

7503.2500 NOTICE OF DISQUALIFICATION OF COMMERCIAL DRIVING PRIVILEGE.

Subpart 1. **Notice served by peace officer.** Notice of disqualification is served by a peace officer when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2.

A. The issuing peace officer must forward to the commissioner on the same or next business day a copy of the notice of disqualification together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate.

B. The commissioner shall provide the format for the notice of disqualification and issuing temporary licenses.

C. A completed notice must contain the information specified in this subpart and may contain other information provided by the commissioner that the commissioner considers appropriate:

(1) the person's full name, date of birth, driver's license number, height and weight, and residential address on the driver's record, including street number, city, state, and zip code;

(2) the date the notice of disqualification is served;

(3) the date of the incident;

(4) the traffic case number;

(5) the type of vehicle being operated at the time of the incident;

(6) the name, signature, and agency name of the peace officer serving the notice of disqualification;

(7) the reason for the disqualification;

(8) the length of the disqualification period;

(9) a statement advising the person that the person is under an out-of-service order required under Minnesota Statutes, section 169A.54, subdivision 7, paragraph (c), for 24 hours;

(10) a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period or when the disqualification will be effective;

(11) a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

(12) a statement informing the person that the person has a right to an administrative reconsideration by the commissioner of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3, and to a judicial review of the disqualification order under Minnesota Statutes, section 169A.53, subdivision 2;

(13) information explaining that an administrative review of the disqualification order under Minnesota Statutes, section 169A.52 or 171.65, may be obtained by submitting a written request for an administrative review to the commissioner under part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1, unless the person has already requested reconsideration of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3;

(14) information explaining that a judicial review of a disqualification order issued under Minnesota Statutes, section 169A.52, may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification for a violation of Minnesota Statutes, section 169A.52. The request must be made in accordance with Minnesota Statutes, section 169A.53, subdivision 2; and

(15) a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to judicial review of a disqualification order issued under Minnesota Statutes, section 169A.52.

Subp. 2. Notice by commissioner. Notice of disqualification must be served by the commissioner when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), and notice is not served by a court; a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied.

A. The notice must be in writing and sent by first class mail to the residential address shown on the driver's record.

B. The commissioner shall establish a format for serving the notice of disqualification.

C. A completed notice must contain the information specified in this subpart and may contain other information provided by the commissioner that the commissioner considers appropriate:

(1) the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code;

(2) the type of vehicle being operated at the time of the disqualifying incident;

(3) the date the notice of disqualification is issued;

(4) when the disqualification order is effective;

(5) the reason for the disqualification;

(6) the length of the disqualification period;

(7) reinstatement requirements;

(8) if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that the person has a right to an administrative reconsideration by the commissioner of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3;

(9) if the person is disqualified under Minnesota Statutes, section 169A.52 or 171.165, information explaining:

(a) that an administrative review of the disqualification order may be obtained by submitting a written request for an administrative review in accordance with part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1, unless a person disqualified under Minnesota Statutes, section 171.165, has already requested reconsideration of the notice of possible disqualification under Minnesota Statutes, section 171.166, subdivision 3; and

(b) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification for a violation of Minnesota Statutes, section 169A.52. The request must be made in accordance with Minnesota Statutes, section 169A.53, subdivision 2; and

(10) if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to judicial review of a disqualification order issued under Minnesota Statutes, section 169A.52.

Subp. 3. **Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating current or former Minnesota Statutes, section 169.1211, 169A.20, or 169A.31, the commissioner shall report that conviction to the driver's state of residence.

Statutory Authority: *MS s 14.06; 169.798; 169A.75; 171.165; 299A.01*

History: *15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707*

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