

7411.0325 STUDENT AGE, QUALIFICATIONS; ENROLLMENT REQUIREMENTS.

Subpart 1. **Generally.** A program shall not offer driver education:

A. classroom or laboratory instruction to operate a class A or C motor vehicle to a student who is not at least 18 years old and in possession of at least a class D driver's license;

B. classroom or laboratory instruction to operate a class B motor vehicle to a student who is not at least 16 years old and in possession of at least a class D driver's license;

C. classroom or laboratory instruction for a motorcycle endorsement to a student who is not at least 15 years old; or

D. classroom instruction to operate a class D motor vehicle or motorized bicycle to a student who is not at least 14 years old.

Subp. 2. **Motorcycle endorsement course enrollment.** A program offering a course to obtain a motorcycle endorsement must require that a student who takes the motorcycle endorsement course be enrolled in both the classroom and laboratory portions of the course.

Subp. 3. **Students under age 18.** A program offering a class D motor vehicle course to a student under the age of 18 must require the student to enroll in either the classroom phase of a program, the laboratory phase of a program, or both.

A. Proper enrollment must be reflected in the student contract or agreement.

B. For students enrolled in a consecutive driver education program, enrollment in either classroom instruction or laboratory instruction need not occur with the same program.

C. Only a student who is under the age of 18 and has never previously completed a driver education course may enroll in a concurrent program.

D. A program offering a concurrent class D motor vehicle course to a student under the age of 18 must require the student to enroll in both the classroom and laboratory phase of the program.

E. A homeschooled student need only indicate enrollment in the laboratory phase of a program.

F. Classroom instruction hours are not transferable from one program to another unless the commissioner can verify documentation of comparable instruction.

Subp. 4. **Variations.** The commissioner of public safety may grant variations from subpart 3, item C.

A. If a student is unable to comply with subpart 3, item C, the student shall make written application to the commissioner of public safety or a designee for a variance.

B. A student applying for a variance must submit written documentation of the reason why a variance should be granted. The applicant must also provide the applicant's name, address, and date of birth, as well as information about the applicant's current driver education program enrollment.

C. The student applying for a variance must make arrangements to satisfy the requirements of parts 7411.0520, subpart 4, and 7411.0555, item A, subitem (2).

D. The commissioner of public safety or a designee shall review the request for a variance. In making a decision to grant or deny the variance, the commissioner or a designee shall consider the degree of hardship placed on the applicant, whether variance from the rule is consistent with the public interest, and whether a variance from the rule would conflict with any other standards imposed by law.

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

Statutory Authority: *MS s 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*

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