

7411.0210 APPLYING FOR DRIVER EDUCATION PROGRAM LICENSE OR APPROVAL.

Subpart 1. **Commercial school licensure.** To operate a commercial driver training school, a person must apply for a license and comply with parts 7411.0100 to 7411.2000 and Minnesota Statutes, sections 171.33 to 171.41.

A. If a program meets the definition of a commercial driver training school, the applicant must apply for a license.

B. A program or person that charges a fee to provide instruction is not subject to Minnesota Statutes, sections 171.33 to 171.41, as a licensed commercial driver training school if the program or instruction is exempt under Minnesota Statutes, section 171.39.

Subp. 2. **Approval of public or private program.** To operate a public driver education program or a private driver education program, a person must apply to the commissioner for a certificate of approval and comply with parts 7411.0100 to 7411.2000 and Minnesota Statutes, section 171.05.

Subp. 3. **Motorcycle course.** To operate a program that provides instruction to operate a motorcycle, a person must comply with parts 7411.0100 to 7411.2000 and Minnesota Statutes, section 169.974. A course of instruction to operate a motorcycle may be either licensed as a commercial driver training school or certified as an approved public program or private program.

Subp. 4. **Motorized bicycle course.** To operate a program that is a motorized bicycle course, a person must comply with parts 7411.0100 to 7411.2000 and Minnesota Statutes, section 171.02, subdivision 3. A motorized bicycle course may be either licensed as a commercial driver training school or certified as an approved public program or private program.

Subp. 5. **Community education programs.** A driver education program offered through community education must be either:

A. approved as a public program by the commissioner under parts 7411.0100 to 7411.2000 if the program:

- (1) is administered through the local school board;
- (2) is insured or indemnified by the local school board; and
- (3) employs instructors who meet the instructor qualifications in parts 7411.0620 to 7411.0690; or

B. if the program does not meet the criteria in item A, offered through a contract with a commercial driver training school licensed by the commissioner under parts 7411.0100 to 7411.2000 and Minnesota Statutes, sections 171.33 to 171.41.

Subp. 6. **Postsecondary schools.** A driver education program provided by a postsecondary college or university is exempt from approval or licensure by the commissioner under this chapter if the institution:

- A. provides the instruction as a part of the normal program or curriculum for that institution;
- B. directly regulates or administers the program;
- C. insures or indemnifies all program activities; and
- D. does not provide instruction to operate a motor vehicle to persons under the age of 18.

Subp. 7. **Application content for program license or certificate of approval.** Application for a new or renewal license or certificate of approval for the program must be made on a format prescribed by the commissioner.

A. Owners, partners, corporate directors, administrators, and officers must be named, with their titles, on each program application.

B. The application must be signed by one of the program owners, partners, corporate directors, administrators, or officers.

C. An initial and renewal application must be accompanied by the schedule of maximum course fees and charges distributed to students.

(1) The schedule of fees and charges may be amended by the program at any time.

(2) Changes in the fee schedule must be filed with the commissioner at least ten days before the changes become effective.

D. A program application must identify the authorized official specified in part 7411.0250 and must contain an exemplar of the authorized official's signature.

E. A program application must identify the instructors of students and provide each instructor's driver's license number. If an individual holding a Professional Educator Licensing and Standards Board license will be providing instruction, the program must provide the teaching license number of that individual and identify any valid teaching and driver education instruction certificates the individual holds.

F. A program application must be accompanied by the information about each instructor's qualifications as required to be submitted by parts 7411.0620 to 7411.0690.

G. The application must specify each class of motor vehicle for which the program wants to provide instruction.

H. The application must specify whether the program will be providing classroom instruction, laboratory instruction, or both, for each class of motor vehicle delineated.

I. A class D motor vehicle program must specify whether the program will be providing concurrent or consecutive instruction to drivers under age 18. A class D motor vehicle program shall not offer both concurrent and consecutive instruction to drivers under age 18.

Subp. 8. **Commissioner's approval before start of program instruction.** The program must receive a license or a certificate of approval of the program before training, instruction, or preparation to operate a motor vehicle begins.

A. If there is a material change in either the class of motor vehicle instruction offered, the curriculum, or the program's administration, approval must be obtained from the commissioner before the change is implemented.

B. All instructors must meet the qualifications in parts 7411.0620 to 7411.0690 before providing instruction in any program.

Subp. 9. **Duplicate license or certificate.** If the program changes its location or if the license or certificate of approval for the program is lost within the year of issuance, the commissioner shall issue a duplicate license or certificate of approval if the program continues to comply with this chapter. The fee for issuing a duplicate license or certificate of approval for the program is \$25.

Subp. 10. **License or certificate at program locations.** The commissioner shall issue a single license or certificate of approval for the program for both the program's administrative office and one location at which classroom or laboratory instruction is provided. An additional license or certificate of approval must be obtained if:

A. the program provides either classroom or laboratory instruction, or both, at more than one permanent location; and

B. the program has exclusive use of the classroom or laboratory location during the hours of instruction for a continuous period of 90 days or more.

Subp. 11. **Renewal of license or certificate.** A program license or certificate of approval expires one year from the date issued and may be renewed on application to the commissioner. Application for renewal of the license or certificate must be submitted to the commissioner at least ten days before expiration, but will not be accepted more than 30 days before the expiration date.

Subp. 12. **Fees payable to commissioner.** Fees for an original, renewal, duplicate, or replacement program license or certificate of approval must be made payable to the commissioner.

Statutory Authority: *MSs 14.06; 14.386; 169.26; 169.446; 169.974; 171.02; 171.05; 171.055; 171.0701; 171.33 to 171.41; 299A.01*

History: *28 SR 1167; 39 SR 356; L 2017 1Sp5 art 12 s 22*

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