

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

7503.0100	DEFINITIONS.	7503.1700	REHABILITATION.
7503.0800	REVOCATION PERIODS.	7503.1725	IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.
7503.1300	LICENSE CANCELLATION AND DENIAL.	7503.1775	EMPLOYMENT EXCEPTION.
7503.1650	IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.	7503.1800	LIMITED LICENSES.
7503.1675	IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.		

7503.0100 DEFINITIONS.

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

Subp. 1a. **Alcohol and drug counselor.** "Alcohol and drug counselor" has the meaning given in Minnesota Statutes, section 148C.01, subdivision 2.

Subp. 1b. **Assessor.** "Assessor" has the meaning given in part 9530.6605, subpart 4.

Subp. 2. **Chemical use assessment.** A "chemical use assessment" is a report prepared under part 7503.1725 or Minnesota Statutes, section 169A.54, subdivision 11, or 169A.70 or 171.306, to evaluate a person's driving ability in relation to possible chemical abuse.

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

Subp. 4a. **Certificate of insurance.** "Certificate of insurance" means a completed insurance certificate from the authorized representative of the insurance carrier authorized to do business in the state stating that the vehicle will be covered by a plan of reparation security as required by Minnesota Statutes, section 65B.48, that is noncancelable for a period not to exceed 12 months, or an equivalent certification when the insurance policy is issued by an authorized insurance carrier for coverage of a vehicle registered in a state other than Minnesota or in a Canadian province.

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

Subp. 6c. **Employer-owned motor vehicle.** "Employer-owned motor vehicle" means a motor vehicle that is not equipped with an ignition interlock device and is made available to a program participant by an employer for the program participant's use in the normal course and scope of employment duties.

Subp. 7. [Repealed, 27 SR 707]

Subp. 7a. **Ignition interlock device or device.** "Ignition interlock device" or "device" has the meaning given in Minnesota Statutes, section 171.306, subdivision 1, paragraph (b).

[For text of subp 8, see M.R.]

Subp. 8a. **Program participant.** "Program participant" has the meaning given in Minnesota Statutes, section 171.306, subdivision 1, paragraph (c).

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

- A. facts or statements supplied by the applicant or driver;
- B. driver's license and accident records;
- C. court documents and police records;
- D. facts of which the commissioner or the commissioner's employees have personal knowledge;

7503.0100 DRIVER'S LICENSE REVOCATION, INCIDENTS

420

E. a blood, breath, or urine test indicating the presence of alcohol or a test refusal.

[For text of subp 12, see M.R.]

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.0800 REVOCATION PERIODS.

Subpart 1. **Statutory periods.** The commissioner shall revoke drivers' licenses or non-resident driving privileges for the minimum periods prescribed in current or former Minnesota Statutes, sections 169.121, 169.123, 169A.52, and 169A.54.

[For text of subps 2 to 6, see M.R.]

Subp. 7. [Repealed, 35 SR 2019]

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1300 LICENSE CANCELLATION AND DENIAL.

[For text of subp 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:

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

B. has incurred three of these incidents and a special review has been completed and entered in the driver's record within ten years of the third incident, except that this item does not apply if any of these incidents occurred on or after July 1, 2011; or

C. has four or more of these incidents on record.

Subp. 3. [Repealed, 27 SR 707]

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1650 IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.

Subpart 1. **Ignition interlock device pilot project participant.** A person whose driving privilege has been revoked under Minnesota Statutes, chapter 169A, for an impaired driving incident and is continuously participating in the ignition interlock device pilot project under Minnesota Statutes, section 171.306, on or before June 30, 2011, is not subject to the ignition interlock device program guidelines, the rules governing the program, or the statutory requirements under Minnesota Statutes, section 171.306, in effect on or after July 1, 2011. Any subsequent alcohol- or controlled-substance-related incident incurred by a participant in the pilot project on or after July 1, 2011, will result in termination from the pilot project.

Subp. 2. **Cancellation and denial prior to July 1, 2011.** A person whose driver's license or driving privilege was canceled and denied under part 7503.1300, subpart 2, prior to July 1, 2011, and chooses to participate in the ignition interlock device program shall do so for not less than three years, or for a period of time that is based on the number of qualified impaired driving incidents as specified in Minnesota Statutes, section 169A.55, subdivision 4, whichever is longer. Such a participant is subject to the requirements of the program as if the cancellation and denial was effective on or after July 1, 2011.

Subp. 3. **Revocation prior to July 1, 2011.** A person whose driver's license or driving privilege was revoked under Minnesota Statutes, section 169A.52 or 171.17, subdivision 1, paragraph (a), clause (2), prior to July 1, 2011, and chooses to participate in the ignition

interlock device program is subject to the requirements of the program as if the revocation was effective on or after July 1, 2011.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1675 IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.

Pursuant to Minnesota Statutes, section 171.306, subdivision 5, paragraph (b), the commissioner shall terminate a program participant's participation in the program for a non-program violation under Minnesota Statutes, chapter 169, or a departmental action under Minnesota Statutes, chapter 171, that results in the withdrawal of a program participant's driving privilege for more than one year.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person whose driving privilege has been canceled and denied prior to July 1, 2011, is subject to the provisions of this part, unless the person chooses to participate in the ignition interlock device program. A person must complete rehabilitation or participate in the ignition interlock device program whenever:

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

[For text of subps 2 to 9, see M.R.]

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.

Subpart 1. **When applicable.** A person whose driver's license or driving privilege has been revoked or canceled and denied under part 7503.1300 or Minnesota Statutes, section 169A.52; 169A.54; or 171.04, subdivision 1, clause (10), on or after July 1, 2011, is subject to the provisions of this part. A person must complete rehabilitation whenever:

A. the person's driver's license or driving privilege has been canceled and denied as a result of incurring three or more alcohol- or controlled-substance-related incidents within the past ten years; or

B. there are four or more alcohol- or controlled-substance-related incidents on record.

Subp. 2. **Issuance of limited license with ignition interlock device installation.** The commissioner shall issue a limited license to a person, or a limited driving privilege to a nonresident, for one year for participation in the ignition interlock device program when the person has met the requirements of this subpart. The person must:

A. be 18 years of age or older and in possession of a driver's license, as defined in Minnesota Statutes, section 171.01, subdivision 37; or

B. be 18 years of age or older and in possession of a nonresident driver's license according to the National Driver Register; and

C. complete a chemical use assessment after the last documented date of the use of alcohol or controlled substance that:

(1) meets the requirements of part 9530.6422 or 9530.6615; or

(2) is comparable to the criteria in subitem (1) and demonstrates consideration of all controlled substance or alcohol-related violations on the person's driving record, if the chemical use assessment is from another state or Canadian province;

D. provide proof of enrollment in treatment or other programs as recommended in the chemical use assessment report. If the report indicates that treatment or other programs are not necessary, then the person must provide the commissioner with the chemical

use assessment report. Proof of the chemical use assessment or proof of enrollment in a treatment or other program must be sent or transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment. The commissioner shall verify the chemical use assessment for accuracy and validity. If the commissioner has sufficient cause to believe that the person provided fraudulent documentation relative to the requirements under this part, the commissioner shall not accept the chemical use assessment report and shall require that the person complete a new chemical use assessment. For purposes of this subpart, "fraudulent documentation" means the deliberate submission of information that is false or misleading and includes falsified assessment or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents;

E. substantiate abstinence by signing a statement, on a form provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance. The statement must be notarized or completed in the presence of an authorized representative of the commissioner;

F. provide a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months;

G. complete the requirements under Minnesota Statutes, section 171.306, subdivision 4;

H. satisfy the requirements under Minnesota Statutes, section 171.30; and

I. be eligible for a limited license under parts 7409.3600 and 7503.1800.

Subp. 3. Conditional reinstatement of restricted driver's license with ignition interlock device restriction. Notwithstanding part 7503.1600, item C, the commissioner shall issue a restricted driver's license with an ignition interlock device restriction to a person, or issue a restricted driving privilege with an ignition interlock device restriction to a nonresident, when the person or nonresident has met the requirements of subpart 2 and provides the commissioner with the following:

A. evidence of chemical dependency treatment that has been sent or transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment that includes:

(1) the starting and ending dates of primary treatment, relapse treatment, or other programs;

(2) verification of successful completion of all treatment or other programs, including primary treatment or relapse treatment and aftercare if required by the treatment program; and

(3) a discharge summary as outlined in part 9530.6425; and

B. a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months.

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

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

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

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

Subp. 5. Required abstinence period for removal of ignition interlock device.

A. The commissioner shall not remove the ignition interlock device restriction from a person's driver's license record whose driving privileges have been canceled and denied under Minnesota Statutes, section 169A.52; 169A.54; 171.04, subdivision 1, clause (10), or part 7503.1300, until the person has met the requirements under Minnesota Statutes, sections 169A.55, subdivision 4, and 171.306, subdivisions 3 and 4.

B. During the course of the rehabilitation period, the person must demonstrate regular and consistent use of the ignition interlock device as evidenced by no fewer than 30 breath alcohol concentration tests of less than .02 per month.

Subp. 6. Failure to abstain following abstinence documentation.

A. A person whose driving privilege is canceled and denied under subpart 4 and who has completed the ignition interlock device program may reenroll in the ignition interlock device program under Minnesota Statutes, section 171.306, for a period of 12 months.

B. The commissioner shall issue a restricted driver's license or a restricted driving privilege with an ignition interlock device restriction to a person upon reenrollment in the ignition interlock device program and proof of installation of a device on the person's vehicle.

C. The commissioner shall not remove the ignition interlock device restriction from the driver's license or driving privilege of a person under this subpart until:

(1) the person's ignition interlock device has registered no positive breath alcohol concentration tests of .02 or higher for the previous 12 months that is demonstrated by the regular and consistent use of the device as evidenced by no fewer than 30 breath alcohol concentration tests per month; and

(2) the person has completed the rehabilitation requirements of subparts 2 and 3.

Notwithstanding part 7503.1600, item C, the commissioner shall reinstate a person's driver's license or driving privilege under this subpart in accordance with subpart 4.

D. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

7503.1775 EMPLOYMENT EXCEPTION.

Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.306, subdivision 4, paragraph (b), the commissioner shall grant an employment exception variance to a program participant when the conditions of variance have been satisfied in order for the program participant to drive, operate, or be in physical control of an employer-owned motor vehicle.

Subp. 2. **Persons not eligible.** The commissioner shall not grant an employment exception variance to a program participant who is self-employed, or to a person who wholly or partially owns an entity that owns an employer-owned motor vehicle.

Subp. 3. **Restrictions and limitations.** A program participant who is granted an employment variance shall not drive, operate, or be in physical control of any of the following:

A. a rental car in the normal course and scope of employment duties;

B. an employer-owned motor vehicle for personal use; or

C. a Type III vehicle, within the meaning of Minnesota Statutes, section 169.011, where the program participant is transporting children under the age of 18 or vulnerable adults within the meaning of Minnesota Statutes, section 626.5572, subdivision 21.

Subp. 4. **Variance procedure.** The program participant requesting the variance shall submit the variance request in writing to the commissioner. The request must include a letter from the program participant's employer that:

- A. describes the program participant's need for use of an employer-owned motor vehicle;
- B. specifies the normal course and scope of employment duties of the program participant;
- C. avers that the employer-owned motor vehicle to be operated by the program participant must display special registration plates under Minnesota Statutes, section 169A.60; and
- D. must be notarized or completed in the presence of an authorized representative of the commissioner.

Subp. 5. **Variance criteria; conditions.** The commissioner shall grant a variance request if:

- A. the request was made as prescribed in subpart 4;
- B. the variance will have no potential adverse effect on public safety;
- C. the variance has only future effect; and
- D. the variance does not vary a statutory standard.

Subp. 6. **Notice of decision.** The commissioner shall notify the program participant in writing of the commissioner's decision to grant or deny the variance.

A. If the variance is granted, the notice must specify the period of time for which the variance will be effective.

B. The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 4 or 5 are not met.

C. If the variance is denied, the denial notice must specify the reasons for the denial and indicate that the program participant may request a review of the commissioner's decision. A person who disagrees with a decision of the commissioner issued under this part may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the date of the commissioner's decision. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision on the issue under appeal is the final decision of the department.

D. The program participant must have proof of the variance in the program participant's possession while driving, operating, or being in physical control of the employer-owned motor vehicle.

E. If the program participant violates the conditions attached to the variance, the program participant is subject to the enforcement actions and penalties attached to the applicable law or rule.

F. The program participant to whom a variance has been granted shall notify the commissioner in writing within 15 calendar days of a change in the conditions on which the variance was granted, or if the program participant is no longer employed by the employer under whom the variance is granted.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

MINNESOTA RULES 2012

425

DRIVER'S LICENSE REVOCATION, INCIDENTS 7503.1800

7503.1800 LIMITED LICENSES.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Judicial review waiver.** The commissioner shall waive subpart 3, 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.

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

Subp. 4a. **No limited commercial license.** The commissioner shall not issue a limited class A, B, or C license under Minnesota Statutes, section 171.30, during the period the individual is disqualified from holding a commercial class A, B, or C license under Minnesota Statutes, section 171.165.

Subp. 4b. **Limited class D license issuance exceptions.** The commissioner shall not issue a limited class D license under Minnesota Statutes, section 171.30, to an individual:

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

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

Subp. 4d. **Ignition interlock device exceptions.** The commissioner shall issue a limited license to a program participant, subject to Minnesota Statutes, section 171.306, subdivision 4, paragraph (c), and part 7503.1725, for the following purposes, except that these purposes are not subject to part 7409.3600, subpart 4, item A:

A. appearing in court for an offense under Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53;

B. meeting with the program participant's probation officer for an alcohol-related incident as scheduled or required;

C. participating in a generally recognized support group based on ongoing alcohol abstinence, controlled substance abstinence, or both, no more than three times a week or as otherwise ordered by the court;

D. attending medical or psychological treatment that is ordered by a court as a result of a violation of Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53; and

E. device calibration as required in Minnesota Statutes, section 171.306, subdivision 3.

Subp. 5. **Administrative review following denial of limited license.** The commissioner shall grant a person an administrative review according to the procedures in part 7409.4600 to review a decision not to issue a limited license to that person.

Subp. 6. **Issuance of limited class D instruction permit.**

A. The commissioner shall issue a limited class D instruction permit to a resident of the state whose driving privilege is canceled and denied under Minnesota Statutes, section 171.04, subdivision 1, clause (10), or 171.17, subdivision 1, paragraph (a), clause (2), for a period of one year, in order to comply with Minnesota Statutes, section 171.306. Before a limited class D instruction permit may be issued under Minnesota Statutes, section 171.05, subdivision 1, the person must:

(1) meet the requirements under part 7503.1725, subpart 2, items C to H;

(2) pass a class D knowledge test under part 7410.4500, subpart 2;

(3) pass a class D knowledge test on the effects of alcohol and drugs as described in part 7410.4520; and

(4) meet the requirements for a limited license under part 7409.3600, subpart 1.

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B. The commissioner shall restrict and limit a limited class D instruction permit:

(1) as provided in part 7409.3600, subpart 4, item A;

7503.1800 DRIVER'S LICENSE REVOCATION, INCIDENTS

426

- (2) as provided in Minnesota Statutes, section 171.05, subdivision 1a; and
- (3) for the exclusive purpose of receiving instruction in operating a motor vehicle.

C. The commissioner shall not issue a class D license with ignition interlock device restriction to a person who has possessed a limited class D instruction permit for one year until the person:

- (1) passes the class D driver's license road test; and
- (2) meets the requirements under part 7503.1725, subpart 5, and Minnesota Statutes, section 171.306.

D. The commissioner shall not issue a class D limited license with ignition interlock device installation to a person who has possessed a limited class D instruction permit for less than one year until the person:

- (1) passes the class D driver's license road test; and
- (2) meets the requirements under part 7503.1725, subpart 2, and Minnesota Statutes, section 171.306.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*