have been satisfied; and
- D. if issued, the class C license card has been returned to the department.

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

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406*