

1 Department of Public Safety

2 Division of Driver and Vehicle Services

3

4 Adopted Permanent Rules Relating to Commercial Driver Training

5 Schools

6

7 Rules as Adopted

8 7411.0100 DEFINITIONS.

9 [For text of subps 1 to 5, see M.R.]

10 Subp. 6. Class A vehicle. "Class A vehicle" means a  
11 vehicle that requires its operator to have a class A commercial  
12 driver's license with proper endorsement before it may be  
13 driven, under Minnesota Statutes, section 171.02, subdivision 2.

14 Subp. 7. Class B vehicle. "Class B vehicle" means a  
15 vehicle that requires its operator to have only a class B  
16 commercial driver's license with proper endorsement before it  
17 may be driven, under Minnesota Statutes, section 171.02,  
18 subdivision 2, but may also be operated by the holder of a class  
19 A commercial driver's license with proper endorsement.

20 Subp. 8. Class C vehicle. "Class C vehicle" means a  
21 vehicle that requires its operator to have a class C driver's  
22 license or a class CC commercial driver's license with proper  
23 endorsement before it may be driven, under Minnesota Statutes,  
24 section 171.02, subdivision 2, but may also be operated by the  
25 holder of a class A or class B commercial driver's license with  
26 proper endorsement. A motorcycle is not a class C vehicle for  
27 purposes of parts 7411.0100 to 7411.0900.

28 [For text of subps 9 to 26, see M.R.]

29 7411.0400 VEHICLE REQUIREMENTS.

30 Subpart 1. Safety standards. A vehicle used for driver  
31 training instruction must comply with the federal and state  
32 motor vehicle safety standards for the model year of the  
33 vehicle. A vehicle must also be maintained in a safe operating  
34 condition. The vehicle age limits in subpart 3 2 do not relieve  
35 a program of its responsibility to ensure that a vehicle used by



1 the program is maintained in a safe operating condition. An  
2 instructor shall report in writing to the program a mechanical  
3 problem affecting the safe operation of a vehicle. The program  
4 shall correct the problem before again using the vehicle for  
5 driver training instruction. If a vehicle used for driver  
6 training instruction is not maintained in a safe operating  
7 condition, the commissioner shall prohibit the program from  
8 using the vehicle for instruction until the unsafe condition has  
9 been corrected. The commissioner shall also suspend or revoke  
10 the license or certificate of the program or instructor, or  
11 both, if the commissioner determines that the unsafe condition  
12 could foreseeably be the cause of serious personal injury or  
13 property damage and that the program or instructor had notice,  
14 or should have had notice through the ordinary discharge of  
15 duties, of the unsafe condition of the vehicle.

16 Subp. 1a. **Equipment required.** A class A, class B, or  
17 class C vehicle used for driver training instruction must have  
18 an outside rearview mirror on each side of the vehicle and seat  
19 belts for each occupant of the vehicle as required by law. In  
20 addition:

21 A. a class C vehicle must have dual control brakes  
22 and, when applicable, a dual control clutch pedal; and

23 B. a class A vehicle must have a parabolic mirror not  
24 less than five inches in diameter on each side of the vehicle,  
25 ~~tandem-drive-axes-for-truck-tractors, and tandem-axes-for~~  
26 ~~semitrailers.~~

27 Subp. 2. **Vehicle age; exemption.** Except as otherwise  
28 provided in this subpart, a class C vehicle and a motorcycle  
29 used for driver training purposes may not be used for more than  
30 six years from the date it was first put into service and a  
31 class A or class B vehicle used for driver training purposes may  
32 not be used for more than ten years from the date it was first  
33 put into service. "The date first put into service" means the  
34 date the vehicle was first driven more than the limited driving  
35 necessary to move or road test the vehicle before delivery to a  
36 customer. If a vehicle is used by a dealer as a demonstration

1 model, "the date first put into service" means the date the  
2 vehicle was first driven by a potential customer. If records  
3 are not available to show this date, then "the date first put  
4 into service" means the date of the beginning of the model year  
5 of the vehicle.

6 The following exceptions apply:

7 A. A class A or class B vehicle may be used for more  
8 than ten years from the date it was first put into service, only  
9 if:

10 (1) the vehicle has been inspected during the  
11 previous six months by a mechanic for an authorized diesel truck  
12 dealer or by a person certified to inspect commercial motor  
13 vehicles under Minnesota Statutes, section 169.781;

14 (2) all repairs and replacements of parts  
15 indicated by the inspection have been made; and

16 (3) records are available to show inspections,  
17 repairs, and replacements of parts.

18 B. Semitrailers are exempt from the age limitation.

19 C. A motorcycle may be used for more than six years  
20 from the date it was first put into service only if:

21 (1) the tires, tubes, control cables, fuel line,  
22 spark plugs, front and rear brake pads and shoes, hydraulic  
23 brake hoses, wheel bearings, drive chain, battery, fork oil, and  
24 brake and clutch cables have been inspected during the previous  
25 12 months and each part not meeting operating specifications  
26 contained in the manufacturer's factory repair manual has been  
27 replaced;

28 (2) records are available to show inspections and  
29 replacements of parts; and

30 (3) the motorcycles have been inspected during  
31 the previous 12 months by a manufacturer's service  
32 representative, by a motorcycle mechanic for an authorized  
33 motorcycle dealer, or by a certified technical college  
34 motorcycle mechanic instructor.

35 [For text of subps 3 to 6, see M.R.]

36 Subp. 7. Vehicle supplied by instructor or student. If

1 the instructor or the student supplies the vehicle to be used  
2 for driver training, the program must verify that the vehicle  
3 meets the requirements under subparts 1, 1a, 2, and 4, and  
4 program insurance requirements under part 7411.0700, subpart 1,  
5 before the vehicle may be used for driver training. If the  
6 student is already in possession of a license to operate the  
7 vehicle, the vehicle is exempt from:

8           A. the age requirements under subpart 2 and the  
9 requirements of dual control brakes and dual control clutch  
10 pedal under subpart 1a, item A; and

11           B. the program insurance requirements under part  
12 7411.0700, subpart 1, for that vehicle, except that the program  
13 must verify that the vehicle used by the student during the  
14 instruction has at least the minimum amount of insurance  
15 required under Minnesota Statutes, chapter 65B.

16 7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, AND C  
17 VEHICLES.

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

19           Subp. 3. **Classroom curriculum.** A written classroom  
20 curriculum guide must be available to and used by an instructor  
21 conducting classroom instruction. The program shall submit the  
22 curriculum to the commissioner for approval. The commissioner  
23 shall approve the curriculum if it meets the requirements of  
24 this subpart. The program may not use the curriculum until the  
25 curriculum has been approved. Separate curriculums must be  
26 submitted for approval if a program conducts both consecutive  
27 and concurrent classroom and laboratory instruction. The  
28 classroom instruction must be conducted in a classroom location  
29 complying with part 7411.0700, subpart 2, and the instructor  
30 must be physically present with the students during the  
31 classroom instruction to instruct as well as to address the  
32 questions and comments of the students.

33           The curriculum must present the student with the  
34 opportunity to:

35           A. analyze and assess several decision-making models

- 1 and factors influencing highway-user decisions;
- 2 B. analyze and simulate making decisions about the  
3 effect of alcohol and other drugs on behavior and driving  
4 performance;
- 5 C. analyze and practice making decisions about using  
6 occupant restraints;
- 7 D. identify and analyze a variety of driving  
8 decisions about highway users and roadway characteristics;
- 9 E. analyze and practice making decisions about a  
10 vehicle's speed under different driving conditions;
- 11 F. know the content and purpose of motor vehicle and  
12 traffic laws and rules for safe driving performance;
- 13 G. identify, analyze, and describe proper procedures  
14 for a variety of driving situations;
- 15 H. gather information and practice making decisions  
16 about automobile ownership and maintenance;
- 17 I. identify, analyze, and practice making decisions  
18 related to drivers' attitudes and emotions;
- 19 J. explore alternative ways to become better drivers  
20 and to improve the highway transportation system;
- 21 K. know the duties of drivers when encountering  
22 school buses, the content and requirements of Minnesota  
23 Statutes, section 169.444, and the penalties for violating that  
24 section; and
- 25 L. know the principles of safe operation of vehicles  
26 at railroad-highway grade crossings.

27 [For text of subps 4 and 5, see M.R.]

28 Subp. 6. **Concurrent classroom and laboratory instruction.**  
29 When a program conducts classroom and laboratory phases of  
30 instruction concurrently for those wishing to obtain a class C  
31 license, the program may not provide laboratory instruction to a  
32 student until the student has completed at least 15 hours of  
33 classroom instruction. An authorized school operator or  
34 instructor may then complete a certificate of enrollment  
35 indicating when laboratory instruction will begin. The  
36 certificate must specify that the classroom instruction is being

1 conducted concurrently with the laboratory instruction. The  
2 department accepts this certificate from the student at driver  
3 examination stations when the student is applying for an  
4 instruction permit. The program may not provide laboratory  
5 instruction to a student who has not obtained the instruction  
6 permit.

7 A program offering class A and class B driver training must  
8 have a concurrent course consisting of at least 40 hours of  
9 classroom instruction, 60 hours of laboratory instruction, and  
10 60 hours of observation time for each student.

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

12 Subp. 8. Laboratory curriculum. A written laboratory  
13 guide must be available to and used by an instructor conducting  
14 laboratory instruction. The program shall submit the curriculum  
15 to the commissioner for approval. The commissioner shall  
16 approve the curriculum if it meets the requirements of this  
17 subpart. The program may not use the curriculum until the  
18 curriculum has been approved. Separate curriculums must be  
19 submitted for approval if a program conducts both consecutive  
20 and concurrent classroom and laboratory instruction. The  
21 curriculum must include:

22 A. orientation to the purpose, content, and  
23 procedures for laboratory instruction;

24 B. orientation to gauges and instruments, and  
25 preparing to move the vehicle;

26 C. basic skills in speed control and tracking on  
27 forward and backward paths;

28 D. orientation to driving and initial techniques in  
29 scanning for, recognizing, and responding to obstacles;

30 E. basic skills in parking, turning, backing, turning  
31 around, changing lanes, crossing intersections, and passing;

32 F. reduced-risk city driving, highway driving,  
33 freeway driving, and interacting with highway users;

34 G. strategies for perceiving and responding to  
35 adverse and special conditions and emergencies; and

36 H. formal evaluation, self-evaluation, and planning

1 for future improvement.

2 Subp. 9. Laboratory schedule requirements. A program:

3 A. may offer no more than two hours of laboratory  
4 instruction per day to a student in a class C vehicle;

5 B. shall provide a driver training student who is  
6 less than 18 years old with a minimum of six hours of laboratory  
7 instruction;

8 C. and instructor, except for the training offered in  
9 class A or class B vehicles, shall not give a student more than  
10 30 hours of laboratory instruction without the written  
11 authorization of the commissioner; and

12 D. may substitute simulation and range driving for  
13 laboratory instruction if the following requirements are  
14 fulfilled:

15 (1) Four hours of simulation may be substituted  
16 for one hour of laboratory instruction.

17 (2) Two hours of range instruction may be  
18 substituted for one hour of laboratory instruction.

19 (3) Total on-street time may not be less than  
20 three hours.

21 Subp. 10. Laboratory instruction requirements. The  
22 following requirements apply to laboratory instruction:

23 A. A program shall not provide laboratory instruction  
24 on the actual routes used for state driver's license road tests,  
25 except when unavoidable due to lack of alternatives.

26 B. An instructor shall ensure that each laboratory  
27 student is in possession of a valid instruction permit or  
28 driver's license from the student's home state or country,  
29 applicable to the class of vehicle in which instruction is being  
30 given.

31 C. An instructor shall ensure that seat belts are  
32 used at all times by persons in the vehicle.

33 D. The class A vehicle that is provided by the  
34 program for driver training must be one that requires an  
35 unrestricted class A license for its operation.

36 E. The class B vehicle that is provided by the

1 program for driver training must be one that requires a class B  
2 license for its operation.

3 F. A program offering class A or class B training  
4 shall provide a paved driving range of at least 90,000 square  
5 feet. If more than two class A vehicles are to be used on the  
6 driving range at the same time, an additional 45,000 square feet  
7 of driving range must be provided for each added motor vehicle,  
8 but the surface of the additional area need not be paved.

9 [For text of subp 11, see M.R.]

10 Subp. 12. Additional training for license holders. Except  
11 as otherwise provided in subpart 4 or 9, a program may provide  
12 hourly training to increase the proficiency of persons already  
13 licensed to operate a vehicle.

14 Subp. 13. Training limitations. After a student receiving  
15 class A or class B driver training has completed 50 percent of  
16 the required observation time, the program may offer the student  
17 up to 15 hours per day of observation time. If a student  
18 receives eight or more hours of observation time in a day, the  
19 student may not receive classroom or laboratory training that  
20 day.

21 Except as otherwise provided in this subpart or in other  
22 rule or statute, a program may offer a student who is receiving  
23 class A or B driving training up to a total of eight hours of  
24 training per day.

25 7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.

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

27 Subp. 2. Classroom curriculum. A written classroom  
28 curriculum guide must be available to and used by an instructor  
29 conducting classroom instruction. The driver training program  
30 shall submit the curriculum to the commissioner for approval.  
31 The commissioner shall approve the curriculum if it meets the  
32 requirements of this subpart. The program may not use the  
33 curriculum until the curriculum has been approved. Separate  
34 curriculums must be submitted for approval if a program conducts  
35 both consecutive and concurrent classroom and laboratory



1 instruction. The classroom instruction must be conducted in a  
2 classroom location complying with part 7411.0700, subpart 2, and  
3 the instructor must be physically present with the students  
4 during the classroom instruction to instruct as well as to  
5 address the questions and comments of the students. The  
6 curriculum must present a student with the opportunity to:

- 7 A. become familiar with the purpose, content, and  
8 procedures for classroom instruction;
- 9 B. learn the location and operation of motorcycle  
10 controls and indicators;
- 11 C. identify, analyze, and practice making decisions  
12 about proper protective gear;
- 13 D. identify and become familiar with the procedures  
14 for starting, riding, and stopping a motorcycle;
- 15 E. learn procedures for turning, changing gears, and  
16 using both brakes to stop a motorcycle;
- 17 F. identify basic riding strategies and prepare to  
18 ride safely in traffic;
- 19 G. become familiar with the various methods used to  
20 minimize, separate, and compromise riding hazards;
- 21 H. learn procedures for passing, group riding, and  
22 night riding;
- 23 I. prepare for handling unusual or emergency  
24 situations;
- 25 J. gather information and practice making decisions  
26 about selecting, insuring, and maintaining a motorcycle;
- 27 K. understand how alcohol and other drugs affect a  
28 motorcyclist's ability to ride safely;
- 29 L. have the student's knowledge evaluated in the  
30 classroom;
- 31 M. know the duties of drivers when encountering  
32 school buses, the content and requirements of Minnesota  
33 Statutes, section 169.444, and the penalties for violating that  
34 section; and
- 35 N. know the principles of safe operation of vehicles  
36 at railroad-highway grade crossings.

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

2 Subp. 5. **Laboratory curriculum.** A written laboratory  
3 curriculum guide must be available to and used by an instructor  
4 conducting laboratory instruction. The program shall submit the  
5 curriculum to the commissioner for approval. The commissioner  
6 shall approve the curriculum if it meets the requirements of  
7 this subpart. The program may not use the curriculum until the  
8 curriculum has been approved. Separate curriculums must be  
9 submitted for approval if a program conducts both consecutive  
10 and concurrent classroom and laboratory instruction. The  
11 curriculum must include:

12 A. orientation to the purpose, content, and  
13 procedures for laboratory instruction;

14 B. mounting, dismounting, starting, stopping, and  
15 walking the motorcycle; understanding the clutch friction zone;  
16 and riding in a straight line;

17 C. riding in circles, weaving, making sharp turns,  
18 and straight-line shifting;

19 D. braking, turning, adjusting speed, shifting, and  
20 accelerating in a turn;

21 E. scanning techniques for recognizing and responding  
22 to obstacles;

23 F. rear wheel skids and quick stops;

24 G. changing lanes and stopping on a curve;

25 H. selecting a safe speed in cornering maneuvers;

26 I. countersteering and changing lanes quickly; and

27 J. formal skills evaluation.

28 [For text of subps 6 to 12, see M.R.]

29 7411.0610 INSTRUCTOR REQUIREMENTS.

30 [For text of subps 1 to 3, see M.R.]

31 Subp. 4. **Driving record.** An instructor shall notify the  
32 driver-training office of the driver training coordinator of the  
33 department, in writing, if the instructor is convicted of a  
34 traffic violation or is involved in a motor vehicle accident.  
35 The written notification must be submitted to the driver

1 training office of the driver training coordinator of the  
2 department within ten days from the date of the conviction or  
3 the accident. The commissioner shall review the driving records  
4 of each applicant for an instructor's license and of each new  
5 instructor at a certified program. The commissioner shall also  
6 annually review the driving record of each instructor. A person  
7 is ineligible to be an instructor if:

8           A. the person's driver's license has been revoked or  
9 suspended for a traffic violation other than an  
10 insurance-related traffic violation within the preceding three  
11 years;

12           B. the person has been convicted of three or more  
13 traffic violations within a one-year period and one year has not  
14 elapsed since the last conviction; or

15           C. the person has been convicted of four or more  
16 traffic violations within a three-year period and one year has  
17 not elapsed since the last conviction.

18           Subp. 5. **Health.** When the commissioner has good cause to  
19 believe that an instructor has a physical or mental disability  
20 that will interfere with the safe operation of a motor vehicle,  
21 the commissioner shall require a physician's statement as often  
22 as necessary for the commissioner to monitor the instructor's  
23 condition. The physician's statement must be submitted no later  
24 than 30 days after the examination on which the statement is  
25 based.

26           Subp. 5a. **Hearing.** An applicant or instructor must be  
27 able to speak and hear well enough to conduct a normal verbal  
28 conversation with another at a distance of five feet, with or  
29 without a hearing aid.

30           Subp. 6. **Vision.** An applicant or instructor must be able  
31 to meet the vision requirements to obtain an unrestricted class  
32 C license except that the restriction of corrective lenses which  
33 enables the applicant or instructor to meet the vision  
34 requirement is an acceptable restriction.

35           Subp. 7. **Criminal history.** Each applicant for a new  
36 instructor's license and each new instructor at a certified

1 program shall furnish the commissioner with one passport-type  
2 photograph and authorize an investigation to determine if the  
3 applicant or instructor has a criminal record. The photograph  
4 and authorization must be submitted with the application for an  
5 instructor's license or with the program's annual application  
6 for renewal of its certificate. A new passport-type photograph  
7 must be submitted with an instructor's annual renewal  
8 application every five years after the original application. If  
9 a person has been convicted of a gross misdemeanor or felony,  
10 then that person is ineligible to be an instructor unless:

11 A. the commissioner determines under Minnesota  
12 Statutes, section 364.03, subdivision 2, that the crime does not  
13 directly relate to the position of instructor; or

14 B. the person has shown competent evidence of  
15 sufficient rehabilitation and present fitness to perform the  
16 duties of an instructor under Minnesota Statutes, section  
17 364.03, subdivision 3.

18 [For text of subps 8 to 13, see M.R.]

19 7411.0700 PROGRAM REQUIREMENTS.

20 Subpart 1. Insurance and safety. Insurance and safety  
21 requirements are as follows:

22 A. The program shall file with the commissioner  
23 evidence of liability insurance obtained from a company  
24 authorized to do business in Minnesota in the amounts of at  
25 least \$100,000 because of bodily injury to, or death of, any one  
26 person in any one accident; at least \$300,000 because of bodily  
27 injury to, or death of, two or more persons in any one accident;  
28 at least \$50,000 because of damage to, or destruction of,  
29 property of others in any one accident; at least \$20,000 for  
30 medical expenses; and at least the minimum amount of uninsured  
31 motorist coverage.

32 B. The program shall furnish evidence of coverage to  
33 the commissioner in the form of an original certificate of  
34 insurance from the insurance company demonstrating the required  
35 amount of insurance under item A and demonstrating that the

1 insurance may not be canceled or terminated, except upon 30  
2 days' prior written notice to the commissioner.

3 C. If the insurance is canceled, the program's  
4 license or certificate terminates automatically on the date the  
5 insurance ~~was-canceled~~ cancellation becomes effective. Vehicles  
6 used in the operation of the program may not be used for program  
7 purposes unless the program obtains adequate insurance coverage  
8 and notifies the commissioner of the coverage, and the  
9 commissioner notifies the program in writing that the license or  
10 certificate has been reinstated. When vehicle insurance is  
11 provided by the instructor or lessor and it is canceled, the  
12 vehicle must immediately be removed from the program's approved  
13 list as filed with the commissioner or the program's license or  
14 certificate terminates automatically. Program licenses or  
15 certificates terminated under this item must be surrendered to  
16 the commissioner within ten days from the date the insurance was  
17 canceled. A program whose license or certificate has been  
18 canceled may reapply for a license or certificate upon meeting  
19 the insurance requirements under this part.

20 D. The commercial driver training school owner or  
21 operator shall secure and submit with the application a  
22 continuous surety company bond in the principal sum of \$10,000  
23 for the protection of the contractual rights of students,  
24 undertaken by a company authorized to do business in Minnesota.  
25 The aggregate liability of the surety for all breaches of the  
26 bond must not exceed the principal sum of \$10,000. The school  
27 shall furnish satisfactory evidence of coverage to the  
28 commissioner. The concerned surety company may cancel the bond  
29 upon giving 30 days' written notice to the commissioner. The  
30 surety company is relieved of all liability for the breach of a  
31 condition of the bond occurring after the effective date of  
32 cancellation. If the bond is canceled, the program's license  
33 terminates automatically on the date the bond ~~was-canceled~~  
34 cancellation becomes effective. Program licenses terminated  
35 under this item must be surrendered to the commissioner within  
36 ten days from the date the insurance was canceled. A program

1 whose license or certificate has been canceled may reapply for a  
2 license or certificate upon meeting the bond requirements under  
3 this part.

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

5 Subp. 3. Records. The program shall maintain the  
6 following records for the current year and three preceding years:

7 A. The program shall keep an instruction record of  
8 every person enrolled, whether or not the person was given  
9 instruction or other services relating to classroom or  
10 laboratory instruction in operating a motor vehicle. The record  
11 for each person must contain the person's legal name, including  
12 first, middle, and last names, address, date of birth, contract  
13 number, date and number of hours of all instruction, and type of  
14 instruction. For a student who has completed a phase of the  
15 driver training instruction, the record must also contain the  
16 completion date of the phase of the instruction and the name of  
17 the instructor.

18 B. The program shall keep a contract file containing  
19 the original and subsequent contracts or renewal agreements  
20 entered into between the program and every person receiving  
21 instruction or other services relating to operating a motor  
22 vehicle.

23 C. The program shall keep a current vehicle file  
24 listing the vehicles used by the program for driver training  
25 purposes. The vehicle file must contain the inspection and  
26 maintenance records for each vehicle listed.

27 The records described in items A to C must be maintained in  
28 a businesslike manner. Only standard abbreviations are to be  
29 used. The records are subject to inspection by the commissioner  
30 during reasonable business hours. The loss, mutilation, or  
31 destruction of records required to be maintained by the program  
32 must be reported immediately to the commissioner by affidavit,  
33 stating the date the records were lost, destroyed, or mutilated;  
34 the circumstances involving the loss, destruction, or  
35 mutilation; the names of the law enforcement officer or fire  
36 department official to whom the loss was reported; and the date

1 of the report.

2 [For text of subps 4 to 7, see M.R.]

3 Subp. 8. **Authorized official; certificates.** A program  
4 shall designate one authorized official per program. The  
5 program must provide written notification to the commissioner of  
6 the name of the authorized official and any change in the  
7 designation of an authorized official. The authorized official  
8 shall perform the following duties:

9 A. The authorized official shall furnish the student:

10 (1) a certificate of course completion within 15  
11 calendar days after a student completes instruction, including  
12 both the required course of classroom instruction and the  
13 required course of laboratory instruction; or

14 (2) a verification statement of completion of  
15 classroom instruction within 15 calendar days after the student  
16 completes the required course of classroom instruction and  
17 notifies the program that the student intends to complete  
18 laboratory instruction with another program.

19 B. The authorized official shall notify the  
20 department's driver and vehicle services division within a  
21 reasonable period of time of when a student who is 15, 16, or 17  
22 years of age fails to continue or complete the required  
23 automobile driver training course, including laboratory  
24 instruction.

25 C. The authorized official shall issue:

26 (1) a certificate of enrollment within 15  
27 calendar days after a student completes the classroom phase of  
28 the required motorcycle safety course and enrolls in the  
29 laboratory phase of the course, on a form provided by the  
30 department that must be presented to a driver's license examiner  
31 at the time of application for a motorcycle instruction permit  
32 or endorsement; or

33 (2) a certificate of course completion within 15  
34 calendar days after a student completes both phases of the  
35 required motorcycle safety course, on a form provided by the  
36 department that must be presented to a driver's license examiner

1 at the time of application for a motorcycle instruction permit  
2 or endorsement and that may be presented by the student, one  
3 time only, for renewing the motorcycle instruction permit.

4 D. Parts 7411.0100 to 7411.0800 do not require a  
5 program to issue a certificate to a student who has not paid the  
6 agreed-upon fees.

7 Subp. 9. Instruction requirements. The program shall  
8 ensure that the following instruction requirements are complied  
9 with:

10 A. Instruction may be given only by those instructors  
11 in possession of a valid and properly endorsed driver's license  
12 and either a Minnesota instructor's license if instructing at a  
13 commercial driver training school or a Minnesota teaching  
14 license if instructing at a certified program. The documents  
15 must be applicable to the type of vehicle for which instruction  
16 is being given.

17 B. An instructor may not instruct for a program  
18 unless the instructor's license application was signed by the  
19 owner of the program or the owner's agent or unless the  
20 instructor is listed in the program application.

21 [For text of subs 10 to 12, see M.R.]

22 Subp. 13. Situations requiring notification. A program  
23 shall notify the driver training office of the department, in  
24 writing, if one of its instructors is convicted of a traffic  
25 violation or is involved in a motor vehicle accident.

26 A program shall notify the driver training office of the  
27 department, in writing, if one of its students, while receiving  
28 instruction, is involved in a motor vehicle accident. The  
29 written notification must be submitted to the office within ten  
30 days from the date of the accident. The program shall also  
31 inform the student of the student's obligation to submit an  
32 accident report to the commissioner and provide the student with  
33 the information concerning the motor vehicle or insurance that  
34 is required to be on the accident report.

35 A program shall notify the commissioner if one of its  
36 instructors has violated a statute or rule or committed an act



1 that would cause the instructor to be unfit to continue working  
2 as an instructor.

3 This subpart does not apply to a program unless the program  
4 has notice, or should have notice through the ordinary discharge  
5 of its duties, of the violation, motor vehicle accident, or  
6 act. Further, this subpart does not apply to a program unless  
7 the motor vehicle accident is one that must be reported to the  
8 commissioner under Minnesota Statutes, section 169.09,  
9 subdivision 7.

10 [For text of subp 14, see M.R.]

11 7411.0800 LICENSING AND CERTIFICATION PROVISIONS.

12 [For text of subps 1 to 7, see M.R.]

13 Subp. 8. **Suspension and revocation.** The license or  
14 certificate of a program or the license of an instructor may be  
15 revoked, suspended, or refused renewal under any of the  
16 following conditions:

17 A. The licensee or certificate holder has permitted  
18 fraud or engaged in fraudulent practices with reference to the  
19 license or certificate application, in the operation of the  
20 program, or the conduct of employment.

21 B. The program or instructor has induced or  
22 countenanced fraud or fraudulent practices on the part of an  
23 applicant for a driver's license or instruction permit.

24 C. A certificate of enrollment or completion has been  
25 signed by the authorized official of the program and the  
26 official knew, or should have known after reasonable  
27 investigation, that information on the certificate was false.

28 D. There is evidence that intoxicating beverages have  
29 been present or consumed on the program premises or in its  
30 training vehicles.

31 E. The instructor, the program, or both have failed  
32 to keep or have been late for appointments repeatedly or without  
33 good reason.

34 F. The program, the instructor, or both have delayed  
35 the start or completion of training without good reason.

1 G. The program or instructor has conducted business  
2 in a way that substantially departs from commonly accepted  
3 practices as used by other driver training programs and  
4 instructors.

5 H. The program or instructor has encouraged a student  
6 to continue indefinite instructions beyond the point the student  
7 is capable of passing a driver's license or motorcycle  
8 endorsement examination or it can easily be determined that the  
9 student, for one reason or another, could never pass an  
10 examination. A question about the competency of the student or  
11 the number of hours of instruction must be referred in writing  
12 to the commissioner for clarification.

13 I. The program or instructor has failed to comply  
14 with the requirements for programs or instructors in parts  
15 7411.0100 to 7411.0900 and Minnesota Statutes, chapters 169 and  
16 171.

17 J. The program or instructor has permitted, aided, or  
18 abetted the commission of an illegal act in the operation of the  
19 program or in the conduct of employment.

20 K. The program or instructor has engaged in conduct,  
21 in the operation of the program or in the conduct of employment,  
22 that is likely to harm the public or student or that  
23 demonstrates a willful or careless disregard for the health or  
24 safety of other persons or students.

25 Subp. 8a. **Administrative review.** When the commissioner  
26 notifies a program or instructor of a revocation, suspension, or  
27 refusal to renew, the program or instructor may proceed under  
28 item A or B. A revocation, suspension, or refusal to renew is  
29 not effective until the time for requesting a review or hearing  
30 under items A and B has lapsed or, if a review or hearing is  
31 requested under items A and B, until completion of these  
32 proceedings. The notice of revocation, suspension, or refusal  
33 is adjudged received three days after mailing to the last known  
34 address of the program or instructor as listed by the records of  
35 the driver training office of the department.

36 A. The program or instructor may ask the commissioner

1 to review the revocation, suspension, or refusal. The program  
2 or instructor may request a review by submitting a statement,  
3 together with written materials supporting the position of the  
4 program or instructor. In addition to submitting written  
5 materials, the program or instructor may request to appear  
6 before the commissioner to show cause why the revocation,  
7 suspension, or refusal should be rescinded. The request for  
8 review must be submitted within ten days after the program or  
9 instructor receives notice of the revocation, suspension, or  
10 refusal. The commissioner or a designated agent shall perform  
11 the review and notify the program or instructor within ten days  
12 after the review whether the revocation, suspension, or refusal  
13 will be affirmed or rescinded.

14           B. The program or instructor may request a formal  
15 hearing with or without undergoing the review process in item  
16 A. The request must be in writing and must be received within  
17 30 days after the program or instructor receives notice of the  
18 revocation, suspension, or refusal, or within ten days after the  
19 party receives notice of an adverse determination under item A,  
20 whichever period is longer. When a formal hearing is requested,  
21 the commissioner shall arrange a contested case hearing before  
22 an administrative law judge under Minnesota Statutes, chapter  
23 14. After the hearing, the administrative law judge may  
24 recommend that the commissioner affirm, modify, or reverse the  
25 revocation, suspension, or refusal.

26           Subp. 8b. Surrender of license. A license or certificate  
27 which is revoked, suspended, or refused renewal must be  
28 surrendered to the commissioner. The revocation, suspension, or  
29 refusal to renew takes effect as specified in subpart 8a, but  
30 credit must not be given toward the specified withdrawal period  
31 until the license or certificate is surrendered.

32           Subp. 8c. Settlement conference. Nothing in this part may  
33 be construed as precluding the commissioner from holding an  
34 informal conference to exchange information, clarify issues, or  
35 resolve any or all issues of the parties.

36                           [For text of subp 9, see M.R.]