

7411.0620 INSTRUCTOR QUALIFICATIONS FOR ALL PROGRAMS.

Subpart 1. **Generally.** An instructor must:

- A. be at least 21 years old;
- B. have been a valid licensed driver for three years in Minnesota or another United States state;
- C. have a valid driver's license for the class of motor vehicle for which the applicant wants to provide instruction; and
- D. have a high school diploma or the equivalent.

Subp. 2. **Certified copy of driving record.**

A. An instructor applicant shall submit a certified copy of the applicant's driving record to the program's authorized official.

B. An instructor who does not have a Minnesota driver's license shall submit a certified copy of the instructor's driving record from the United States state where the instructor is licensed to the commissioner when initially applying to become an instructor and annually afterward.

(1) For a licensed instructor, the annual certified copy of the instructor's driving record must be submitted with the instructor's license renewal application.

(2) For an instructor at an approved public or private program, the annual certified copy of the instructor's driving record must be submitted with the program's annual application for renewal of its certificate of approval.

C. A certified copy of a driving record submitted under this subpart must be dated no earlier than 30 days before the date the commissioner receives it.

Subp. 3. **Report of driving violations and incidents.** An instructor shall notify the commissioner and authorized program official, in writing, if the instructor is convicted of a traffic violation or is involved in a motor vehicle accident requiring reporting under Minnesota Statutes, section 169.09, subdivision 7. The written notification must be submitted to the commissioner and authorized program official within ten days from the date of the conviction or the accident.

Subp. 4. **Initial and annual review of driving record.**

A. The commissioner shall review the driving record of each initial instructor applicant.

B. The commissioner shall also annually review the driving record of each instructor at the time of renewal of the instructor license or at the time of program approval.

Subp. 5. **General health.**

A. When the commissioner has good cause to believe that an instructor has a physical or mental disability that will interfere with the safe operation of a motor vehicle, the commissioner shall require a physician's statement as often as necessary for the commissioner to monitor the instructor's condition.

B. The physician's statement must be submitted no later than 30 days after the examination on which the statement is based.

Subp. 6. **Hearing.**

A. An applicant or instructor must be able to speak and hear well enough to conduct a normal verbal conversation with another at a distance of five feet, with or without a hearing aid.

B. An exception to item A is allowed for an instructor specializing in the instruction of students who are deaf, deafblind, or hard-of-hearing in class D, motorcycle, or motorized bicycle programs.

Subp. 7. **Vision.** An applicant or instructor must be able to meet the vision requirements to obtain an unrestricted class D license, except that the restriction of corrective lenses enabling the applicant or instructor to meet the vision requirement is an acceptable restriction.

Subp. 8. **Criminal history.** Each person applying to become a qualified instructor shall authorize an investigation with the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI) to determine if the applicant or instructor has a criminal record.

A. The authorization fingerprints and the fee for the FBI background check must be submitted with the application for an instructor's license.

B. If the investigation by the BCA indicates no criminal record, the person must be issued a temporary license pending the outcome of the check of the national criminal data repository.

C. If a person has been convicted of a gross misdemeanor or felony, then the person is ineligible to be an instructor unless:

(1) the commissioner determines that the crime does not directly relate to the position of instructor; or

(2) the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor.

D. An instructor is disqualified from providing instruction to any student under age 18 for any violations specified in Minnesota Statutes, section 171.3215.

Statutory Authority: *MS s 14.06; 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; L 2013 c 62 s 32*

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