

CHAPTER 7503
DEPARTMENT OF PUBLIC SAFETY
DRIVER LICENSE REVOCATION, INCIDENTS

7503.0100 DEFINITIONS.

SUSPENSION

7503.0200 ALCOHOL- OR CONTROLLED-SUBSTANCE-RELATED SUSPENSION.

7503.0300 SUSPENSION PERIODS.

7503.0400 NOTICE OF SUSPENSION.

7503.0500 HEARING FOLLOWING SUSPENSION.

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

REVOCATION

7503.0700 ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED REVOCATION.

7503.0800 REVOCATION PERIODS.

7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

7503.1000 ADMINISTRATIVE REVIEW OF SUSPENSION, REVOCATION, DISQUALIFICATION.

7503.1200 REINSTATEMENT FOLLOWING REVOCATION.

CANCELLATION AND DENIAL

7503.1250 SPECIAL REVIEW AND NOTICE.

7503.1300 LICENSE CANCELLATION AND DENIAL.

7503.1400 NOTICE OF LICENSE CANCELLATION AND DENIAL.

7503.1500 ADMINISTRATIVE REVIEW FOLLOWING CANCELLATION AND DENIAL.

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

IGNITION INTERLOCK DEVICE PROGRAM

7503.1650 IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.

7503.1675 IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.

7503.1700 REHABILITATION.

7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.

7503.1775 EMPLOYMENT EXCEPTION.

LIMITED LICENSES

7503.1800 LIMITED LICENSES.

CHEMICAL; USE; ABUSE REVIEW PANEL

7503.2000 CHEMICAL USE ASSESSMENTS REQUIRED BY COMMISSIONER.

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION

7503.2500 NOTICE OF DISQUALIFICATION OF COMMERCIAL DRIVING PRIVILEGE.

7503.2600 ISSUING CLASS D LICENSES.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

ADMINISTRATIVE IMPOUNDMENT OF LICENSE PLATES

7503.2900 SALE OF VEHICLE SUBJECT TO IMPOUND ORDER.

7503.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 1a. **Alcohol and drug counselor.** "Alcohol and drug counselor" has the meaning given in Minnesota Statutes, section 148C.01, subdivision 2.

Subp. 1b. **Assessor.** "Assessor" has the meaning given in part 9530.6605, subpart 4.

Subp. 2. **Chemical use assessment.** A "chemical use assessment" is a report prepared under part 7503.1725 or Minnesota Statutes, section 169A.54, subdivision 11, or 169A.70 or 171.306, to evaluate a person's driving ability in relation to possible chemical abuse.

Subp. 3. **Alcohol- or controlled-substance-related incident.** An "alcohol- or controlled-substance-related incident" is a violation or license revocation under current or former Minnesota Statutes, section 169.121; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 169A.20; 169A.51, subdivision 1, 2, 3, 4, 5, or 6; 169A.52, subdivision 1, 2, 3, 4, or 5; 169A.54; 171.245; 609.21, subdivision 1, clauses (2), (3), and (4), subdivision 2, clauses (2), (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4); 609.2112, subdivision 1, clauses (2), (3), and (4); 609.2113, subdivision 1, clauses (2), (3), and (4), subdivision 2, clauses (2), (3), and (4), subdivision 3, clauses (2), (3), and (4); or 609.2114, subdivision 1, clauses (2), (3), and (4), and subdivision 2, clauses (2), (3), and (4); or a statute from another state in conformity with one of these provisions.

Subp. 4. **Cancellation and denial.** "Cancellation and denial" is the commissioner's withdrawal of a person's driver's license and privilege to drive in Minnesota pursuant to current or former Minnesota Statutes, section 169.121; 169A.54; 171.04, subdivision 1, clause (6), (10), (11), or (12); 171.13, subdivision 4; or 171.14.

Subp. 4a. **Certificate of insurance.** "Certificate of insurance" means a completed insurance certificate from the authorized representative of the insurance carrier authorized to do business in the state stating that the vehicle will be covered by a plan of reparation security as required by Minnesota Statutes, section 65B.48, that is noncancelable for a period not to exceed 12 months, or an equivalent certification when the insurance policy is issued by an authorized insurance carrier for coverage of a vehicle registered in a state other than Minnesota or in a Canadian province.

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency as specified in part 7503.1700, subpart 2, item A, in a:

- A. program licensed or approved by the state of Minnesota;
- B. comparable program licensed or approved by another state;
- C. hospital-based treatment program; or
- D. alternative treatment program preapproved by the commissioner of public safety.

Subp. 5a. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of Minnesota Statutes, section 171.02, subdivision 2, paragraph (a).

Subp. 6. **Commissioner.** "Commissioner" is the commissioner of the Department of Public Safety of the state of Minnesota, acting directly or through authorized officers and agents.

Subp. 6a. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6b. **Disqualification.** "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

Subp. 6c. **Employer-owned motor vehicle.** "Employer-owned motor vehicle" means a motor vehicle that is not equipped with an ignition interlock device and is made available to a program participant by an employer for the program participant's use in the normal course and scope of employment duties.

Subp. 7. [Repealed, 27 SR 707]

Subp. 7a. **Ignition interlock device or device.** "Ignition interlock device" or "device" has the meaning given in Minnesota Statutes, section 171.306, subdivision 1, paragraph (b).

Subp. 8. **Personal injury.** A "personal injury" means either:

- A. "bodily harm" as defined in Minnesota Statutes, section 609.02, subdivision 7;
- B. "substantial bodily harm" as defined in Minnesota Statutes, section 609.02, subdivision 7a;
- C. "great bodily harm" as defined in Minnesota Statutes, section 609.02, subdivision 8; or
- D. "personal injury" as defined in part 7409.0100, subpart 7b.

Subp. 8a. **Program participant.** "Program participant" has the meaning given in Minnesota Statutes, section 171.306, subdivision 1, paragraph (c).

Subp. 9. **Revocation.** "Revocation" is the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific period under either current or former Minnesota Statutes, section 169.121, 169.123, 169A.52, 169A.54, or 171.17.

Subp. 10. **Special review and notice.** "Special review and notice" means the notice given to the driver and the written acknowledgment received from a driver under part 7503.1250.

Subp. 11. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

- A. facts or statements supplied by the applicant or driver;
- B. driver's license and accident records;
- C. court documents and police records;
- D. facts of which the commissioner or the commissioner's employees have personal knowledge;
- E. a blood, breath, or urine test indicating the presence of alcohol or a test refusal.

Subp. 12. **Suspension.** "Suspension" is the commissioner's temporary withdrawal of a person's driver's license and privilege to drive in this state under current or former Minnesota Statutes, section 169.121, subdivision 8; 169A.54, subdivision 11, or 171.18.

Statutory Authority: *MS s 14.06; 14.388; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 1998 c 388 s 30; L 1999 c 238 art 2 s 91; L 2000 c 478 art 2 s 7; 27 SR 707; 35 SR 2019; L 2014 c 180 s 9*

Published Electronically: *September 19, 2014*

SUSPENSION

7503.0200 ALCOHOL- OR CONTROLLED-SUBSTANCE-RELATED SUSPENSION.

Subpart 1. **Following revocable offense.** The commissioner shall suspend the driver's license or driving privilege of any person when there is sufficient cause to believe that the person committed an offense for which mandatory revocation of a driver's license is required upon conviction, unless the person's driver's license or driving privilege has been revoked for the same alcohol- or controlled-substance-related incident.

Subp. 2. **Failure to complete chemical use assessment.** The commissioner shall suspend the driver's license or driving privilege of any person who fails to complete a chemical use assessment as required by this chapter and either current or former Minnesota Statutes, section 169.121, subdivision 8, or 169A.54, subdivision 11, or who fails to complete any action required by the assessment.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

7503.0300 SUSPENSION PERIODS.

Subpart 1. [Repealed, L 2013 c 117 art 3 s 41]

Subp. 2. **For failure to complete assessment.** The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete a chemical use assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707; L 2013 c 117 art 3 s 41*

Published Electronically: *July 3, 2014*

7503.0400 NOTICE OF SUSPENSION.

The commissioner shall notify a person of the suspension of the person's driver's license or driving privilege. The notice must be sent by first class mail to the person's address as shown on the driver's license records of the Department of Public Safety.

Statutory Authority: *MS s 169.128; 169A.75*

History: *10 SR 1427; L 2000 c 478 art 2 s 7*

Published Electronically: *September 9, 2005*

7503.0500 HEARING FOLLOWING SUSPENSION.

The commissioner shall provide a hearing under the procedures in part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 171.18, to any person whose driver's license or driving privilege has been suspended under this chapter or current or former Minnesota Statutes, section 169.121, subdivision 8; 169A.54, subdivision 11; or 171.18.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

Except as stated in part 7503.1800, the commissioner shall not reinstate the driver's license or driving privilege of a person whose license or privilege was suspended under current or former Minnesota Statutes, section 169.121, subdivision 8; 169A.54, subdivision 11; or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless:

- A. the suspension period has expired or the person has satisfied the conditions of suspension;
- B. the conditions of the person's outstanding license withdrawals have been satisfied; and
- C. the person has paid a reinstatement fee as required by Minnesota Statutes, section 171.20 or 171.29.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

REVOCATION**7503.0700 ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED REVOCATION.**

Subpart 1. **Following conviction.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person convicted under current or former Minnesota Statutes, section 169.121, 169.129, 169A.20, 609.21, 609.2112, 609.2113, or 609.2114.

Subp. 2. **Following test for intoxication or refusal to take test.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person who violates current or former Minnesota Statutes, section 169.123 or 169A.51.

Subp. 3. **Following conviction reported by another state.** The commissioner shall revoke the driver's license or the nonresident driving privilege of any person convicted under a statute from another state in conformity with current or former Minnesota Statutes, section 169.121, 169.129, 169A.20, 609.21, 609.2112, 609.2113, or 609.2114.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; L 2000 c 478 art 2 s 7; 27 SR 707; L 2014 c 180 s 9*

Published Electronically: *September 19, 2014*

7503.0800 REVOCATION PERIODS.

Subpart 1. **Statutory periods.** The commissioner shall revoke drivers' licenses or nonresident driving privileges for the minimum periods prescribed in current or former Minnesota Statutes, sections 169.121, 169.123, 169A.52, 169A.54, and 171.17, subdivision 4.

Subp. 2. [Repealed, L 2013 c 117 art 3 s 41; 39 SR 238]

Subp. 3. **For aggravated violations.** Upon receiving a record of conviction of a person under former Minnesota Statutes, section 169.129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of that person for a period of 30 days, 90 days, or one year. The length of the revocation period depends on the number of previous convictions for violations of current or former Minnesota Statutes, section 169.129 or 171.24, or a statute of another state in conformity with either of them, on the person's driving record during the three-year period preceding the date of the latest conviction. The revocation period must be:

- A. 30 days, if there are no previous convictions;
- B. 90 days, if there is one previous conviction; or
- C. one year, if there are two or more previous convictions.

A revocation ordered for a conviction under former Minnesota Statutes, section 169.129, runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under former Minnesota Statutes, section 169.129, is based.

Subp. 4. **Out-of-state convictions.** The period of revocation for incidents occurring outside this state must be the period of revocation that would be imposed if the incident had occurred and the person were convicted in Minnesota.

Subp. 5. **For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under current or former Minnesota Statutes, section 169.121, subdivision 4, or 169A.54, is based, the period of revocation must be increased as follows:

- A. for a personal injury, the additional period of revocation must be 180 days;
- B. for a fatality, the additional period of revocation must be one year.

Subp. 6. **Revocation effective until reinstatement.** In all cases the driver's license or driving privilege remains revoked until the person satisfies all conditions of reinstatement and the commissioner issues a new license or notifies the person of reinstatement.

Subp. 7. [Repealed, 35 SR 2019]

Statutory Authority: *MS s 14.06; 14.386; 14.388; 169.128; 169.798; 169A.75; 171.165; 171.306; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7; 27 SR 707; 35 SR 2019; L 2013 c 117 art 3 s 41; 39 SR 238*

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7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

Subpart 1. **Temporary driver's license.** Notice of revocation served by a court or by a peace officer is valid as a temporary driver's license for the same class and with the same restrictions, limitations, and certifications of the original driver's license. Notice of revocation does not serve as a temporary driver's license if the person does not have a valid driver's license or driving privilege when the notice of revocation is served.

If the notice of revocation and temporary driver's license is issued by a court, the temporary driver's license period expires on the final day on which an appeal of the conviction can be taken from the court. If the notice of revocation and temporary driver's license is issued by a peace officer, the temporary driver's license expires on the seventh day after notice was served.

Subp. 2. **Notice served by court.** Notice of license revocation is served by the court when a person is convicted of violating current or former Minnesota Statutes, section 169.121 or 169A.20. The commissioner shall provide a format to the court for serving the notice of revocation and issuing a temporary license. A completed notice must contain the information specified in this subpart and other information provided by the commissioner that the commissioner considers appropriate:

- A. the person's full name, date of birth, driver's license number, height and weight, and current residential address including street number, city, state, and zip code;
- B. the date notice is served and the revocation is effective;
- C. the date of the incident upon which the conviction is based;
- D. the traffic citation number and court file number;
- E. the minimum length of the revocation period;
- F. a statement advising the person that all driving privileges are revoked upon expiration of the temporary license period and the expiration date of any temporary license;
- G. a statement indicating that no temporary driver's license was issued if the person did not have valid driving privileges at the time of the incident; and
- H. the signature of the judge issuing the revocation notice.

Subp. 3. **Notice served by peace officer.** Notice of license revocation is served by a peace officer when a person is subject to revocation under current or former Minnesota Statutes, section 169.123 or 169A.52.

- A. The commissioner shall provide the peace officer with the notice of revocation and temporary license.
- B. A completed revocation notice must contain:
 - (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 and state, and zip code;
 - (2) the date that notice is served and when the revocation is effective;
 - (3) the date of the incident;
 - (4) the traffic case number;
 - (5) the name and agency name of the peace officer serving the notice;

- (6) the reason for the revocation;
- (7) the length of the revocation period;
- (8) a statement advising the person that all driving privileges are revoked in seven calendar days or specifying the date any temporary license expires;
- (9) a statement indicating that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;
- (10) a statement informing the person that the person has a right to:
 - (a) an administrative review under part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1; and
 - (b) a judicial review of the revocation order under Minnesota Statutes, section 169A.53, subdivision 2;
- (11) information explaining that:
 - (a) an administrative review of the revocation order may be obtained by submitting a written request for an administrative review to the commissioner in accordance with part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1; and
 - (b) a judicial review may be obtained by filing a petition for a judicial review within 30 days of receipt of the notice of revocation and otherwise in accordance with Minnesota Statutes, section 169A.53, subdivision 2; and
- (12) a statement informing the person that failing to petition for a judicial review in compliance with Minnesota Statutes, section 169A.53, subdivision 2, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 4. **Notice served by commissioner.** Notice of license revocation must be served by the commissioner when a person is subject to revocation under Minnesota Statutes, section 169A.52, and valid notice is not served by a peace officer; when a person is convicted of violating current or former Minnesota Statutes, section 169.121 or 169A.20, and notice is not served by a court; when an additional revocation period is imposed under current or former Minnesota Statutes, section 169.121, subdivision 4, or 169A.54, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied.

- A. The commissioner shall establish the format for serving the notice of revocation.
- B. A completed notice must contain the information specified in this item 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 residential address obtained from the person's driver's license record, including the street number, city and state, and zip code;
 - (2) the date the notice of revocation is issued;
 - (3) the effective date of the revocation order;
 - (4) the reason for the revocation;
 - (5) the minimum length of the revocation period;
 - (6) license reinstatement requirements;

(7) if the person is subject to revocation under Minnesota Statutes, section 169A.52, a statement informing the person that the person has a right to an administrative review under part 7409.4600, subparts 1 to 4, and Minnesota Statutes, section 169A.53, subdivision 1, and to a judicial review of the revocation order under Minnesota Statutes, section 169A.53;

(8) if the person is subject to revocation under Minnesota Statutes, section 169A.52, information explaining:

(a) that an administrative review of the revocation order issued under Minnesota Statutes, section 169A.52, 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; and

(b) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with Minnesota Statutes, section 169A.53;

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

Subp. 5. **Notice of revocation to other states.** If the driving privilege of a nonresident is revoked under Minnesota Statutes, section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, the commissioner, pursuant to Minnesota Statutes, sections 169A.52, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707; L 2014 c 180 s 9*

Published Electronically: *September 19, 2014*

7503.1000 ADMINISTRATIVE REVIEW OF SUSPENSION, REVOCATION, DISQUALIFICATION.

Subpart 1. **Right to administrative review.** A person whose driver's license is suspended under Minnesota Statutes, section 171.187, revoked under Minnesota Statutes, section 169A.52, or who is disqualified under Minnesota Statutes, section 171.165, subdivision 2, has the right to an administrative review of the suspension order, revocation order, or disqualification under the procedure specified in part 7409.4600, subparts 1 to 4, Minnesota Statutes, sections 169A.53, subdivision 1, and 171.187, subdivision 4.

Subp. 2. [Repealed, 27 SR 707]

Subp. 3. [Repealed, 27 SR 707]

Subp. 4. [Repealed, 27 SR 707]

Subp. 5. [Repealed, 27 SR 707]

Subp. 6. [Repealed, 27 SR 707]

Statutory Authority: *MS s 14.06; 14.386; 169.128; 169.798; 169A.75; 171.165; 171.306; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707; 39 SR 238*

Published Electronically: *September 11, 2014*

7503.1100 [Repealed, 27 SR 707]

Published Electronically: *September 9, 2005*

7503.1200 REINSTATEMENT FOLLOWING REVOCATION.

Subpart 1. **Conditions.** Except as stated in part 7503.1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under current or former Minnesota Statutes, section 169.121, 169.123, 169A.52, 169A.54, or 171.17, unless:

- A. the revocation period has expired;
- B. the person has paid a reinstatement fee as required by Minnesota Statutes, section 171.29;
- C. the person has applied for a new license and paid the application fee for the class of license involved;

D. the person has passed the driver's license examination required for issuance of a license as specified under parts 7410.4000 to 7410.5600 and Minnesota Statutes, section 171.13; and

E. if the incident is a second conviction under current or former Minnesota Statutes, section 169.121, 169.129, or 169A.20, the person has submitted a certification from the court that:

- (1) the court-ordered treatment or rehabilitation has been completed; or
- (2) temporary reinstatement is agreed to by the petitioner and respondent because of a delay in hearing.

Subp. 2. **Notice of expiration of revocation period.** The commissioner shall notify a person whose period of revocation has expired. The notice must be sent by first class mail, and shall contain a statement informing the person of the conditions of reinstatement and the consequences of driving prior to reinstatement.

Subp. 3. **Reinstatement order; time of reinstatement.** The driver's license of the subject of a reinstatement notice as specified in subpart 2, must be reinstated on the date and time the reinstatement notice is issued to the subject by the commissioner.

A. The reinstatement notice may be issued by first class mail to the residential address on file with the department, or transmitted by facsimile or electronic means.

B. Reinstatement of the subject's driver's license is not effective until the reinstatement notice is issued.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

CANCELLATION AND DENIAL

7503.1250 SPECIAL REVIEW AND NOTICE.

When a person incurs two alcohol- or controlled-substance-related incidents within ten years or has three incidents on record in more than ten years, the commissioner shall require the person to complete, sign, and return a special review notice.

A. The special review notice must either be sent by the commissioner to the driver by first class mail to the driver's residential address listed on the driver's record or be included with the revocation notice served by the peace officer.

B. The special review notice must require the driver to acknowledge in writing that the driver understands that an alcohol- or controlled-substance-related incident not currently on the driver's Minnesota driving record may result in the cancellation and denial of driving privileges in Minnesota.

C. Completion of the special review notice by the driver must be notarized or witnessed by an authorized representative of the commissioner and placed on the driver's record.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *22 SR 1103; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

7503.1300 LICENSE CANCELLATION AND DENIAL.

Subpart 1. **Failure to return completed special review notice form.** The commissioner shall cancel and deny the driver's license and driving privilege of any person who fails to complete, sign, and return the special review notice form as described in part 7503.1250.

Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of a person who:

A. has incurred three alcohol- or controlled-substance-related incidents within the past ten years;

B. has incurred three of these incidents and a special review has been completed and entered in the driver's record within ten years of the third incident, except that this item does not apply if any of these incidents occurred on or after July 1, 2011; or

C. has four or more of these incidents on record.

Subp. 3. [Repealed, 27 SR 707]

Statutory Authority: *MS s 14.06; 14.388; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7; 27 SR 707; 35 SR 2019*

Published Electronically: *July 5, 2011*

7503.1400 NOTICE OF LICENSE CANCELLATION AND DENIAL.

The commissioner shall notify a person of license cancellation and denial by first class mail. The notice must set forth the reason for the cancellation and denial and the conditions for reinstatement of the driver's license or privilege to drive.

Statutory Authority: *MS s 169.128; 169A.75*

History: *10 SR 1427; L 2000 c 478 art 2 s 7*

Published Electronically: *September 9, 2005*

7503.1500 ADMINISTRATIVE REVIEW FOLLOWING CANCELLATION AND DENIAL.

The commissioner shall grant an administrative review according to the procedures in part 7409.4600, subparts 1 to 4, to review the order of cancellation and denial to any person whose license has been canceled or whose application for a license has been denied.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless:

- A. no withdrawal of the person's driver's license or driving privilege is outstanding;
- B. a completed, signed, and returned special review notice is entered on the person's driving record; and
- C. if the incident is the third alcohol- or controlled-substance-related incident within a ten-year period, or the third incident on record and a special review notice was completed, signed, and entered in the driver's record within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7; 27 SR 707*

Published Electronically: *September 9, 2005*

IGNITION INTERLOCK DEVICE PROGRAM

7503.1650 IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.

Subpart 1. **Ignition interlock device pilot project participant.** A person whose driving privilege has been revoked under Minnesota Statutes, chapter 169A, for an impaired driving incident and is continuously participating in the ignition interlock device pilot project under Minnesota Statutes, section 171.306, on or before June 30, 2011, is not subject to the ignition interlock device program guidelines, the rules governing the program, or the statutory requirements under Minnesota Statutes, section 171.306, in effect on or after July 1, 2011. Any subsequent alcohol- or controlled-substance-related incident incurred by a participant in the pilot project on or after July 1, 2011, will result in termination from the pilot project.

Subp. 2. **Cancellation and denial prior to July 1, 2011.** A person whose driver's license or driving privilege was canceled and denied under part 7503.1300, subpart 2, prior to July 1, 2011, and chooses to participate in the ignition interlock device program shall do so for not less than three years, or for a period of time that is based on the number of qualified impaired driving incidents as specified in Minnesota Statutes, section 169A.55, subdivision 4, whichever is longer. Such a participant is subject to the requirements of the program as if the cancellation and denial was effective on or after July 1, 2011.

Subp. 3. **Revocation prior to July 1, 2011.** A person whose driver's license or driving privilege was revoked under Minnesota Statutes, section 169A.52 or 171.17, subdivision 1, paragraph (a), clause (2), prior to July 1, 2011, and chooses to participate in the ignition interlock device program is subject to the requirements of the program as if the revocation was effective on or after July 1, 2011.

Subp. 4. **Revocation prior to July 1, 2014.** A person whose driver's license or driving privilege was revoked under Minnesota Statutes, section 171.17, subdivision 1, paragraph (a), clause (1), for a violation of Minnesota Statutes, section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or Minnesota Statutes 2012, section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm prior to July 1, 2014, may choose to participate in the ignition interlock device program. A participant under this subpart is subject to the requirements of the program.

Statutory Authority: *MS s 14.388; 171.306*

History: *35 SR 2019; 40 SR 501*

Published Electronically: *November 6, 2015*

7503.1675 IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.

Pursuant to Minnesota Statutes, section 171.306, subdivision 5, paragraph (b), the commissioner shall terminate a program participant's participation in the program for a nonprogram violation under Minnesota Statutes, chapter 169, or a departmental action under Minnesota Statutes, chapter 171, that results in the withdrawal of a program participant's driving privilege for more than one year; provided, however, that this part does not apply to a driver whose license has been revoked under Minnesota Statutes, section 171.17, subdivision 1, paragraph (a), clause (1), or a driver whose license has been suspended under Minnesota Statutes, section 171.187, for a violation of Minnesota Statutes, section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm.

Statutory Authority: *MS s 14.386; 14.388; 171.306*

History: *35 SR 2019; 39 SR 238; 40 SR 501*

Published Electronically: *November 6, 2015*

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person whose driving privilege has been canceled and denied prior to July 1, 2011, is subject to the provisions of this part, unless the person chooses to participate in the ignition interlock device program. A person must complete rehabilitation or participate in the ignition interlock device program whenever:

- A. the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within the past ten years;
- B. a third alcohol- or controlled-substance-related incident occurs within ten years from the date the completed, signed, and returned special review notice is entered on the person's driving record; or
- C. there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** To complete rehabilitation, a person must:

A. successfully complete chemical dependency treatment following the last documented date of the use of alcohol or a controlled substance and submit evidence to the commissioner of chemical dependency treatment that satisfies the following requirements:

- (1) the chemical dependency treatment must be in a program that requires abstinence;
- (2) for an individual's initial treatment, primary chemical dependency treatment for a minimum of 48 hours of individual, group, or family counseling must be successfully completed;
- (3) for an individual's second or subsequent treatment, relapse chemical dependency treatment for a minimum of 24 hours of individual, group, or family counseling must be successfully completed and is acceptable only when primary treatment has previously been successfully completed; and
- (4) the chemical dependency treatment may include aftercare, which is additional treatment not to exceed 180 calendar days, prescribed by a treatment program for the successful rehabilitation of the individual, other than the primary treatment or relapse treatment, and which may include the abstinence-based support specified in item B;

B. participate in a generally recognized support group based on ongoing abstinence, at least once a week for 12 consecutive weeks immediately before submitting to the commissioner evidence showing compliance with the rehabilitation requirements;

C. abstain from the use of alcohol and the use of controlled substances, attest to the abstinence for a period prescribed in subpart 5, and furnish evidence of abstinence for the required period to the commissioner; and

D. appear for a rehabilitation interview at one of the department's driver evaluation offices.

Subp. 2a. **Variance to amount of treatment.** The commissioner may grant a variance from the durational amounts of chemical dependency treatment set forth in subpart 2, item A, subitems (2) and (3), and item B.

A. Variances must be requested by the person to whom the treatment applies and be approved on an individual basis.

B. If the subject obtains an assessment from a chemical dependency treatment program that treatment is not needed and the subject has abstained for one year past the minimum abstinence time required in subpart 5, then the treatment required in subpart 2, item A, subitems (3) and (4), may be waived.

- (1) The assessment must contain the date of the assessment.
- (2) The assessment must have occurred since the date of the last use of a controlled substance or alcohol.
- (3) The assessment must specify the date of the last use of a controlled substance or alcohol.

(4) The assessment must demonstrate consideration of all controlled substance or alcohol-related violations on the subject's driving record.

(5) The assessment must specify that treatment will not be beneficial to continued abstinence.

C. No variance to the requirement for treatment will be granted if the commissioner has sufficient cause to believe that the subject has ever provided false documentation or information to the commissioner relative to rehabilitation.

Subp. 2b. **Variance procedure.** The individual requesting the variance shall submit the variance request in writing to the commissioner. The request must contain:

- A. the specific language in the rule or rules from which the variance is requested;
- B. the reasons why the rule cannot be met; and
- C. a description of the alternative treatment that will be taken to ensure a comparable degree of protection to the public safety if the variance is granted.

Subp. 2c. **Variance criteria; conditions.** The commissioner shall grant a variance request if:

- A. the request was made as prescribed in subpart 2b;
- B. the variance will have no potential adverse effect on public safety;
- C. the alternative treatment to be taken is equivalent to or superior to that prescribed in the applicable rule;
- D. strict compliance with the applicable rule will impose an undue burden on the applicant;
- E. the variance has only future effect; and
- F. the variance does not vary a statutory standard.

Subp. 2d. **Notice of decision.** The commissioner shall notify the individual in writing of the commissioner's decision to grant or deny the variance.

A. If the variance is granted, the notice must specify the period of time for which the variance will be effective and the alternative treatment and conditions the applicant must meet.

B. The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 2b or 2c are not met.

C. If the variance is denied, the denial notice must specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by the chemical abuse review panel established under part 7503.2200.

D. Alternative measures or conditions attached to the variance have the force and effect of the applicable rule.

E. If the party violates the alternative measures or conditions attached to the variance, the party is subject to the enforcement actions and penalties attached to the applicable law or rule.

F. The individual to whom a variance has been issued shall notify the commissioner in writing within 30 days of a material change in the conditions on which the variance was granted.

Subp. 3. **Evidence of chemical dependency treatment.** Evidence of chemical dependency treatment submitted to the commissioner consists of written material supplied by the treating program. It must include:

- A. the last reported date of use of alcohol or a controlled substance;
- B. the starting and ending dates of primary treatment or relapse treatment;
- C. the number of program hours for primary treatment or relapse treatment;
- D. verification of successful completion of all treatment, including primary treatment or relapse treatment and aftercare if required by the treatment program; and
- E. a discharge summary with a prognosis and any recommended aftercare program. If the prognosis is not favorable or if the person fails to complete an aftercare program recommended by the treating program, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5.

Subp. 4. **Abstinence documentation.** Every person applying for reinstatement after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of licensure.

A. The commissioner shall provide the format for the statement to the person applying for license reinstatement.

B. The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance, whether or not the circumstances involve the operation of a motor vehicle.

C. The restriction to abstain from the consumption of alcohol and abuse of controlled substances must be placed on the person's driver's license and driving record.

D. To substantiate abstinence, the person must sign a statement, on a format provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance. This statement must be notarized or completed in the presence of an authorized representative of the commissioner.

E. The person applying for license reinstatement also must furnish to the commissioner at least five supporting statements, signed and dated within 30 days of submission, from persons:

- (1) who are not related to the person applying for license reinstatement by blood, marriage, or adoption;
- (2) who are not an employee or employer of the person applying for license reinstatement;
- (3) who do not have a significant relationship as defined in Minnesota Statutes, section 169A.60, subdivision 1, with the person applying for license reinstatement; and
- (4) who have known the driver for the minimum required abstinence period.

F. Each statement must:

- (1) be signed and dated by the person attesting to the abstinence of the person applying for license reinstatement;

(2) include the full name, address, and telephone number of the person filing the supporting statement;

(3) indicate that the person providing the supporting statement has been in weekly contact during the abstinence period with the person applying for license reinstatement;

(4) certify that the person providing the supporting statement is not related to, is not an employee or employer of, or does not have a significant relationship to the person applying for license reinstatement as specified in item E;

(5) indicate the period of time that the person providing the supporting statement can attest to abstinence of the person applying for license reinstatement; and

(6) contain a pledge by the person providing the supporting statement to report promptly to the commissioner, in writing, any use of alcohol or a controlled substance by the person applying for license reinstatement.

Subp. 4a. [Repealed, 27 SR 707]

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The required period of documented abstinence is:

- A. for a person who has not previously undergone rehabilitation, one year;
- B. for a person who has once completed rehabilitation, three years; or
- C. for a person who has completed rehabilitation two or more times, six years.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to C. A minimum of six months must be spent in an uncontrolled environment immediately before submitting evidence to the commissioner showing compliance with all rehabilitation requirements.

Subp. 6. **Failure to abstain following rehabilitation.** The commissioner shall cancel and deny the driver's license and driving privilege of a person on sufficient cause to believe that the person has consumed alcohol or a controlled substance after the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of a person until the rehabilitation requirements of this chapter have been completed. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Subp. 7. **Rehabilitation interview.** A person seeking reinstatement following rehabilitation shall appear in person for an interview at one of the department's driver evaluation offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

Subp. 8. **Fraudulent documentation.** If a person submits fraudulent documentation of rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all rehabilitation requirements and a cancellation period of one year in addition to the abstinence periods prescribed in subpart 5. Fraudulent documentation of rehabilitation is the deliberate

submission of information that is false or misleading and includes falsified attendance or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents.

Subp. 9. **Additional offense.** If a person required to complete rehabilitation under subpart 1 has any additional alcohol or controlled-substance incidents before beginning or completing rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only after completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5.

Statutory Authority: *MS s 14.06; 14.388; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7; 27 SR 707; 35 SR 2019*

Published Electronically: *July 5, 2011*

7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.

Subpart 1. **When applicable.**

A. The following persons are subject to the provisions of this part:

(1) a person whose driver's license or driving privilege has been revoked or canceled and denied under part 7503.1300 or Minnesota Statutes, section 169A.52; 169A.54; or 171.04, subdivision 1, clause (10), on or after July 1, 2011; or

(2) a person whose driver's license or driving privilege has been revoked or suspended under Minnesota Statutes, section 171.17, subdivision 1, paragraph (a), clause (1), or 171.187, for certain criminal vehicular operation offenses committed on or after July 1, 2014.

B. A person must complete rehabilitation whenever:

(1) the person's driver's license or driving privilege has been canceled and denied as a result of incurring three alcohol- or controlled-substance-related incidents within the past ten years; or

(2) there are four or more alcohol- or controlled-substance-related incidents on record.

Subp. 2. **Issuance of limited license with ignition interlock device installation.** The commissioner shall issue a limited license to a person, or a limited driving privilege to a nonresident, for one year for participation in the ignition interlock device program when the person has met the requirements of this subpart. The person must:

A. be 18 years of age or older and in possession of a driver's license, as defined in Minnesota Statutes, section 171.01, subdivision 37; or

B. be 18 years of age or older and in possession of a nonresident driver's license according to the National Driver Register; and

C. complete a chemical use assessment after the last documented date of the use of alcohol or controlled substance that:

(1) meets the requirements of part 9530.6422 or 9530.6615; or

(2) is comparable to the criteria in subitem (1) and demonstrates consideration of all controlled substance or alcohol-related violations on the person's driving record, if the chemical use assessment is from another state or Canadian province;

D. provide proof of enrollment in treatment or other programs as recommended in the chemical use assessment report. If the report indicates that treatment or other programs are not necessary, then the person must provide the commissioner with the chemical use assessment report. Proof of the chemical use assessment or proof of enrollment in a treatment or other program must be transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment. The commissioner shall verify the chemical use assessment for accuracy and validity. If the commissioner has sufficient cause to believe that the person provided fraudulent documentation relative to the requirements under this part, the commissioner shall not accept the chemical use assessment report and shall require that the person complete a new chemical use assessment. For purposes of this subpart, "fraudulent documentation" means the deliberate submission of information that is false or misleading and includes falsified assessment or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents;

E. substantiate abstinence by signing a statement, on a form provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance. The statement must be notarized or completed in the presence of an authorized representative of the commissioner;

F. provide a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months;

G. complete the requirements under Minnesota Statutes, section 171.306, subdivision 4;

H. satisfy the requirements under Minnesota Statutes, section 171.30; and

I. be eligible for a limited license under parts 7409.3600 and 7503.1800.

Subp. 3. **Conditional reinstatement of restricted driver's license with ignition interlock device restriction.** Notwithstanding part 7503.1600, item C, the commissioner shall issue a restricted driver's license with an ignition interlock device restriction to a person, or issue a restricted driving privilege with an ignition interlock device restriction to a nonresident, when the person or nonresident has met the requirements of subpart 2 and provides the commissioner with the following:

A. evidence of chemical dependency treatment that has been transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment that includes:

(1) the starting and ending dates of primary treatment, relapse treatment, or other programs;

(2) verification of successful completion of all treatment or other programs, including primary treatment or relapse treatment and aftercare if required by the treatment program; and

(3) a discharge summary as outlined in part 9530.6425; and

B. a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months.

Subp. 4. **Abstinence documentation.** Every person applying for a restricted driver's license after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of licensure.

A. The commissioner shall provide the format for the statement to the person applying for license reinstatement.

B. The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or used a controlled substance, whether or not the circumstances involve the operation of a motor vehicle.

C. The restriction to abstain from the consumption of alcohol and use of controlled substances must be placed on the person's driver's license and driving record.

Subp. 5. Required abstinence period for removal of ignition interlock device.

A. The commissioner shall not remove the ignition interlock device restriction from a person's driver's license record whose driving privileges have been canceled and denied under Minnesota Statutes, section 169A.52; 169A.54; 171.04, subdivision 1, clause (10), or part 7503.1300, until the person has met the requirements under Minnesota Statutes, sections 169A.55, subdivision 4, and 171.306, subdivisions 3 and 4.

B. During the course of the rehabilitation period, the person must demonstrate regular and consistent use of the ignition interlock device as evidenced by no fewer than 30 breath alcohol concentration tests of less than .02 per month.

Subp. 6. Failure to abstain following abstinence documentation.

A. A person whose driving privilege is canceled and denied under subpart 4 and who has completed the ignition interlock device program may reenroll in the ignition interlock device program under Minnesota Statutes, section 171.306, for a period of 12 months.

B. The commissioner shall issue a restricted driver's license or a restricted driving privilege with an ignition interlock device restriction to a person upon reenrollment in the ignition interlock device program and proof of installation of a device on the person's vehicle.

C. The commissioner shall not remove the ignition interlock device restriction from the driver's license or driving privilege of a person under this subpart until:

(1) the person's ignition interlock device has registered no positive breath alcohol concentration tests of .02 or higher for the previous 12 months that is demonstrated by the regular and consistent use of the device as evidenced by no fewer than 30 breath alcohol concentration tests per month; and

(2) the person has completed the rehabilitation requirements of subparts 2 and 3.

Notwithstanding part 7503.1600, item C, the commissioner shall reinstate a person's driver's license or driving privilege under this subpart in accordance with subpart 4.

D. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Statutory Authority: *MS s 14.386; 14.388; 171.306*

History: *35 SR 2019; 39 SR 238; 40 SR 501*

Published Electronically: *November 6, 2015*

7503.1750 [Repealed, 27 SR 707]

Published Electronically: *September 9, 2005*

7503.1775 EMPLOYMENT EXCEPTION.

Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.306, subdivision 4, paragraph (b), the commissioner shall grant an employment exception variance to a program participant when the conditions of variance have been satisfied in order for the program participant to drive, operate, or be in physical control of an employer-owned motor vehicle.

Subp. 2. **Persons not eligible.** The commissioner shall not grant an employment exception variance to a program participant who is self-employed, or to a person who wholly or partially owns an entity that owns an employer-owned motor vehicle.

Subp. 3. **Restrictions and limitations.** A program participant who is granted an employment variance shall not drive, operate, or be in physical control of any of the following:

- A. a rental car in the normal course and scope of employment duties;
- B. an employer-owned motor vehicle for personal use; or
- C. a Type III vehicle, within the meaning of Minnesota Statutes, section 169.011, where the program participant is transporting children under the age of 18 or vulnerable adults within the meaning of Minnesota Statutes, section 626.5572, subdivision 21.

Subp. 4. **Variance procedure.** The program participant requesting the variance shall submit the variance request in writing to the commissioner. The request must include a letter from the program participant's employer that:

- A. describes the program participant's need for use of an employer-owned motor vehicle;
- B. specifies the normal course and scope of employment duties of the program participant;
- C. avers that the employer-owned motor vehicle to be operated by the program participant must display special registration plates under Minnesota Statutes, section 169A.60; and
- D. must be notarized or completed in the presence of an authorized representative of the commissioner.

Subp. 5. **Variance criteria; conditions.** The commissioner shall grant a variance request if:

- A. the request was made as prescribed in subpart 4;
- B. the variance will have no potential adverse effect on public safety;
- C. the variance has only future effect; and
- D. the variance does not vary a statutory standard.

Subp. 6. **Notice of decision.** The commissioner shall notify the program participant in writing of the commissioner's decision to grant or deny the variance.

A. If the variance is granted, the notice must specify the period of time for which the variance will be effective.

B. The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 4 or 5 are not met.

C. If the variance is denied, the denial notice must specify the reasons for the denial and indicate that the program participant may request a review of the commissioner's decision. A person who disagrees with a decision of the commissioner issued under this part may request a contested case hearing. The request

for a contested case hearing must be submitted in writing to the commissioner within 15 days of the date of the commissioner's decision. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision on the issue under appeal is the final decision of the department.

D. The program participant must have proof of the variance in the program participant's possession while driving, operating, or being in physical control of the employer-owned motor vehicle.

E. If the program participant violates the conditions attached to the variance, the program participant is subject to the enforcement actions and penalties attached to the applicable law or rule.

F. The program participant to whom a variance has been granted shall notify the commissioner in writing within 15 calendar days of a change in the conditions on which the variance was granted, or if the program participant is no longer employed by the employer under whom the variance is granted.

Statutory Authority: *MS s 14.388*

History: *35 SR 2019*

Published Electronically: *July 5, 2011*

LIMITED LICENSES

7503.1800 LIMITED LICENSES.

Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.30, the commissioner shall issue a limited license following a revocation or suspension in connection with an alcohol- or controlled-substance-related incident when the conditions of issuing a limited license have been satisfied.

Subp. 2. **Persons not eligible.** The commissioner shall issue a limited license to a person only when the person complies with the waiting period and conditions specified in this part, part 7409.3600, and Minnesota Statutes, section 171.30.

Subp. 3. **Conditions of issuance.** Before a limited license may be issued under Minnesota Statutes, section 171.30, subdivision 1, the person must:

- A. apply for a new license and pay the application fee for the class of license involved;
- B. pass the driver's license examinations as required by parts 7410.4000 to 7410.5600, and Minnesota Statutes, section 171.13;
- C. pay a reinstatement fee as required by Minnesota Statutes, section 171.29, at the time of payment; and
- D. request a limited license by written correspondence, facsimile, or e-mail, by personal appearance at the department, or by telephone.

Subp. 3a. **Judicial review waiver.** Except for persons enrolled in the ignition interlock device program under Minnesota Statutes, section 171.306, the commissioner shall waive subpart 3, items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy

of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met before reinstatement of driving privileges.

Subp. 4. **Restrictions and limitations.** The commissioner shall restrict and limit the time and use of a limited license as provided in part 7409.3600 and Minnesota Statutes, section 171.30, subdivision 1.

Subp. 4a. **No limited commercial license.** The commissioner shall not issue a limited class A, B, or C license under Minnesota Statutes, section 171.30, during the period the individual is disqualified from holding a commercial class A, B, or C license under Minnesota Statutes, section 171.165.

Subp. 4b. **Limited class D license issuance exceptions.** The commissioner shall not issue a limited class D license under Minnesota Statutes, section 171.30, to an individual:

A. if the license is suspended under part 7503.0200, suspended for criminal vehicular homicide or injury, or suspended for manslaughter with a motor vehicle;

B. for employment to operate a class A school bus or child care or activity bus as described in Minnesota Statutes, section 169.011 or 171.02; or

C. for employment to operate a special transportation service vehicle as described in Minnesota Statutes, sections 221.012, subdivision 38, and 473.386.

Subp. 4c. **Limited licensure to juveniles.** The commissioner shall not issue a limited license for 90 days under Minnesota Statutes, section 171.30, to any person who:

A. was under the age of 21 at the time of the violation; and

B. committed a second violation of Minnesota Statutes, section 169A.33.

Subp. 4d. **Ignition interlock device exceptions.** The commissioner shall issue a limited license to a program participant, subject to Minnesota Statutes, section 171.306, subdivision 4, paragraph (c), and part 7503.1725, for the following purposes, except that these purposes are not subject to part 7409.3600, subpart 4, item A:

A. appearing in court for an offense under Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53;

B. meeting with the program participant's probation officer for an alcohol-related incident as scheduled or required;

C. participating in a generally recognized support group based on ongoing alcohol abstinence, controlled substance abstinence, or both, no more than three times a week or as otherwise ordered by the court;

D. attending medical or psychological treatment that is ordered by a court as a result of a violation of Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53; and

E. device calibration as required in Minnesota Statutes, section 171.306, subdivision 3.

Subp. 5. **Administrative review following denial of limited license.** The commissioner shall grant a person an administrative review according to the procedures in part 7409.4600 to review a decision not to issue a limited license to that person.

Subp. 6. **Issuance of limited class D instruction permit.**

A. The commissioner shall issue a limited class D instruction permit to a resident of the state whose driving privilege is canceled and denied under Minnesota Statutes, section 171.04, subdivision 1,

clause (10), or 171.17, subdivision 1, paragraph (a), clause (2), for a period of one year, in order to comply with Minnesota Statutes, section 171.306. Before a limited class D instruction permit may be issued under Minnesota Statutes, section 171.05, subdivision 1, the person must:

- (1) meet the requirements under part 7503.1725, subpart 2, items C to H;
- (2) pass a class D knowledge test under part 7410.4500, subpart 2;
- (3) pass a class D knowledge test on the effects of alcohol and drugs as described in part 7410.4520; and
- (4) meet the requirements for a limited license under part 7409.3600, subpart 1.

B. The commissioner shall restrict and limit a limited class D instruction permit:

- (1) as provided in part 7409.3600, subpart 4, item A;
- (2) as provided in Minnesota Statutes, section 171.05, subdivision 1a; and
- (3) for the exclusive purpose of receiving instruction in operating a motor vehicle.

C. The commissioner shall not issue a class D license with ignition interlock device restriction to a person who has possessed a limited class D instruction permit for one year until the person:

- (1) passes the class D driver's license road test; and
- (2) meets the requirements under part 7503.1725, subpart 5, and Minnesota Statutes, section 171.306.

D. The commissioner shall not issue a class D limited license with ignition interlock device installation to a person who has possessed a limited class D instruction permit for less than one year until the person:

- (1) passes the class D driver's license road test; and
- (2) meets the requirements under part 7503.1725, subpart 2, and Minnesota Statutes, section 171.306.

Statutory Authority: *MS s 14.06; 14.386; 14.388; 169.128; 169.798; 169A.75; 171.165; 171.306; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707; 35 SR 2019; 39 SR 238*

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7503.1900 [Repealed, 27 SR 707]

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CHEMICAL; USE; ABUSE REVIEW PANEL

7503.2000 CHEMICAL USE ASSESSMENTS REQUIRED BY COMMISSIONER.

Subpart 1. **Chemical use assessment required.** When the commissioner, under Minnesota Statutes, section 171.13, has reasonable cause to believe a person is unable to exercise ordinary and reasonable control in the operation of a motor vehicle due to the consumption of alcohol or a controlled substance, the commissioner shall determine the individual's fitness to operate a motor vehicle safely upon the highways

by requiring the person to have a chemical use assessment. The commissioner shall notify the person by first class mail to the driver's residence address listed on the driver's record that the assessment is required.

Subp. 2. **By whom conducted.** A chemical use assessment conducted under current or former Minnesota Statutes, section 169.121, subdivision 8, or 169A.54, subdivision 11, must be conducted by an agency approved by the county or district court as outlined in Minnesota Statutes, section 169A.70.

Subp. 3. **Suspension for failure to complete chemical use assessment.** If a person required to submit to a chemical use assessment under current or former Minnesota Statutes, section 169.121, subdivision 8, or 169A.54, subdivision 11, fails to submit the assessment report to the commissioner or fails to appear for an assessment within 30 days after notification that a chemical use assessment is required, the commissioner shall suspend the driver's license or driving privilege of that person.

A. If any treatment or action is required from the chemical use assessment, the commissioner shall establish a deadline based on the type of action or treatment required and the particular needs of the person, provided that the deadline shall not be less than 60 days from the date of the chemical use assessment.

B. If the action or treatment is not completed before the established deadline, the commissioner shall suspend the driver's license or driving privilege of the person for the period of time prescribed in part 7503.0300, subpart 2.

C. The commissioner shall not suspend any person's driver's license or driving privilege for failing to complete a chemical use assessment required exclusively under section 169A.70.

Subp. 4. [Repealed, 27 SR 707]

Statutory Authority: *MS s 14.06; 169.128; 169.798; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; L 2000 c 478 art 2 s 7; 27 SR 707*

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7503.2100 [Repealed, 22 SR 1103]

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7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or accepted by the commissioner. Members of the panel must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall submit the person's requests and materials to the chemical abuse review panel not more than 30 days from receipt of the request for review.

C. The commissioner may submit written materials for consideration by the chemical abuse review panel. These materials will be supplied to the applicant if requested.

D. Both parties have the right to submit additional written material for rebuttal until the review date.

E. On the review date, the written material submitted by both parties will be sent to the chemical abuse review panel.

F. After receiving the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment be changed only if the person establishes that the type of treatment or diagnosis is appropriate or correct under the individual circumstances of that person's case.

G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

Statutory Authority: *MS s 14.06; 169.128; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7*

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7503.2300 [Repealed, 27 SR 707]

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7503.2400 Subpart 1. [Repealed, 27 SR 707]

Subp. 2. [Repealed, L 2005 1Sp6 art 3 s 108]

Subp. 3. [Repealed, L 2005 1Sp6 art 3 s 108]

Subp. 4. [Repealed, L 2005 1Sp6 art 3 s 108]

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COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION

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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7503.2600 ISSUING CLASS D LICENSES.

Subpart 1. **Class D license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class D license. The class D license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class D license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class D license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class D license under subpart 1, will be issued a temporary class D license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver's license examination station where a paper record of examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class D vehicles only. If the period of disqualification exceeds 90 days, a paper class D license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class D license card.** A person who would prefer a class D license card must apply for a duplicate class D license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class D driving privileges. The class D license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class D license card will be issued.

Subp. 4. **Class A, B, or C license status.** The disqualified person will receive the original class A, B, or C license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or C license.

Statutory Authority: *MS s 14.06; 171.165*

History: *15 SR 2406; 21 SR 458*

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7503.2700 [Repealed, 27 SR 707]

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7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subpart 1. **Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied:

- A. the disqualification period has been served and expired;
- B. the person has paid the reinstatement fee as required by Minnesota Statutes, section 171.20;
- C. the requirements imposed during this or any previous disqualification period have been satisfied; and
- D. if issued, the class D license card has been invalidated by the department.

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will notify the person of reinstatement. Reinstatement of the subject's driver's license is not effective until the notice of reinstatement is issued by the commissioner.

Subp. 3. **When reinstatement is effective.** When a person's driving privileges have been withdrawn, they must be reinstated at the time and date the commissioner determines the reinstatement requirements have been met.

A. Reinstatement is effective on the date and time specified in the notice of reinstatement issued by the commissioner.

B. The notice of reinstatement must be issued by first class mail to the person subject to reinstatement.

C. The subject's driving record must reflect reinstatement at the time and date the notice of reinstatement is issued.

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

History: *15 SR 2406; 21 SR 458; 27 SR 707*

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ADMINISTRATIVE IMPOUNDMENT OF LICENSE PLATES**7503.2900 SALE OF VEHICLE SUBJECT TO IMPOUND ORDER.**

A. For purposes of implementing Minnesota Statutes, section 171.60, any motor vehicle sold while its registration plates are subject to an impoundment order or during the time the vehicle's registration plates bear a special series number, must be sold for no less than valid consideration.

B. The phrase "sale for valid consideration," as used in Minnesota Statutes, section 171.60, subdivision 14, means the average value of similar vehicles established by standards and guides used by the commissioner, whether paid in money or otherwise.

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

History: *27 SR 707*

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