

I.

08/20/91

[REVISOR ] RR/MN AR1875

1 Department of Public Safety

2

3 Driver and Vehicle Services Division

4

5 Adopted Permanent Rules Relating to Disposition of Driver's

6 License Following Non-Alcohol-Related Vehicle Offenses

7

8 Rules as Adopted

9 7409.0100 DEFINITIONS.

10 [For text of subpart 1, see 15 SR 1675]

11 Subp. 1a. **Cancellation.** "Cancellation" means the  
12 commissioner's rescission of a person's driver's license for  
13 which the person must meet the requirements of part 7409.4300  
14 for reinstatement of the person's driver's license.

15 Subp. 1b. **Certificate of insurance.** "Certificate of  
16 insurance" means a letter, a signed policy of vehicle liability  
17 insurance as required by Minnesota Statutes, section 65B.48, or  
18 a completed insurance certificate form from the authorized  
19 representative of the insurance carrier authorized to do  
20 business in the state stating that the vehicle will be covered  
21 by a plan of reparation security as required by Minnesota  
22 Statutes, section 65B.48, for one calendar year or that the  
23 operator will be covered by a plan of reparation security for a  
24 period of six months.

25 [For text of subps 2 to 6, see 15 SR 1675]

26 Subp. 6a. **Driver improvement clinic.** "Driver improvement  
27 clinic" has the meaning given in Minnesota Statutes, section  
28 171.20, subdivision 3.

29 [For text of subp 7, see 15 SR 1675]

30 Subp. 7a. **Owner.** "Owner" has the meaning given in  
31 Minnesota Statutes, section 65B.43, subdivision 4.

32 Subp. 7b. **Personal injury.** "Personal injury" means a  
33 class A, incapacitating injury, other than a fatal injury, that  
34 prevents the injured person from walking, driving, or normally  
35 continuing the activities the person was capable of performing

*MR*

1 before the injury occurred, such as a severe laceration, broken  
2 or distorted limb, or skull, chest, or abdominal injury.

3 Subp. 7c. **Plan of reparation security.** "Plan of  
4 reparation security" has the meaning given in Minnesota  
5 Statutes, section 65B.43, subdivision 15.

6 Subp. 7d. **Proof of insurance.** "Proof of insurance" has  
7 the meaning given in Minnesota Statutes, section 169.791,  
8 subdivision 1.

9 Subp. 8. **Revocation.** "Revocation" means the  
10 commissioner's rescission of a person's driver's license for a  
11 specific minimum period of time under Minnesota Statutes,  
12 section 65B.67, 169.792, 171.165, or 171.17, for which the  
13 person must meet the requirements of part 7409.0600, 7409.3800,  
14 7409.4000, or 7409.4100 for reinstatement of the person's  
15 driver's license.

16 Subp. 8a. **Sufficient cause to believe.** "Sufficient cause  
17 to believe" means grounds put forth in good faith, which are not  
18 arbitrary, irrational, unreasonable, or irrelevant, and that  
19 make the proposition asserted more likely than not, provided the  
20 grounds are based on at least one of the following sources:

- 21 A. written information from an identified person;  
22 B. facts or statements by the applicant or driver;  
23 C. driver's license and accident records;  
24 D. court documents and police records; or  
25 E. facts of which the commissioner or a department  
26 employee has personal knowledge.

27 Subp. 9. **Suspension.** "Suspension" means the  
28 commissioner's temporary removal of a person's driver's license  
29 under Minnesota Statutes, section 65B.67, subdivision 4a,  
30 171.09, or 171.18 for which the person must meet the  
31 requirements of part 7409.3900 or 7409.4200 for reinstatement of  
32 the person's driver's license.

33 Subp. 10. **Withdrawal or withdrawn.** "Withdrawal" or  
34 "withdrawn" means the suspension, revocation, or cancellation of  
35 a person's driver's license.

36 Subp. 11. **Withdrawal period.** "Withdrawal period" means

1 the time after a license withdrawal during which the person's  
2 driving privilege has been withdrawn and has not been reinstated.

3 REVOCATION

4 7409.1000 CRIMINAL VEHICULAR HOMICIDE AND INJURY OR MANSLAUGHTER.

5 The commissioner shall revoke the driver's license of a  
6 person upon receiving a record of conviction, for a period of:

7 A. five years, if the person is convicted under:

8 (1) Minnesota Statutes, section 609.21,  
9 subdivision 1, clause (1), or subdivision 3, clause (1);

10 (2) Minnesota Statutes, section 609.20,  
11 manslaughter in the first degree, resulting from the operation  
12 of a motor vehicle; or

13 (3) Minnesota Statutes, section 609.205,  
14 manslaughter in the second degree, resulting from the operation  
15 of a motor vehicle; or

16 B. three years, if the person is convicted under  
17 Minnesota Statutes, section 609.21, subdivision 2, clause (1);  
18 subdivision 2a, clause (1); or subdivision 4, clause (1).

19 7409.1100 FLEEING FROM PEACE OFFICER.

20 The commissioner shall revoke the driver's license of a  
21 person upon receiving a record of conviction, for a period of:

22 A. 90 days, if the person is convicted under  
23 Minnesota Statutes, section 609.487, subdivision 3;

24 B. 180 days, if the person is convicted under  
25 Minnesota Statutes, section 609.487, subdivision 4, clause (b)  
26 or (c); or

27 C. one year, if the person is convicted under  
28 Minnesota Statutes, section 609.487, subdivision 4, clause (a).

29 7409.1200 FELONY WITH MOTOR VEHICLE.

30 The commissioner shall revoke the driver's license of a  
31 person for a period of 180 days upon receiving a record of  
32 conviction of a felony in the commission of which a motor  
33 vehicle was used.

34 7409.1300 LEAVING SCENE OF ACCIDENT.

1 The commissioner shall revoke the driver's license of a  
2 person upon receiving a record of conviction under Minnesota  
3 Statutes, section 169.09, for failure to stop and disclose  
4 identity and render aid in the event of a motor vehicle accident  
5 resulting in the death or personal injury of another, for a  
6 period of:

7 A. 180 days, if the accident upon which the  
8 conviction is based resulted in personal injury to another  
9 person; or

10 B. one year, if the accident upon which the  
11 conviction is based resulted in the death of another person.

12 7409.1400 PERJURY, FALSE AFFIDAVIT OR STATEMENT.

13 The commissioner shall revoke the driver's license of a  
14 person for a period of 180 days, upon receiving a record of  
15 conviction for perjury or the making of a false affidavit or  
16 statement to the department under any law relating to the  
17 ownership or operation of a motor vehicle.

18 7409.1500 MULTIPLE MISDEMEANOR AND GROSS MISDEMEANOR OFFENSES.

19 The commissioner shall revoke the driver's license of a  
20 person upon receiving a record of a certified misdemeanor or  
21 gross misdemeanor conviction under Minnesota Statutes, chapter  
22 169, for a period of:

23 A. 30 days, if the person has been convicted of three  
24 misdemeanor or gross misdemeanor offenses under that chapter  
25 within a 12-month period;

26 B. 90 days, if the person has been convicted of four  
27 misdemeanor or gross misdemeanor offenses under that chapter  
28 within a 12-month period; or

29 C. one year, if the person has been convicted of five  
30 or more misdemeanor or gross misdemeanor offenses under that  
31 chapter within a 12-month period.

32 7409.1600 INSURANCE-RELATED OFFENSES.

33 Subpart 1. Failure to maintain insurance. The  
34 commissioner shall revoke the driver's license of a person upon

1 receiving a record of conviction under Minnesota Statutes,  
2 section 65B.67, for operating an uninsured vehicle, for a period  
3 of:

4 A. 30 days, if the person has no other convictions  
5 under Minnesota Statutes, section 65B.67, within a five-year  
6 period;

7 B. 90 days, if the person has been convicted two  
8 times under Minnesota Statutes, section 65B.67, within a  
9 five-year period;

10 C. 180 days, if the person has been convicted three  
11 times under Minnesota Statutes, section 65B.67, within a  
12 five-year period; or

13 D. one year, if the person has been convicted four or  
14 more times under Minnesota Statutes, section 65B.67, within a  
15 five-year period.

16 Subp. 2. **Failure to produce proof of insurance.** The  
17 commissioner shall revoke the driver's license of a person who  
18 fails to produce proof of insurance under Minnesota Statutes,  
19 section 169.792. The revocation period is 30 days or until the  
20 person files proof of insurance, whichever period is longer.

21 **SUSPENSION**

22 **7409.2000 CRIMINAL VEHICULAR HOMICIDE AND INJURY OR MANSLAUGHTER.**

23 Subpart 1. **Record of criminal charge.** The commissioner  
24 shall suspend the driver's license of a person upon receiving a  
25 record of a criminal charge for criminal vehicular homicide and  
26 injury or manslaughter arising out of the operation of a motor  
27 vehicle. The license must be suspended for a period of not more  
28 than one year.

29 Subp. 2. **Dismissal or acquittal.** If the commissioner  
30 receives notice that the criminal charge was dismissed or that  
31 the person was acquitted of the criminal charge, the  
32 commissioner shall terminate the suspension period.

33 Subp. 3. **Converted to revocation.** If the person is later  
34 convicted of criminal vehicular homicide and injury or  
35 manslaughter, then the commissioner shall convert the suspension

1 to a revocation. Time accrued under the suspension period must  
2 be credited toward the revocation period imposed upon conviction  
3 of criminal vehicular homicide and injury or manslaughter.

4 7409.2100 VIOLATION RESULTING IN FATALITY OR PERSONAL INJURY.

5 The commissioner shall suspend the driver's license of a  
6 person upon receiving a record of conviction under Minnesota  
7 Statutes, chapter 169 or an ordinance regulating traffic, except  
8 traffic laws specifically excluded from the driving record by  
9 statute, ~~when-it-appears-from-the~~ and department records show  
10 that the violation ~~for-which-the-person-was-convicted~~  
11 contributed in causing an accident resulting in the death  
12 or ~~class-A~~ personal injury of another. The driver's license  
13 must be suspended for a period of:

14 A. 90 days, if the violation upon which the  
15 conviction was based resulted in the personal injury of another  
16 person;

17 B. 180 days, if the violation upon which the  
18 conviction was based resulted in the death of another person; or

19 C. as recommended by the court, when made in  
20 connection with the prosecution of the licensee.

21 7409.2200 HABITUAL VIOLATORS.

22 Subpart 1. In general. The commissioner shall suspend the  
23 driver's license of a person upon receiving a record of  
24 conviction for a violation of a traffic law under Minnesota  
25 Statutes, chapter 169 or 171, or other statutes regulating the  
26 operation of motor vehicles on streets or highways, except  
27 traffic laws specifically excluded from the driving record by  
28 statute. The driver's license must be suspended for a period of:

29 A. 30 days, if the commissioner has previously sent a  
30 violation warning letter to the person and the person is  
31 convicted of:

32 (1) four traffic offenses within a 12-month  
33 period; or

34 (2) five traffic offenses within a 24-month  
35 period;

- 1           B. 90 days, if the person is convicted of:
- 2                   (1) five traffic offenses within a 12-month
- 3 period; or
- 4                   (2) six traffic offenses within a 24-month
- 5 period;
- 6           C. 180 days, if the person is convicted of seven
- 7 traffic offenses within a 24-month period; or
- 8           D. one year, if the person is convicted of eight or
- 9 more traffic offenses within a 24-month period.

10          The commissioner shall send a warning letter or conduct a

11 preliminary hearing under part 7409.4500 if the person is

12 convicted of two misdemeanors or convicted of three or more

13 traffic offenses, under this subpart, occurring within a

14 24-month period.

15          The warning letter must be sent by first class mail to the

16 person's last known address or to the address listed on the

17 person's driver's license, informing the person of the number

18 and type of traffic violations on the person's driving record

19 and the consequences of additional traffic violations.

20          Subp. 2. **License, permit, and endorsement violations.** The

21 commissioner shall suspend the driver's license of a person for

22 a period of 30 days upon receiving a record of conviction of two

23 or more violations of Minnesota Statutes, section 169.974,

24 subdivision 2; 171.02; 171.05; or 171.321, if the two violations

25 are more than 60 days apart.

26          Subp. 3. **Limited license violations.** The commissioner

27 shall suspend the driver's license of a person upon receiving a

28 record of conviction for violating a condition or limitation of

29 a limited license under Minnesota Statutes, section 171.30, for

30 a period of:

- 31           A. 30 days, if the person has no other convictions
- 32 under that section within a five-year period;
- 33           B. 90 days, if the person has been convicted two
- 34 times under that section within a five-year period;
- 35           C. 180 days, if the person has been convicted three
- 36 times under that section within a five-year period; or

1 D. one year, if the person has been convicted four or  
2 more times under that section within a five-year period.

3 Subp. 4. **Driving after withdrawal.** The commissioner shall  
4 suspend the driver's license of a person upon receiving a record  
5 of conviction of a traffic law under Minnesota Statutes, chapter  
6 169, 171, or other statutes regulating the operation of motor  
7 vehicles on streets or highways, except traffic laws  
8 specifically excluded from the driving record by statute,  
9 committed while the person was driving under a period of  
10 withdrawal. The driver's license must be suspended for a period  
11 of:

12 A. 30 days, if the person has no other incidents of  
13 driving after withdrawal within a five-year period;

14 B. 90 days, if the person has two incidents of  
15 driving after withdrawal within a five-year period;

16 C. 180 days, if the person has three violations of  
17 driving after withdrawal within a five-year period; or

18 D. one year, if the person has four or more  
19 violations of driving after withdrawal within a five-year period.

20 7409.2300 MISUSE OF LICENSE.

21 Except as otherwise provided in Minnesota Statutes, section  
22 171.171, the commissioner shall suspend the driver's license of  
23 a person upon receiving a record of conviction under Minnesota  
24 Statutes, section 171.22, for a period of:

25 A. 90 days, if the person has no other convictions  
26 under that section within a five-year period; or

27 B. 180 days if the person has been convicted two or  
28 more times under that section within a five-year period.

29 7409.2400 FAILURE TO MAINTAIN INSURANCE.

30 Subpart 1. **Authority; suspension periods.** Under Minnesota  
31 Statutes, section 65B.67, subdivision 4a, the commissioner shall  
32 suspend the driver's license of an operator upon a showing by  
33 department records, including accident reports or other  
34 sufficient evidence, that a plan of reparation security had not  
35 been provided and maintained at the time of the incident. The



1 driver's license must be suspended for a period of:

2 A. 30 days, if the operator's driver's license has  
3 not been withdrawn under Minnesota Statutes, section 65B.67,  
4 within a five-year period;

5 B. 90 days, if the operator's driver's license has  
6 been withdrawn once under Minnesota Statutes, section 65B.67,  
7 within a five-year period;

8 C. 180 days, if the operator's driver's license has  
9 been withdrawn twice under Minnesota Statutes, section 65B.67,  
10 within a five-year period; or

11 D. one year, if the operator's driver's license has  
12 been withdrawn three or more times under Minnesota Statutes,  
13 section 65B.67, within a five-year period.

14 Subp. 2. **Converted to revocation.** If a person is later  
15 convicted under Minnesota Statutes, section 65B.67, subdivision  
16 4, paragraph (b), for the same offense, then the commissioner  
17 shall convert the suspension imposed under this part to a  
18 revocation under part 7409.1600, subpart 1.

19 Subp. 3. **Suspension time credited to revocation period.**  
20 Time accrued under the suspension period in this part must be  
21 credited toward the revocation period imposed upon conviction  
22 under Minnesota Statutes, section 65B.67, subdivision 4,  
23 paragraph (b).

#### 24 CANCELLATION

25 7409.2800 CANCELLATION; GROUNDS.

26 The commissioner shall cancel the driver's license of a  
27 person on determining that the person:

28 A. was not entitled to be issued a driver's license;

29 B. has failed to give the required or correct  
30 information in the application for a driver's license;

31 C. has committed a fraud or deceit in applying for a  
32 driver's license;

33 D. at the time of cancellation, would not have been  
34 entitled to receive a license under Minnesota Statutes, section  
35 171.04; or

1 E. has failed to submit to an examination under  
2 Minnesota Statutes, section 171.13.

3 WITHDRAWAL PERIODS, ACTION; LICENSE SURRENDER

4 7409.3000 MULTIPLE LICENSE WITHDRAWALS.

5 Subpart 1. **Consecutive, generally.** When a person is  
6 subject to more than one withdrawal period under this chapter,  
7 the withdrawal periods shall run consecutively, except as  
8 otherwise provided in this part.

9 Subp. 2. **Concurrent.** Withdrawal periods imposed under  
10 chapter 7503 run concurrently with withdrawal periods imposed  
11 under this chapter when the withdrawal periods arise from the  
12 same incident.

13 Subp. 3. **Vehicular liability violations.** Withdrawal  
14 periods imposed for vehicular liability violations under parts  
15 7409.1600 and 7409.2400 run concurrently with other withdrawal  
16 periods arising from the same incident. Vehicular liability  
17 violations under parts 7409.1600 and 7409.2400 not arising from  
18 the same incident, run consecutively with each other and with  
19 other withdrawal periods that have been imposed under this  
20 chapter.

21 Subp. 4. **Suspension periods.** Suspension periods imposed  
22 under part 7409.2200, subpart 1, shall run concurrently with  
23 revocation periods imposed under part 7409.1500 when the  
24 withdrawal periods arise from the same incident. The total  
25 period of withdrawal must not exceed the longer of the two  
26 withdrawal periods.

27 Subp. 5. **Court order.** Withdrawal periods imposed by a  
28 court order run concurrently with other withdrawal periods  
29 imposed under this chapter, unless otherwise ordered by the  
30 court.

31 Subp. 6. **Total suspension period.** The total suspension  
32 period must not exceed one year unless otherwise recommended by  
33 a court.

34 7409.3100 DRIVING INCIDENTS OUT OF STATE; WITHDRAWAL.

35 Upon receiving a record of conviction, the commissioner

1 shall impose the same period of withdrawal of a person's driving  
2 privilege if a person commits or is convicted of an offense in  
3 another state that, if committed in this state, would be grounds  
4 for the withdrawal of the driving privilege.

5 7409.3200 NOTICE OF WITHDRAWAL ACTION.

6 The commissioner shall notify a person whose driver's  
7 license is subject to withdrawal or has been withdrawn. The  
8 notification must be in writing and be personally served or sent  
9 by first class mail to the person's last known address or the  
10 address listed on the person's driver's license. The notice  
11 shall contain the reason for withdrawal, the length of  
12 withdrawal, and the requirements for reinstatement of the  
13 person's driver's license. The commissioner shall place the  
14 notices sent by first class mail on the department's certified  
15 mailing list.

16 7409.3400 DRIVER'S LICENSE SURRENDER.

17 Subpart 1. License surrender. A person holding a license  
18 of any class issued by the department shall surrender the  
19 license when the person's driver's license has been revoked,  
20 suspended, or canceled. If the license subject to surrender has  
21 been lost, stolen, or destroyed, an affidavit or written  
22 statement explaining the loss must be submitted in its place.  
23 Affidavit forms must be available at the department driver  
24 examination and evaluation offices, where the person may  
25 surrender the withdrawn license or submit the affidavit or  
26 written statement.

27 Subp. 2. Refusal to surrender license. If a person fails  
28 or refuses to surrender a license following suspension,  
29 revocation, or cancellation within 30 days of notice under part  
30 7409.3200, the commissioner shall inform the local law  
31 enforcement agency. The department shall request that the  
32 agency obtain the license or written statement regarding the  
33 license's whereabouts. The suspension, revocation, or  
34 cancellation period is in effect upon notifying the licensee,  
35 but credit must not be given toward the suspension, revocation,

1 or cancellation period until the license is surrendered.

2 LIMITED LICENSE

3 7409.3600 LIMITED LICENSE.

4 The commissioner shall issue a limited license following a  
5 revocation under Minnesota Statutes, section 65B.67, 169.792, or  
6 171.17, or suspension under Minnesota Statutes, section ~~169.792,~~  
7 ~~171.17,~~ or 171.18, when the person has met the following  
8 conditions:

9 A. the person has demonstrated a need and has met the  
10 requirements for a limited license under Minnesota Statutes,  
11 section 171.30;

12 B. the person has paid the reinstatement fee required  
13 by statute;

14 C. the person has surrendered the license issued by  
15 the department, as required by Minnesota Statutes, section  
16 171.20;

17 D. the person has passed the driver's license  
18 examination, has applied for a new license, and has paid the  
19 application fee for the class of license involved, as required  
20 for issuing an original license, if the person's driver's  
21 license was revoked ~~other than under Minnesota Statutes, section~~  
22 ~~169.792;~~

23 E. one-half of the revocation or suspension period  
24 has expired, if the person has been issued a limited license  
25 within the previous 12 months;

26 F. the person requests a limited license by written  
27 correspondence, by personal appearance at the department, or by  
28 telephone if the person resides outside the seven-county  
29 metropolitan area; and

30 G. the person has fulfilled all outstanding  
31 requirements for all other driver's license withdrawals.

32 REINSTATEMENT

33 7409.3800 REINSTATEMENT AFTER INSURANCE-RELATED REVOCATION;  
34 65B.67, SUBD. 4.

35 The commissioner shall reinstate the driver's license of a

1 person whose license has been revoked under Minnesota Statutes,  
 2 section 65B.67, subdivision 4, paragraph (b), when the operator  
 3 has met the reinstatement conditions listed under part 7409.4100  
 4 and the operator files with the commissioner:

5           A. if the operator is also the owner of the vehicle  
 6 involved in the incident, a certificate of insurance for:

7                   (1) the vehicle cited on the traffic citation; or

8                   (2) if no vehicle is cited on the traffic

9 citation or if the vehicle has been sold or junked, the vehicle  
 10 currently being operated;

11           B. if the operator is not the owner of the vehicle  
 12 involved in the incident, a certificate of insurance for the  
 13 vehicle owned and currently being operated; or

14           C. if the operator is not the owner of the vehicle  
 15 involved in the incident and the operator does not own a  
 16 vehicle, a certificate of insurance for a nonowner operator  
 17 policy or a certificate of insurance verifying the operator is a  
 18 named insured.

19 7409.3900 REINSTATEMENT AFTER INSURANCE-RELATED SUSPENSION;  
 20 65B.67, SUBD. 4A.

21           The commissioner shall reinstate the driver's license of a  
 22 person whose license has been suspended under Minnesota  
 23 Statutes, section 65B.67, subdivision 4a, when the operator has  
 24 met the reinstatement conditions listed under part 7409.4200 and:

25           A. if the person's driver's license has not been  
 26 withdrawn under Minnesota Statutes, section 65B.67, within a  
 27 five-year period, the operator provides the commissioner with  
 28 verifiable insurance information, including the name of the  
 29 insurance company, the insurance policy number, and the name of  
 30 the policyholder for:

31                   (1) the vehicle cited, as shown on department  
 32 records, or if no vehicle is shown on department records as  
 33 being cited or if the vehicle has been sold or junked, the  
 34 vehicle currently being operated if the operator was also the  
 35 owner of the vehicle involved in the incident; or

1 (2) the vehicle owned and currently being  
 2 operated, if the operator is not the owner of the vehicle  
 3 involved in the incident and the operator knew or had reason to  
 4 know that the vehicle did not have a plan of reparation security  
 5 complying with the terms of Minnesota Statutes, section 65B.48;  
 6 or

7 B. if the person's driver's license has been  
 8 withdrawn two or more times under Minnesota Statutes, section  
 9 65B.67, within a five-year period, the operator provides the  
 10 commissioner with a certificate of insurance for:

11 (1) the vehicle cited, as shown on department  
 12 records, or if no vehicle is shown on department records as  
 13 being cited or if the vehicle has been sold or junked, the  
 14 vehicle currently being operated if the operator was also the  
 15 owner of the vehicle involved in the incident; or

16 (2) the vehicle owned and currently being  
 17 operated, if the operator is not the owner of the vehicle  
 18 involved in the incident and the operator knew or had reason to  
 19 know that the vehicle involved in the incident did not have a  
 20 plan of reparation security complying with the terms of  
 21 Minnesota Statutes, section 65B.48.

22 7409.4000 REINSTATEMENT AFTER INSURANCE-RELATED REVOCATION;  
 23 169.792.

24 The commissioner shall reinstate the driver's license of a  
 25 person whose license has been revoked under Minnesota Statutes,  
 26 section 169.792, when the driver has met the reinstatement  
 27 requirements under part 7409.4100, items A to D, and the driver  
 28 or owner files with the commissioner:

29 A. if the driver is also the owner of the vehicle  
 30 involved in the incident, proof of insurance for:

31 (1) the vehicle operated at the time of the  
 32 incident; or

33 (2) the vehicle currently being operated, if no  
 34 vehicle is cited on the "no proof of insurance" report or if the  
 35 vehicle involved in the incident has been sold or junked;

1 B. if the driver is not the owner of the vehicle  
 2 involved in the incident, proof of insurance for a vehicle owned  
 3 and currently being operated by the driver; or

4 C. if the driver is not the owner of the vehicle  
 5 involved in the incident and the driver does not own a vehicle,  
 6 proof of insurance for a nonowner operator policy or proof of  
 7 insurance verifying that the person is a named insured.

8 7409.4100 REINSTATEMENT AFTER REVOCATION, GENERALLY.

9 Except as provided in parts 7409.3800 and 7409.4000, the  
 10 commissioner shall reinstate the driver's license of a person  
 11 whose license is revoked when the following conditions have been  
 12 satisfied:

13 A. the revocation period has expired;

14 B. no withdrawal of the person's driver's license is  
 15 outstanding;

16 C. the person has paid the reinstatement fee as  
 17 required by statute;

18 D. the person's driver's license was surrendered  
 19 under Minnesota Statutes, section 171.20; and

20 E. the person applied for a new license, paid the  
 21 application fee for the class of license involved, and has  
 22 passed the driver's license examination, as required for issuing  
 23 an original license.

24 7409.4200 REINSTATEMENT AFTER SUSPENSION, GENERALLY.

25 Except as provided in part 7409.3900, the commissioner  
 26 shall reinstate the driver's license of a person whose driver's  
 27 license is suspended when the following conditions have been  
 28 satisfied:

29 A. the suspension period has expired or the person  
 30 has satisfied the requirements of suspension;

31 B. no withdrawal of the person's driver's license is  
 32 outstanding;

33 C. the person has paid the suspension reinstatement  
 34 fee as required by statute; and

35 D. the person's driver's license was surrendered

1 under Minnesota Statutes, section 171.20.

2 7409.4300 REINSTATEMENT AFTER CANCELLATION.

3 The commissioner shall reinstate the driver's license of a  
4 person whose license is canceled when the following conditions  
5 have been satisfied:

6 A. no withdrawal of the person's license is  
7 outstanding;

8 B. the person's driver's license was surrendered  
9 under Minnesota Statutes, section 171.20;

10 C. the person has applied for a new license, has paid  
11 the application fee for the class of license involved, and has  
12 passed the driver's license examination, as required for issuing  
13 an original license; and

14 D. the person is otherwise eligible for a driver's  
15 license under Minnesota Statutes.

16 HEARINGS

17 7409.4500 PRELIMINARY HEARING.

18 Subpart 1. Preliminary hearing required. The commissioner  
19 shall require a person to attend a preliminary hearing when the  
20 commissioner has sufficient cause to believe that the person:

21 A. has committed a violation under Minnesota  
22 Statutes, section 171.22, for an unlawful or fraudulent act  
23 regarding a driver's license or Minnesota identification card;

24 B. has committed a second violation under Minnesota  
25 Statutes, section 171.09, for a violation of a restriction  
26 imposed on the person's driver's license;

27 C. has committed a violation under Minnesota  
28 Statutes, section 171.30, of a condition or limitation of a  
29 limited license; or

30 D. was not previously sent a warning letter under  
31 part 7409.2200, subpart 1, and is convicted of:

32 (1) two misdemeanor traffic offenses within a  
33 12-month period;

34 (2) four traffic offenses within a 12-month  
35 period; or



1 (3) five traffic offenses within a 24-month  
2 period.

3 Subp. 2. **Scope of review.** The commissioner shall review  
4 the evidence upon which the preliminary hearing was based, and  
5 any other material information brought to the attention of the  
6 commissioner.

7 The commissioner may seek additional information from the  
8 person undergoing the preliminary hearing or from an agency or  
9 person believed to have information relating to the facts  
10 underlying the preliminary hearing. The person required to  
11 undergo a preliminary hearing may present additional information  
12 to the commissioner at the hearing.

13 Subp. 3. **Suspension period.** If, after reviewing the  
14 evidence presented at the preliminary hearing, the commissioner  
15 has sufficient cause to believe that the person has committed an  
16 offense listed in subpart 1, the commissioner shall suspend the  
17 driver's license of the person for a minimum period of 30 days  
18 or in accordance with the number of traffic convictions  
19 accumulated, as set forth in part 7409.2200, subpart 1, unless  
20 the person agrees to enter into a driver improvement agreement,  
21 as set forth in part 7409.4600, subpart 5.

22 Subp. 4. **Failure to attend preliminary hearing.** The  
23 commissioner shall suspend the driver's license of a person who  
24 fails to attend a preliminary hearing for a minimum period of 30  
25 days or in accordance with the number of traffic convictions  
26 accumulated, as set forth in part 7409.2200, subpart 1.

27 Subp. 5. **Notice of preliminary hearing.** The commissioner  
28 shall send a notice to the person who is required to attend a  
29 preliminary hearing by first class mail to the person's last  
30 known address or to the address listed on the person's driver's  
31 license informing the person:

- 32 A. the reason for the preliminary hearing;  
33 B. of the time, date, and place of the hearing and,  
34 if necessary, instructions to reschedule the hearing; and  
35 C. that failure to attend the hearing will result in  
36 suspension of the person's driver's license.

1 7409.4600 ADMINISTRATIVE HEARING.

2 Subpart 1. **Right to hearing.** The commissioner shall grant  
3 a hearing to a person whose driver's license has been withdrawn  
4 or is subject to withdrawal.

5 Subp. 2. **Procedure for requesting hearing.** A hearing is  
6 initiated by a request for review at the department. The  
7 hearing may be held by written correspondence, by telephone, or  
8 by a personal appearance. The person requesting the review must  
9 inform the department of the person's full name, date of birth,  
10 driver's license number, and the date of the incident for which  
11 review is being requested.

12 Subp. 3. **Scope of review.** On receiving a request for a  
13 hearing, the commissioner shall review the order, the evidence  
14 upon which the order was based, and any other material  
15 information brought to the attention of the commissioner to  
16 determine whether sufficient cause exists to sustain the order.

17 The commissioner may seek additional information from the  
18 person requesting the review or from an agency or person  
19 believed to have information relating to the facts underlying  
20 the order of withdrawal. The person requesting the review may  
21 present additional information to the commissioner at the  
22 hearing.

23 Subp. 4. **Decision.** Upon reviewing the evidence, the  
24 commissioner shall sustain the withdrawal order if there is  
25 sufficient cause to believe that the withdrawal is authorized by  
26 law. If the commissioner finds that there is not sufficient  
27 cause to believe the withdrawal order is authorized by law, the  
28 order must be rescinded.

29 The commissioner shall give a prompt decision to the person  
30 and shall issue a copy of the decision to the person upon  
31 request.

32 Subp. 5. **Driver improvement agreement.** The commissioner  
33 may waive department action on the person's driver's license if:

34 A. the person's driver's license has been suspended  
35 under Minnesota Statutes, section 171.09 or 171.18;

1           B. after reviewing the person's entire driving  
2 record, the commissioner has sufficient cause to believe that  
3 the person will improve the person's driving conduct or has  
4 demonstrated improved driving conduct; and

5           C. the person agrees to enter into a driver  
6 improvement agreement with the commissioner.

7           A driver improvement agreement is an agreement between a  
8 driver and the commissioner whereby the driver agrees to improve  
9 driving conduct in consideration for the department taking no  
10 action on the suspension that the person currently has pending.

11          The driver improvement agreement must not be for a period  
12 less than the period of suspension that the person currently has  
13 pending.

14          If the person commits a violation arising out of the  
15 operation of a motor vehicle while a driver improvement  
16 agreement is in effect, the person's driver's license will be  
17 withdrawn for 30 days or according to this chapter, chapter  
18 7503, or Minnesota Statutes, whichever is the longer period.