

7409.4600 ADMINISTRATIVE HEARING OR REVIEW.

Subpart 1. **Right to hearing or review.** The commissioner shall grant an administrative hearing to a person whose driver's license has been withdrawn or is subject to withdrawal.

Subp. 2. **Procedure for requesting hearing.** A hearing is initiated by submitting a written request for review to the department. The hearing may be held by written correspondence or by a personal appearance. The person requesting the review must inform the department of the person's full name, date of birth, driver's license number, the date of the incident for which review is being requested, and provide a written statement of the factual basis for which the person seeks to have the department's action rescinded.

Subp. 3. **Scope of review or hearing.** On receiving a request for a review or hearing, the commissioner shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner to determine whether sufficient cause exists to sustain the order.

The commissioner may seek additional information from the person requesting the review or hearing or from an agency or person believed to have information relating to the facts underlying the order of withdrawal. The person requesting the review or hearing may present additional information to the commissioner at the hearing.

Subp. 4. **Decision.** Upon reviewing the evidence, the commissioner shall sustain the withdrawal order if there is sufficient cause to believe that the withdrawal is authorized by law or rule.

A. If the commissioner finds that there is not sufficient cause to believe the withdrawal order is authorized by law or rule, the order must be rescinded.

B. The commissioner shall give a prompt decision to the person by first class mail within 15 days after the commissioner receives a completed request.

C. The review is final and no subsequent administrative review shall be granted.

Subp. 5. [Repealed, 27 SR 466]

Statutory Authority: *MS s 14.06; 169.792; 169.795; 169.798; 299A.01*

History: *16 SR 1177; L 1992 c 571 art 14 s 13; 27 SR 466*

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