

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to Driver's License Revocation
4 and Disqualification for Incidents Involving Alcohol or
5 Controlled Substances

6

7 Rules as Adopted

8 7503.0100 DEFINITIONS.

9 [For text of subps 1 and 2, see M.R.]

10 Subp. 3. Alcohol- or controlled-substance-related
11 incident. An "alcohol- or controlled-substance-related
12 incident" is a violation or license revocation under Minnesota
13 Statutes, section 169.121; 169.1211; 169.123, subdivisions 2,
14 2a, 2b, 2c, and 4; 169.127; 169.129; 171.245; or 609.21,
15 subdivision 1, clauses (2), (3), and (4), subdivision 2, clauses
16 (2), (3), and (4), subdivision 3, clauses (2), (3), and (4), and
17 subdivision 4, clauses (2), (3), and (4); or a statute from
18 another state in conformity with one of these provisions.

19 [For text of subp 4, see M.R.]

20 Subp. 5. Chemical dependency treatment. "Chemical
21 dependency treatment" is treatment for chemical dependency in a
22 program licensed or approved by the state of Minnesota,
23 treatment in a comparable program licensed or approved by
24 another state, treatment in a hospital-based treatment program,
25 or alternative treatment program approved by the commissioner of
26 public safety. All programs must include a requirement of
27 abstinence.

28 Subp. 5a. Commercial motor vehicle. "Commercial motor
29 vehicle" has the meaning given it in Minnesota Statutes, section
30 171.01, subdivision 22.

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

35 [For text of subp 6, see M.R.]



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

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

7 [For text of subp 7, see M.R.]

8 Subp. 8. Personal injury. A "personal injury" is
9 substantial bodily harm as defined in Minnesota Statutes,
10 section 609.01, subdivision 7a, or great bodily harm as defined
11 in Minnesota Statutes, section 609.01, subdivision 8.

12 Subp. 9. Revocation. "Revocation" is the commissioner's
13 withdrawal of a person's driver's license and privilege to drive
14 in this state for a specific minimum period under Minnesota
15 Statutes, section 169.121, 169.123, or 171.17.

16 [For text of subps 10 to 12, see M.R.]

17 7503.0300 SUSPENSION PERIODS.

18 Subpart 1. For revocable offenses. The commissioner shall
19 suspend the driver's license or driving privilege of a person
20 who commits an offense for which mandatory revocation of a
21 driver's license is required upon conviction for the revocation
22 period that is imposed for conviction of the offense in
23 Minnesota, up to a maximum period of one year. Time accrued
24 under the suspension period must be credited toward the
25 revocation period imposed upon conviction.

26 However, if the suspension is based on a criminal charge
27 and the commissioner receives notice that the criminal charge
28 was dismissed or that the person was acquitted of the criminal
29 charge, the commissioner shall terminate the suspension period.

30 Subp. 2. For failure to complete assessment. The
31 commissioner shall suspend the driver's license or driving
32 privilege of a person who fails to complete an alcohol problem
33 assessment or any requirement imposed at the assessment for a
34 period of 90 days or until the assessment or requirement is
35 completed, whichever occurs first.

1 7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

2 Except as stated in part 7503.1800, the commissioner shall
3 not reinstate the driver's license or driving privilege of a
4 person whose license or privilege was suspended under Minnesota
5 Statutes, section 169.121, subdivision 8, or 171.18 as a
6 consequence of an alcohol- or controlled-substance-related
7 incident, unless:

8 A. the suspension period has expired or the person
9 has satisfied the conditions of suspension;

10 B. the conditions of the person's outstanding license
11 withdrawals have been satisfied; and

12 C. the person has paid a reinstatement fee as
13 required by Minnesota Statutes.

14 7503.0800 REVOCATION PERIODS.

15 [For text of subpart 1, see M.R.]

16 Subp. 2. For criminal vehicular operation. Upon receiving
17 a record of conviction, the commissioner shall revoke the
18 driver's license or driving privilege of a person convicted
19 under Minnesota Statutes, section 609.21, subdivision 1, clause
20 (2), (3), or (4), or subdivision 3, clause (2), (3), or (4), for
21 a period of five years ~~from the date the record of conviction is~~
22 ~~received~~. The commissioner shall revoke the driver's license or
23 driving privilege of a person convicted under Minnesota
24 Statutes, section 609.21, subdivision 2, clause (2), (3), or
25 (4), subdivision 2a, clause (2), (3), or (4), or subdivision 4,
26 clause (2), (3), or (4), for a period of three years from the
27 date the record of conviction is received.

28 Subp. 3. For aggravated violations. Upon receiving a
29 record of conviction of a person under Minnesota Statutes,
30 section 169.129, or under a statute of another state in
31 conformity with it, the commissioner shall revoke the driver's
32 license or driving privilege of that person for a period of 30
33 days, 90 days, or one year. The length of the revocation period
34 depends on the number of previous convictions for violations of
35 Minnesota Statutes, section 169.129 or 171.24, or a statute of

1 another state in conformity with either of them, on the person's
2 driving record during the three-year period preceding the date
3 of the latest conviction. The revocation period must be:

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

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

13 [For text of subp 4, see M.R.]

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

20 A. for a personal injury, the additional period of
21 revocation must be 180 days;

22 B. for a fatality, the additional period of
23 revocation must be one year.

24 [For text of subp 6, see M.R.]

25 Subp. 7. **Terminating revocation after assessment action**
26 **completed.** The commissioner shall terminate a revocation period
27 in accordance with Minnesota Statutes, section 169.123,
28 subdivision 10. The amount of the termination must be 30 days
29 or the length of time remaining in the revocation period,
30 whichever is shorter. Termination of the revocation period
31 under Minnesota Statutes, section 169.123, subdivision 10, does
32 not apply to persons with more than one alcohol- or
33 controlled-substance-related incident on record or to persons
34 who have outstanding licensure requirements, such as completion
35 of a special review or conditions of licensure imposed by the
36 commissioner following a special review. Termination of the

1 revocation period applies only in the following circumstances.

2 A. When notified that a driver has undergone an
3 alcohol problem assessment and that the driver is not required
4 by the court to complete a driver improvement course, alcohol
5 awareness program, or treatment for chemical dependency and that
6 the driver has no identifiable chemical abuse problem, the
7 commissioner shall terminate the revocation period. The person
8 may inform the commissioner of the court's decision by telephone
9 to the department's driver evaluation office in Saint Paul.

10 [For text of item B, see M.R.]

11 7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

12 [For text of subpart 1, see M.R.]

13 Subp. 2. **Notice served by court.** Notice of license
14 revocation is served by the court when a person is convicted of
15 violating Minnesota Statutes, section 169.121. The commissioner
16 shall provide forms to the court for serving the notice of
17 revocation and issuing a temporary license. These forms must
18 contain space for the following information and may contain
19 other information that the commissioner considers appropriate:

20 [For text of items A to D, see M.R.]

21 E. the minimum length of the revocation period;

22 [For text of items F and G, see M.R.]

23 H. a statement advising the person that all driving
24 privileges are revoked upon expiration of the temporary license
25 period;

26 [For text of items I to K, see M.R.]

27 Subp. 3. **Notice served by peace officer.** Notice of
28 license revocation is served by a peace officer when a person is
29 subject to revocation under Minnesota Statutes, section
30 169.123. The issuing peace officer shall forward to the
31 commissioner on the same or next business day a copy of the
32 notice of revocation together with any license certificates
33 surrendered by the person, the peace officer's incident reports,
34 and the implied consent advisory and peace officer's
35 certificate. The commissioner shall provide the forms for

1 notice of revocation and issuing temporary licenses. These
2 forms must contain space for the following information and may
3 contain other information that the commissioner considers
4 appropriate:

5 [For text of items A to F, see M.R.]

6 G. the minimum length of the revocation period;

7 [For text of items H to K, see M.R.]

8 L. a statement indicating that the driver's license
9 cannot be surrendered if the license is lost, stolen, already
10 surrendered, or otherwise unavailable;

11 [For text of items M to O, see M.R.]

12 Subp. 4. **Notice served by commissioner.** Notice of license
13 revocation may be served by the commissioner when a person is
14 subject to revocation under Minnesota Statutes, section 169.123,
15 and notice is not served by a peace officer; when a person is
16 convicted of violating Minnesota Statutes, section 169.121, and
17 notice is not served by a court; when an additional revocation
18 period is imposed under Minnesota Statutes, section 169.121,
19 subdivision 4, in the case of a personal injury or fatality; or
20 when requirements imposed from a previous revocation have not
21 been satisfied. The commissioner shall establish a form for
22 serving notice of revocation, that contains space for the
23 following information and may contain other information that the
24 commissioner considers appropriate:

25 [For text of items A to D, see M.R.]

26 E. the minimum length of the revocation period;

27 [For text of items F and G, see M.R.]

28 H. if the person is subject to revocation under
29 Minnesota Statutes, section 169.123, a statement informing the
30 person that the person has a right to administrative and
31 judicial review of the revocation order under Minnesota
32 Statutes, section 169.123;

33 I. if the person is subject to revocation under
34 Minnesota Statutes, section 169.123, information explaining that
35 an administrative review of the revocation order issued under
36 Minnesota Statutes, section 169.123, may be obtained by

1 submitting a written request for review in accordance with
2 Minnesota Statutes, section 169.123, subdivision 5b, and this
3 chapter, and that judicial review may be obtained by petitioning
4 for judicial review within 30 days after receiving notice of
5 revocation and otherwise in accordance with Minnesota Statutes,
6 section 169.123, subdivision 5c;

7 J. if the person is subject to revocation under
8 Minnesota Statutes, section 169.123, a statement informing the
9 person that failing to petition for judicial review in
10 compliance with Minnesota Statutes, section 169.123, subdivision
11 5c, forfeits the person's right to judicial review of a
12 revocation order under that section.

13 Subp. 5. Notice of revocation to other states. If the
14 driving privilege of a nonresident is revoked under Minnesota
15 Statutes, section 169.121, 169.123, 169.129, or 609.21, the
16 commissioner, pursuant to Minnesota Statutes, sections 169.123,
17 subdivision 8, and 171.15, subdivision 1, shall forward a report
18 of the revocation to the licensing authority of the
19 nonresident's home state and to any other state in which the
20 commissioner knows the person to hold a license.

21 7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION OR
22 DISQUALIFICATION.

23 Subpart 1. Right to administrative review. A person whose
24 driver's license is revoked under Minnesota Statutes, section
25 169.123, or disqualified under Minnesota Statutes, section
26 171.165, subdivision 2, has the right to an administrative
27 review of the revocation or disqualification order under the
28 procedure outlined in this chapter. The review is final and no
29 subsequent administrative review will be granted on the order of
30 revocation or disqualification.

31 Subp. 2. Requesting written administrative review. A
32 written administrative review of an order of revocation under
33 Minnesota Statutes, section 169.123, or disqualification under
34 Minnesota Statutes, section 171.165, subdivision 2, is initiated
35 by filing a written request for review with the commissioner at

1 one of the department's driver evaluation offices. The driver
2 evaluation offices shall provide forms for requesting
3 administrative review. The request for review must contain the
4 following information:

5 A. the person's full name, date of birth, driver's
6 license number, and the date of the incident for which review is
7 being requested; and

8 B. a written statement of the factual basis upon
9 which the person seeks to have the revocation rescinded.

10 Subp. 3. **Performance of administrative review.** Upon
11 receipt of a request for an administrative review, the
12 commissioner shall review the submitted statement together with
13 the information upon which the order of revocation or
14 disqualification was based. The commissioner may seek
15 additional written information from the person requesting the
16 review or from an agency or person believed to have information
17 relating to the facts underlying the order of revocation or
18 disqualification. Written findings will be reported to the
19 person by first class mail within 15 days after the commissioner
20 received the request for administrative review.

21 Subp. 4. **Appearances.** A person requesting administrative
22 review of a revocation order under Minnesota Statutes, section
23 169.123, or a disqualification order under Minnesota Statutes,
24 section 171.165, subdivision 2, shall file a written request
25 with the commissioner. The person may present additional
26 information to the commissioner before the date the
27 administrative review is completed. Additional information may
28 be presented at the department's driver evaluation office in
29 Saint Paul by personal or telephone appearance. Personal
30 appearances are held without appointment during regular business
31 hours at the department's driver evaluation office in Saint Paul
32 and may also be scheduled at other offices throughout the
33 state. Telephone appearances may be made by calling the driver
34 evaluation office in Saint Paul during regular business hours.
35 The commissioner shall provide a person electing to make a
36 personal or telephone appearance a report of the results of the

1 administrative review within 15 days following the date the
2 personal or telephone appearance was held or scheduled.

3 Subp. 5. Scope and standard of review. The scope of an
4 administrative review is ~~limited to the issue of the validity of~~
5 ~~the order of revocation or disqualification. Upon reviewing the~~
6 ~~evidence, the commissioner shall sustain the order if there is~~
7 ~~sufficient cause to believe that the revocation or~~
8 ~~disqualification is authorized by law. On finding that there is~~
9 ~~not sufficient cause to believe the revocation or~~
10 ~~disqualification is authorized by law, the commissioner shall~~
11 ~~rescind the order~~ as set forth in Minnesota Statutes, section
12 169.123, subdivision 5b.

13 Subp. 6. Administrative review distinguished.
14 Administrative review of a revocation order under Minnesota
15 Statutes, section 169.123, or disqualification order under
16 Minnesota Statutes, section 171.165, subdivision 2, is separate
17 and distinct from review by the chemical abuse review panel or
18 review by the commissioner in an informal hearing procedure.

19 7503.1200 REINSTATEMENT FOLLOWING REVOCATION.

20 Subpart 1. Conditions. Except as stated in part
21 7503.1800, the commissioner shall not reinstate a driver's
22 license or nonresident driving privilege after revocation under
23 Minnesota Statutes, section 169.121, 169.123, or 171.17, unless:

- 24 A. the revocation period has expired;
- 25 B. the person has paid a reinstatement fee as
26 required by Minnesota Statutes;
- 27 C. the person has applied for a new license and paid
28 the application fee for the class of license involved;
- 29 D. the person has passed the driver's license
30 examination required for issuance of an original license; and
- 31 E. if the incident is a second conviction under
32 Minnesota Statutes, section 169.121 or 169.129, the person has
33 submitted a certification that the court-ordered treatment or
34 rehabilitation has been completed.

35 [For text of subp 2, see M.R.]

1 7503.1300 LICENSE CANCELLATION AND DENIAL.

2 [For text of subpart 1, see M.R.]

3 Subp. 2. Multiple alcohol- or controlled-substance-related
4 incidents. The commissioner shall cancel and deny the driver's
5 license or the driving privilege of a person who (1) has
6 incurred three alcohol- or controlled-substance-related
7 incidents within the past five years, (2) has incurred three of
8 these incidents and a special review has been conducted within
9 ten years of the third incident, or (3) has four or more of
10 these incidents on record.

11 Subp. 3. Consumption of alcohol or controlled substance
12 after completing rehabilitation. The commissioner shall cancel
13 and deny the driver's license or driving privilege of a person
14 whose license or privilege has been reinstated after completion
15 of rehabilitation when the commissioner has sufficient cause to
16 believe that the person has consumed alcohol or a controlled
17 substance since the documented date of abstinence.

18 7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

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

22 A. no revocation or suspension of the person's
23 driver's license or driving privilege is outstanding;

24 B. the person has completed a special review and any
25 special review action required; and

26 C. if the incident is the third alcohol- or
27 controlled-substance-related incident within a five-year period,
28 or the third incident on record and a special review was
29 conducted within ten years of the third incident, or if the
30 person has four or more of these incidents on record, the person
31 has completed rehabilitation.

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

1 7503.1700 REHABILITATION.

2 Subpart 1. When applicable. A person must complete
3 rehabilitation when (1) the person's driver's license or driving
4 privileges have been canceled and denied following involvement
5 in three or more alcohol- or controlled-substance-related
6 incidents within five years, (2) a special review has been
7 conducted within ten years of the third incident and there are
8 three alcohol- or controlled-substance-related incidents on
9 record, or (3) there are four or more incidents on record.

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

12 A. successfully complete treatment for chemical
13 dependency following the last documented date of the use of
14 alcohol or controlled substance and submit evidence of chemical
15 dependency treatment to the commissioner;

16 B. participate in a generally recognized, ongoing
17 abstinence-based support group and submit evidence of attendance
18 to the commissioner showing regular participation for a minimum
19 of three months immediately before submission;

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

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

26 [For text of subps 3 and 4, see M.R.]

27 Subp. 4a. Removing restriction following rehabilitation.

28 A person who is licensed after the successful completion of a
29 first rehabilitation may request that the restriction be removed
30 from the driver's license and driving-record from the computer
31 records that are disclosed to persons or agencies outside the
32 driver and vehicle services division, Department of Public
33 Safety, after the following requirements are met:

34 A. a minimum of five years has elapsed since the
35 completion of rehabilitation;

36 B. the person appears personally at the department's

1 driver evaluation office in Saint Paul or schedules an
2 appearance at other offices throughout the state to make the
3 request; and

4 C. the person completes an application and pays a
5 duplicate fee as required by Minnesota Statutes, section 171.06.

6 The removal of the restriction does not in any way affect
7 the abstinence requirement of license reinstatement.

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

14 The required period of documented abstinence is:

15 A. for a person who has not previously undergone
16 rehabilitation, one year;

17 B. for a person who has once completed
18 rehabilitation, three years;

19 C. for a person who has twice completed
20 rehabilitation, six years; or

21 D. for a person who has completed rehabilitation more
22 than twice, double the period required for the latest
23 rehabilitation.

24 If the person is incarcerated or lives in a controlled
25 environment, such as a halfway house, the length of time the
26 person is under these conditions counts as half-time towards
27 completion of the abstinence periods required in items A to D.

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

1 medical prescription.

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

11 7503.1750 RESTRICTED LICENSES.

12 Subpart 1. **Authority.** Pursuant to Minnesota Statutes,
13 section 171.09, the commissioner shall issue a restricted
14 license to a person who has successfully completed the elements
15 of a third or subsequent rehabilitation as required by part
16 7503.1700.

17 Subp. 2. **Issuing restricted license.** In addition to the
18 rehabilitation requirements and before the commissioner may
19 issue a restricted license, the applicant must:

20 A. apply for a new license and pay the application
21 fee for the class of license involved;

22 B. pass the driver's license examination required for
23 issuance of the class of license for which applied;

24 C. pay the reinstatement fee as required by Minnesota
25 Statutes;

26 D. appear personally at one of the department's
27 driver evaluation offices to request a restricted license;

28 E. satisfy the requirements of any previous license
29 withdrawals; and

30 F. demonstrate a need for a restricted license. The
31 commissioner shall issue a restricted license as needed for
32 employment, or attendance at chemical dependency treatment,
33 counseling programs, or postsecondary education. The
34 commissioner shall also issue a restricted license as needed for
35 homemaker responsibilities if necessary to prevent the

1 substantial disruption of the education, medical, or nutritional
2 needs of the homemaker's family members residing in the
3 homemaker's household.

4 The commissioner shall prescribe constraints on the time
5 and use of the restricted license.

6 Subp. 3. Length of restricted license period. A person is
7 eligible for restricted driving privileges only after completing
8 a third or subsequent rehabilitation. The period of restricted
9 driving privileges is:

10 A. for a person who has successfully completed a
11 third rehabilitation and documented abstinence period, three
12 years; or

13 B. for a person who has successfully completed a
14 fourth or subsequent rehabilitation and documented abstinence
15 period, double the period required after the latest
16 rehabilitation.

17 Subp. 4. Informal hearing following denial of restricted
18 license application. The commissioner shall grant an applicant
19 an informal hearing to review a decision to deny the application
20 for a restricted license.

21 7503.1800 LIMITED LICENSES.

22 [For text of subpart 1, see M.R.]

23 Subp. 2. Persons not eligible. The commissioner shall not
24 issue a limited license to a person whose driver's license or
25 driving privilege is canceled or denied. No limited license may
26 be issued to a person incurring a second alcohol- or
27 controlled-substance-related incident within five years or to a
28 person with three alcohol- or controlled-substance-related
29 incidents on record, unless one-half of the revocation period
30 has expired. However, a license must be issued as required by
31 Minnesota Statutes, section 171.30, subdivision 3.

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

35 A. apply for a new license and pay the application

1 fee for the class of license involved;

2 B. pass the driver's license examination required for
3 issuance of an original license;

4 C. pay a reinstatement fee as required by Minnesota
5 Statutes;

6 D. appear personally, by telephone, or by mail at one
7 of the department's driver evaluation offices to request a
8 limited license, except that a person who has two alcohol- or
9 controlled-substance-related incidents within five years, or
10 three of these incidents on record must appear personally to
11 request a limited license; and

12 E. demonstrate a need for a limited license for
13 employment; attendance at chemical dependency treatment,
14 counseling programs, or postsecondary education; or, as a
15 homemaker, to prevent the substantial disruption of the
16 educational, medical, or nutritional needs of the homemaker's
17 family members residing in the homemaker's household. A person
18 may demonstrate the need for a limited license using letters
19 from the person's employer, proof of attendance at a chemical
20 dependency treatment or counseling program, or proof of
21 attendance at a postsecondary institution of education. The
22 commissioner shall consider the particular circumstances and
23 needs of the individual before issuing a limited license.

24 The commissioner shall waive items A, B, and C if the
25 person has filed a petition for judicial review in the
26 appropriate court and has furnished a copy of the petition to
27 the commissioner. If the revocation is sustained on judicial
28 review, the requirements must be met before reinstatement of
29 driving privileges.

30 If a limited license is issued, the conditions need not be
31 repeated when seeking reinstatement, but any additional
32 conditions must be satisfied.

33 Subp. 4. **Restrictions and limitations.** The commissioner
34 shall prescribe restrictions on the time and use of a limited
35 license as provided in Minnesota Statutes, section 171.30,
36 subdivision 1.

1 Subp. 5. Informal hearing following denial. The
2 commissioner shall grant a person an informal hearing to review
3 a decision not to issue a limited license to that person.

4 7503.2000 ASSESSMENTS REQUIRED BY COMMISSIONER.

5 Subpart 1. Assessment required after 0.07 test. When an
6 evidentiary test administered under authority of Minnesota
7 Statutes, section 169.123, discloses an alcohol concentration of
8 0.07 percent or more, the result must be reported to the
9 commissioner. If a second test of 0.07 percent or more occurs
10 within two years, the commissioner shall require the person to
11 appear for an assessment. The commissioner shall notify the
12 person by first class mail that the assessment is required.

13 Subp. 2. By whom conducted. An alcohol problem assessment
14 conducted under Minnesota Statutes, section 169.121, subdivision
15 8, must be conducted by an agency approved by the county or
16 municipal court as outlined in Minnesota Statutes, section
17 169.126.

18 [For text of subps 3 and 4, see M.R.]

19 7503.2200 CHEMICAL ABUSE REVIEW PANEL.

20 Subpart 1. Establishment and composition. A chemical
21 abuse review panel is established to review the type of chemical
22 dependency treatment imposed by the commissioner or a diagnosis
23 of chemical abuse accepted by the commissioner arising from a
24 special review or rehabilitation. Members of the panel must be
25 certified chemical dependency counselors or other health care
26 professionals experienced in the area of chemical abuse and
27 selected by the commissioner based on the recommendation of the
28 Department of Human Services.

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

32 A. A request for review by the chemical abuse review
33 panel must be submitted to the commissioner in writing together
34 with copies of the written materials the person wishes to have
35 considered. This request may include a written request for

1 copies of the materials submitted to the panel by the
2 commissioner. No personal appearance will be granted before the
3 chemical abuse review panel.

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

7 C. The commissioner may submit written materials in
8 addition to the record of the special review or alcohol problem
9 assessment for consideration by the chemical abuse review
10 panel. These materials will be supplied to the applicant, if
11 the person requested copies of the commissioner's materials when
12 requesting a special review.

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

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

17 F. After receiving the written materials, the
18 chemical abuse review panel shall recommend an alternative form
19 of chemical dependency treatment or recommend acceptance of a
20 different diagnosis to the commissioner if the person
21 establishes that the type of treatment or diagnosis is not
22 appropriate or correct under the individual circumstances of
23 that person's case. The chemical abuse review panel shall
24 recommend to the commissioner that the type of treatment not be
25 changed or that a diagnosis other than the contested diagnosis
26 not be accepted, if the person does not establish that the type
27 of treatment or diagnosis is not appropriate or correct under
28 the individual circumstances of that person's case.

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

32 H. The commissioner shall promptly report the
33 recommendations of the chemical abuse review panel to the
34 person. Under no circumstances may full driving privileges be
35 granted. The commissioner shall decide whether to follow the
36 recommendations of the panel and shall promptly report that

1 decision together with a statement of reasons for the decision
2 to the person. Notice of the commissioner's decision must
3 contain a statement describing the person's right to challenge
4 the final decision in district court.

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

8 7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

9 Subpart 1. **Driving under influence of alcohol or**
10 **controlled substance.** The commissioner shall disqualify a
11 person from holding a commercial driver's license when convicted
12 under Minnesota Statutes, section 169.121, if the person was
13 driving, operating, or in physical control of a commercial motor
14 vehicle at the time of the incident.

15 Subp. 2. **Alcohol-related driving.** The commissioner shall
16 disqualify a person from holding a commercial driver's license
17 when convicted under Minnesota Statutes, section 169.1211.

18 Subp. 3. **Implied consent revocation.** The commissioner
19 shall disqualify a person from holding a commercial driver's
20 license when the person's license has been revoked under
21 Minnesota Statutes, section 169.123, or a statute or ordinance
22 from another state in conformity with it and the person was
23 driving, operating, or in physical control of a commercial motor
24 vehicle at the time of the incident.

25 Subp. 4. **Out-of-state incidents.** Upon receiving a record
26 of conviction or revocation from another state, the commissioner
27 shall disqualify a person from holding a commercial driver's
28 license if the conviction or revocation would be grounds for
29 disqualification under Minnesota Statutes, section 171.165,
30 subdivision 1, clause (1), or subdivision 2.

31 7503.2400 DISQUALIFICATION PERIODS.

32 Subpart 1. **One-year disqualification.** Upon receiving a
33 record of conviction or revocation, the commissioner shall
34 disqualify a person from holding a commercial driver's license
35 for one year for a first conviction or revocation under

1 Minnesota Statutes, section 171.165, subdivision 1, clause (1),
2 or subdivision 2. The one-year disqualification period begins
3 on the date the record of conviction or revocation is received
4 by the commissioner.

5 Subp. 2. **Three-year disqualification.** Upon receiving a
6 record of conviction or revocation, the commissioner shall
7 disqualify a person from holding a commercial driver's license
8 for three years if the person was transporting hazardous
9 materials at the time of the incident forming the basis for a
10 conviction or revocation under Minnesota Statutes, section
11 171.165, subdivision 1, clause (1), or subdivision 2. The
12 three-year disqualification period begins on the date the record
13 of conviction or revocation is received by the commissioner.

14 Subp. 3. **Not less than ten-year disqualification.** The
15 commissioner shall disqualify a person from holding a commercial
16 driver's license for life if the person is disqualified a second
17 or subsequent time in 55 years under Minnesota Statutes, section
18 171.165, subdivision 1 or 2. The lifetime disqualification
19 period begins on the date the record of conviction or revocation
20 is received by the commissioner. The lifetime disqualification
21 period will be reduced to a minimum of ten years
22 disqualification if the person demonstrates rehabilitated
23 driving practices in the ten-year period following the effective
24 date of the lifetime disqualification. A person is considered
25 rehabilitated if during that ten-year period there is no
26 revocation or conviction resulting from the operation of any
27 type of vehicle for an offense listed in Minnesota Statutes,
28 section 171.165, subdivision 1, and if the person's license is
29 not revoked under Minnesota Statutes, section 169.123, or a
30 statute or ordinance from another state in conformity with it.
31 If rehabilitation is not so demonstrated during the initial
32 ten-year period, the disqualification period remains lifetime.

33 7503.2500 NOTICE OF DISQUALIFICATION.

34 Subpart 1. **Notice served by peace officer.** Notice of
35 disqualification is served by a peace officer when a person is

1 subject to disqualification under Minnesota Statutes, section
2 171.165, subdivision 2.

3 The issuing peace officer shall forward to the commissioner
4 on the same or next business day a copy of the notice of
5 disqualification together with the license certificates
6 surrendered by the person, the peace officer's incident reports,
7 and the implied consent advisory and peace officer's
8 certificate. The commissioner shall provide the forms for
9 notice of disqualification and issuing temporary licenses.
10 These forms must contain space for the following information and
11 may contain other information that the commissioner considers
12 appropriate:

13 A. the person's full name, date of birth, driver's
14 license number, height and weight, and current residential
15 address, including street number, city, state, and zip code;

16 B. the date that notice is served;

17 C. the date of the incident;

18 D. the traffic citation number;

19 E. the type of vehicle being operated at the time of
20 the incident;

21 F. the name, signature, and business telephone number
22 of the peace officer serving the notice;

23 G. the reason for the disqualification;

24 H. the minimum length of the disqualification period;

25 I. a statement that the person must surrender to the
26 peace officer the driver's license certificates in the person's
27 possession, unless the person is not a resident of Minnesota;

28 J. a statement advising the person that the person is
29 under an out-of-service order required under Minnesota Statutes,
30 section 169.1215, for 24 hours;

31 K. a statement advising the person that the person is
32 disqualified from operating commercial motor vehicles in seven
33 days or upon expiration of a seven-day temporary license period;

34 L. a statement informing the person that failing to
35 surrender all driver's licenses may subject the person to
36 criminal prosecution under Minnesota Statutes, sections 171.22

1 and 171.241, and suspension of the driver's license under
2 Minnesota Statutes, section 171.18, clause (8);

3 M. a statement that no temporary license was issued,
4 if the person did not have valid driving privileges at the time
5 of the incident;

6 N. a statement that the driver's license cannot be
7 surrendered, if the license is lost, stolen, already
8 surrendered, or otherwise unavailable;

9 O. a statement informing the person that the person
10 has a right to administrative and judicial review of the
11 disqualification order;

12 P. information explaining that an administrative
13 review of the disqualification order may be obtained by
14 submitting a written request for review to the commissioner
15 under Minnesota Statutes, section 169.123, subdivision 5b, and
16 this chapter;

17 Q. information explaining that judicial review may be
18 obtained by filing a petition for judicial review within 30 days
19 of receipt of the notice of disqualification and otherwise in
20 accordance with Minnesota Statutes, section 169.123, subdivision
21 5c; and

22 R. a statement informing the person that failing to
23 petition for judicial review in compliance with Minnesota
24 Statutes, section 169.123, subdivision 5c, forfeits the person's
25 right to judicial review of a revocation order under that
26 section.

27 Subp. 2. Notice by commissioner. Notice of
28 disqualification may be served by the commissioner when a person
29 is subject to disqualification under Minnesota Statutes, section
30 171.165, subdivision 1, clause (1), and notice is not served by
31 a court; a person is subject to disqualification under Minnesota
32 Statutes, section 171.165, subdivision 2, and notice is not
33 served by a peace officer; or, when requirements imposed from a
34 previous disqualification have not been satisfied. The
35 commissioner shall establish a form for serving notice of
36 disqualification. The form must contain space for the following

1 information and may contain other information that the
2 commissioner considers appropriate:

3 A. the person's full name, date of birth, driver's
4 license number, and current address obtained from the person's
5 driver's license record, including the street number, city,
6 state, and zip code;

7 B. the type of vehicle being operated at the time of
8 the disqualifying incident;

9 C. the date the notice of disqualification is issued;

10 D. the effective date of the disqualification order;

11 E. the reason for the disqualification;

12 F. the length of the disqualification period;

13 G. reinstatement requirements;

14 H. a demand for surrender of the license certificates
15 issued to the person or submission of a sworn statement from the
16 person that an outstanding certificate was lost, stolen, or
17 destroyed;

18 I. if the person is disqualified under Minnesota
19 Statutes, section 171.165, subdivision 2, a statement informing
20 the person that the person has a right to administrative and
21 judicial review of the disqualification order;

22 J. if the person is disqualified under Minnesota
23 Statutes, section 171.165, subdivision 2, information explaining:

24 (1) that an administrative review of the
25 disqualification order issued under Minnesota Statutes, section
26 171.165, subdivision 2, may be obtained by submitting a written
27 request for review in accordance with Minnesota Statutes,
28 section 169.123, subdivision 5b, and this chapter; and

29 (2) that judicial review may be obtained by
30 petitioning for judicial review within 30 days after receiving
31 the notice of disqualification and otherwise in accordance with
32 Minnesota Statutes, section 169.123, subdivision 5c;

33 K. if the person is disqualified under Minnesota
34 Statutes, section 171.165, subdivision 2, a statement informing
35 the person that failing to petition for judicial review in
36 compliance with Minnesota Statutes, section 169.123, subdivision

1 5c, forfeits the person's right to judicial review of a
2 disqualification order under Minnesota Statutes, section
3 171.165, subdivision 2; and

4 L. a statement informing the person that the person
5 has a right to an informal hearing to review a disqualification
6 order under Minnesota Statutes, section 171.165, subdivision 1,
7 clause (1).

8 Subp. 3. Notice to other states. When a nonresident
9 commercial vehicle driver is convicted of violating Minnesota
10 Statutes, section 169.1211, the commissioner shall report that
11 conviction to the driver's state of residence.

12 7503.2600 ISSUING CLASS C LICENSES.

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

27 Subp. 2. Obtaining paper class C license. A person who
28 has been disqualified from operating commercial motor vehicles
29 and is eligible for a class C license under subpart 1, will be
30 issued a temporary class C license with the notice of
31 disqualification. A paper license will be mailed by the
32 department to the person at no cost. A person who has received
33 notice of disqualification from a peace officer under part
34 7503.2500, subpart 1, may bring the notice of disqualification
35 to a driver license examination station where a paper record of

1 examination will be completed by an examiner at no cost. This
2 record will serve as a 90-day temporary license for the
3 operation of class C vehicles only. If the period of
4 disqualification exceeds 90 days, a paper class C license will
5 be issued to the person by mail to the address on department
6 records.

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

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

22 7503.2700 **INFORMAL HEARING FOLLOWING DISQUALIFICATION.**

23 The commissioner shall grant an informal hearing to a
24 person who has been disqualified from operating commercial motor
25 vehicles as a result of a conviction under Minnesota Statutes,
26 section 169.121 or 169.1211. No informal hearing may be granted
27 to review the validity of an order of disqualification under
28 Minnesota Statutes, section 169.123, but administrative review
29 of the disqualification is set out in part 7503.1000.

30 7503.2800 **REINSTATEMENT FOLLOWING DISQUALIFICATION.**

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

1 A. the disqualification period has been served and
2 expired;

3 B. the person has paid the reinstatement fee as
4 required by Minnesota Statutes;

5 C. the requirements imposed during this or any
6 previous disqualification period have been satisfied; and

7 D. if issued, the class C license card has been
8 returned to the department.

9 Subp. 2. Notice of reinstatement. After the person
10 fulfills the reinstatement requirements, the department will
11 ~~mail-notification-of-reinstatement-to~~ notify the person of
12 reinstatement. ~~The-commercial-motor-vehicle-driving-privilege~~
13 ~~is-reinstated-when-the-notice-is-sent-to-the-address-shown-on~~
14 ~~department-records.~~