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ADMINISTRATIVE
HEARINGS

1 Department of Public Safety
2
3 Adopted Permanent Rules Relating to Driver Education
4
5 Rules as Adopted

6 CHAPTER 7411
7 DEPARTMENT OF PUBLIC SAFETY
8 DRIVER AND VEHICLE SERVICES DIVISION
9 DRIVER EDUCATION

10 7411.0100 DEFINITIONS.

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

12 Subp. 2a. **Approving authority.** "Approving authority"
13 means the commissioner of the Department of Public Safety or an
14 authorized agent of the department.~~---The Department of Public~~
15 ~~Safety may request the assistance of the State Board of~~
16 ~~Education in the administration and enforcement of this chapter,~~
17 provided however, that where a statute requires that an act be
18 performed by the State Board of Education, then "approving
19 authority" means the State Board of Education.

20 Subp. 4. **Certificate.** "Certificate" refers to the written
21 document issued by the commissioner to a private or parochial
22 college, university, or high school that offers driver education
23 to persons under 18 years of age as part of the normal program
24 for that institution, indicating the department's approval of
25 the school's driver education under Minnesota Statutes, section
26 171.04, clause (1), and parts 7411.0100 to 7411.0900.

27 Subp. 5. **Certified; certified program.** "Certified" and
28 "certified program" refer to a private or parochial college,
29 university, or high school that offers driver education as part
30 of the normal program for that institution and that holds a
31 current certificate from the commissioner indicating that it
32 complies with department driver education requirements.

33 [For text of subps 6 to 8, see M.R.]

34 Subp. 9. **Commercial driver education school.** "Commercial
35 driver education school" means a business enterprise conducted

1 by an individual, association, partnership, or corporation, that
2 charges a fee to educate and train persons to drive motor
3 vehicles or to prepare an applicant for a driver's license
4 examination given by the state, and that is required to be
5 licensed by the commissioner under Minnesota Statutes, sections
6 171.33 to 171.41.

7 [For text of subps 10 and 11, see M.R.]

8 Subp. 12. **Driver education program; program.** "Driver
9 education program" or "program" means:

10 A. a commercial driver education school;

11 B. a certified program;

12 C. a private or commercial school or institute
13 offering a two-wheeled vehicle driver's safety course that is
14 required to be approved by the commissioner under Minnesota
15 Statutes, section 169.974, subdivision 2; or

16 D. a public high school offering, directly or
17 indirectly, a driver education program approved by the State
18 Board of Education.

19 Subp. 13. **Good cause to believe.** "Good cause to believe"
20 means grounds put forth in good faith that are not arbitrary,
21 irrational, unreasonable, or irrelevant and that are based on at
22 least one of the following sources:

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

24 E. facts of which the approving authority or the
25 approving authority's employees or agents have personal
26 knowledge.

27 [For text of subps 14 to 17, see M.R.]

28 Subp. 18. **Instructor.** "Instructor" means a person,
29 whether acting as an operator of a driver education program or
30 as an employee of the program, who teaches or supervises persons
31 learning to drive motor vehicles or preparing to take an
32 examination for a driver's license, and a person who supervises
33 the work of another instructor.

34 [For text of subps 19 to 26, see M.R.]

35 7411.0200 PURPOSE.

1 The purpose of parts 7411.0100 to 7411.0900 is to carry out
2 the mandate of the legislature in Minnesota Statutes, sections
3 169.974, subdivision 2; 171.04; and 171.33 to 171.41, for
4 regulating and licensing driver education programs and
5 instructors. Parts 7411.0100 to 7411.0900 also carry out the
6 legislative mandate of Laws 1993, chapter 224, article 12,
7 section 35, which provides that the State Board of Education
8 shall cooperate with the department to develop a single set of
9 rules for driver education programs, whether public, private, or
10 commercial.

11 7411.0400 VEHICLE REQUIREMENTS.

12 Subpart 1. **Safety standards.** A vehicle used for driver
13 education instruction must comply with the federal and state
14 motor vehicle safety standards for the model year of the
15 vehicle. A vehicle must also be maintained in a safe operating
16 condition. The vehicle age limits in subpart 2 do not relieve a
17 program of its responsibility to ensure that a vehicle used by
18 the program is maintained in a safe operating condition. An
19 instructor shall report in writing to the program a mechanical
20 problem affecting the safe operation of a vehicle. The program
21 shall correct the problem before again using the vehicle for
22 driver education instruction. If a vehicle used for driver
23 education instruction is not maintained in a safe operating
24 condition, the approving authority shall prohibit the program
25 from using the vehicle for instruction until the unsafe
26 condition has been corrected. The approving authority shall
27 also suspend or revoke the license or certificate of the program
28 or instructor, or both, if the approving authority determines
29 that the unsafe condition could foreseeably be the cause of
30 serious personal injury or property damage and that the program
31 or instructor had notice, or should have had notice through the
32 ordinary discharge of duties, of the unsafe condition of the
33 vehicle.

34 Subp. 1a. **Equipment required.** A class A, class B, or
35 class C, or class D vehicle used for driver education

1 instruction must have an outside rearview mirror on each side of
2 the vehicle, separate inside rearview or visor mirror for the
3 instructor's use, and seat belts for each occupant of the
4 vehicle as required by law. In addition:

5 [For text of items A and B, see M.R.]

6 Subp. 2. **Vehicle age; exemption.** Except as otherwise
7 provided in this subpart, a program's class E D vehicle and a
8 motorcycle used for driver education purposes may not be used
9 for more than six years from the date it was first put into
10 service and a class A or, class B, or class C vehicle used for
11 driver education purposes may not be used for more than ten
12 years from the date it was first put into service. "The date
13 first put into service" means the date the vehicle was first
14 driven more than the limited driving necessary to move or road
15 test the vehicle before delivery to a customer. If a vehicle is
16 used by a dealer as a demonstration model, "the date first put
17 into service" means the date the vehicle was first driven by a
18 potential customer. If records are not available to show this
19 date, then "the date first put into service" means the date of
20 the beginning of the model year of the vehicle.

21 The following exceptions apply:

22 [For text of items A to C, see M.R.]

23 Subp. 3. [See repealer.]

24 Subp. 4. **Marking.** While being used for laboratory
25 instruction, class A, class B, and class C, and class D program
26 vehicles must have signs conspicuously and legally displayed on
27 the rear, with background and letters of contrasting colors
28 stating "Student Driver." On vehicles used for class E D driver
29 education, the lettering must be at least two but not more than
30 five inches in height. On vehicles used for class A and, class
31 B, and class C driver education, the lettering must be at least
32 ten inches in height. No other signs or advertising may be
33 displayed without the approval of the approving authority. The
34 sign, when used for public high schools, must be removed when
35 the vehicle is used for purposes other than driver education
36 instruction.

1 Subp. 5. **Inspections.** When the approving authority has
2 good cause to believe a vehicle used for driver education
3 purposes does not meet the requirements of parts 7411.0100 to
4 7411.0900, the approving authority shall inspect or shall
5 require the inspection of the vehicle.

6 Subp. 6. **Commercial use.** A vehicle may be used for
7 commercial purposes during the education program only if each of
8 the following conditions is met:

9 [For text of item A, see M.R.]

10 B. All use for commercial purposes takes place during
11 the last 50 percent of the total education program.

12 [For text of items C to E, see M.R.]

13 Subp. 7. **Vehicle supplied by instructor or student.** If
14 the instructor or the student supplies the vehicle to be used
15 for driver education, the program must verify that the vehicle
16 meets the requirements under subparts 1, 1a, 2, and 4, and
17 program insurance requirements under part 7411.0700, subpart 1,
18 before the vehicle may be used for driver education. If the
19 student is already in possession of a license to operate the
20 vehicle, the vehicle is exempt from:

21 [For text of items A and B, see M.R.]

22 7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, AND C,
23 and D VEHICLES.

24 Subpart 1. **Scope.** This part applies to driver education
25 in class A, class B, and class C, and class D vehicles and does
26 not apply to driver education on motorcycles.

27 Subp. 2. **Required age and qualifications of students.** A
28 driver education program may not offer class A driver education
29 to a student who is not at least 18 years old and in possession
30 of at least a class E D license.

31 A program may not offer class B or class C driver education
32 to a student who is not at least 16 years old and in possession
33 of at least a class E D license.

34 Subp. 3. **Classroom curriculum.** A written classroom
35 curriculum guide must be available to and used by an instructor

1 conducting classroom instruction. The program shall submit the
2 curriculum to the approving authority for approval. The
3 approving authority shall approve the curriculum if it meets the
4 requirements of this subpart. The program may not use the
5 curriculum until the curriculum has been approved. Separate
6 curriculums must be submitted for approval if a program conducts
7 both consecutive and concurrent classroom and laboratory
8 instruction. The classroom instruction must be conducted in a
9 classroom location complying with part 7411.0700, subpart 2, and
10 the instructor must be physically present with the students
11 during the classroom instruction to instruct as well as to
12 address the questions and comments of the students.

13 The curriculum presented to the students must include at
14 least the following:

15 A. the opportunity for students to analyze and assess
16 several decision-making models and factors influencing
17 highway-user decisions;

18 B. information on how alcohol and other drugs affect
19 a driver's ability to safely operate a motor vehicle, including:

20 (1) information on the effects of consumption of
21 alcoholic beverage products and the use of illegal drugs,
22 prescription drugs, and nonprescription drugs on the ability of
23 a person to operate a motor vehicle;

24 (2) the hazards of driving while under the
25 influence of alcohol or drugs; and

26 (3) the legal penalties and financial
27 consequences resulting from violations of laws prohibiting the
28 operation of a motor vehicle while under the influence of
29 alcohol or drugs;

30 C. the opportunity for students to analyze and
31 practice making decisions about using occupant restraints;

32 D. the opportunity for students to identify and
33 analyze a variety of driving decisions about highway users and
34 roadway characteristics;

35 E. the opportunity for students to analyze and
36 practice making decisions about a vehicle's speed under

1 different driving conditions;

2 F. the content and purpose of motor vehicle and
3 traffic laws and rules for safe driving performance;

4 G. the opportunity for students to identify, analyze,
5 and describe proper procedures for a variety of driving
6 situations;

7 H. the opportunity for students to gather information
8 and practice making decisions about automobile ownership,
9 leasing, and maintenance;

10 I. the opportunity for students to identify, analyze,
11 and practice making decisions related to drivers' attitudes and
12 emotions;

13 J. the opportunity for students to explore
14 alternative ways to become better drivers and to improve the
15 highway transportation system;

16 K. the duties of drivers when encountering school
17 buses, the content and requirements of Minnesota Statutes,
18 section 169.444, and the penalties for violating that section;

19 L. the principles of safe operation of vehicles at
20 railroad-highway grade crossings;

21 M. the principles and relationships of tires and
22 surfaces when turning, braking, and accelerating; and

23 N. the characteristics of both conventional and
24 antilock brake systems.

25 Subp. 4. **Classroom schedule requirements.** A program may
26 offer no more than three hours of classroom instruction per day
27 to a student who has not yet obtained a driver's license.

28 A program shall provide a driver education student who is
29 less than 18 years old with a minimum of 30 hours of approved
30 classroom instruction.

31 [For text of subp 5, see M.R.]

32 Subp. 6. **Concurrent classroom and laboratory instruction.**

33 When a program conducts classroom and laboratory phases of
34 instruction concurrently for those wishing to obtain a class E D
35 license, the program may not provide laboratory instruction to a
36 student until the student has completed at least 15 hours of

1 classroom instruction. An authorized school operator or
2 instructor may then complete a certificate of enrollment
3 indicating when laboratory instruction will begin. The
4 certificate must specify that the classroom instruction is being
5 conducted concurrently with the laboratory instruction. The
6 department accepts this certificate from the student at driver
7 examination stations when the student is applying for an
8 instruction permit. The program may not provide laboratory
9 instruction to a student who has not obtained the instruction
10 permit.

11 A program offering class A and, class B, and class C driver
12 education must have a concurrent course consisting of at least
13 40 hours of classroom instruction, 60 hours of laboratory
14 instruction, and 60 hours of observation time for each student.

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

16 Subp. 8. Laboratory curriculum. A written laboratory
17 guide must be available to and used by an instructor conducting
18 laboratory instruction. The program shall submit the curriculum
19 to the approving authority for approval. The approving
20 authority shall approve the curriculum if it meets the
21 requirements of this subpart. The program may not use the
22 curriculum until the curriculum has been approved. Separate
23 curriculums must be submitted for approval if a program conducts
24 both consecutive and concurrent classroom and laboratory
25 instruction. The curriculum presented to the students must
26 include at least the following:

27 [For text of items A to H, see M.R.]

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

29 [For text of item A, see M.R.]

30 B. shall provide a driver education student who is
31 less than 18 years old with a minimum of six hours of laboratory
32 instruction;

33 C. and instructor, except for the education offered
34 in class A or, class B, or class C vehicles, shall not give a
35 student more than 30 hours of laboratory instruction without the
36 written authorization of the approving authority; and

1 [For text of item D, see M.R.]

2 Subp. 10. Laboratory instruction requirements. The
3 following requirements apply to laboratory instruction:

4 [For text of items A to C, see M.R.]

5 D. The class A vehicle that is provided by the
6 program for driver education must be one that requires an
7 unrestricted class A license for its operation.

8 E. The class B vehicle that is provided by the
9 program for driver education must be one that requires a class B
10 license for its operation.

11 F. A program offering class A or, class B, or class C
12 education shall provide a paved driving range of at least 90,000
13 square feet. If more than two class A vehicles are to be used
14 on the driving range at the same time, an additional 45,000
15 square feet of driving range must be provided for each added
16 motor vehicle, but the surface of the additional area need not
17 be paved.

18 G. On-street instruction must be planned to meet the
19 needs of each individual student.

20 H. A firearm may not be transported in a driver
21 education vehicle. For the purpose of this subpart, "firearm"
22 has the meaning given it in Minnesota Statutes, section 97A.015,
23 subdivision 19.

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

25 Subp. 12. Additional education for license holders.

26 Except as otherwise provided in subpart 4 or 9, a program may
27 provide hourly education to increase the proficiency of persons
28 already licensed to operate a vehicle.

29 Subp. 13. Education limitations. After a student
30 receiving class A or, class B, or class C driver education has
31 completed 50 percent of the required observation time, the
32 program may offer the student up to 15 hours per day of
33 observation time. If a student receives eight or more hours of
34 observation time in a day, the student may not receive classroom
35 or laboratory education that day.

36 Except as otherwise provided in this subpart or in other

1 rule or statute, a program may offer a student who is receiving
2 class A ~~er~~, class B, or class C driving education up to a total
3 of eight hours of education per day.

4 7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.

5 Subpart 1. Scope. This part applies to driver education
6 on motorcycles.

7 Subp. 2. Classroom curriculum. A written classroom
8 curriculum guide must be available to and used by an instructor
9 conducting classroom instruction. The driver education program
10 shall submit the curriculum to the approving authority for
11 approval. The approving authority shall approve the curriculum
12 if it meets the requirements of this subpart. The program may
13 not use the curriculum until the curriculum has been approved.
14 Separate curriculums must be submitted for approval if a program
15 conducts both consecutive and concurrent classroom and
16 laboratory instruction. The classroom instruction must be
17 conducted in a classroom location complying with part 7411.0700,
18 subpart 2, and the instructor must be physically present with
19 the students during the classroom instruction to instruct as
20 well as to address the questions and comments of the students.
21 The curriculum presented to the students must include at least
22 the following:

23 A. the purpose, content, and procedures for classroom
24 instruction;

25 B. the location and operation of motorcycle controls
26 and indicators;

27 C. the opportunity for students to identify, analyze,
28 and practice making decisions about proper protective gear;

29 D. the procedures for starting, riding, and stopping
30 a motorcycle;

31 E. the procedures for turning, changing gears, and
32 using both brakes to stop a motorcycle;

33 F. the identification of basic riding strategies and
34 preparation to ride safely in traffic;

35 G. the various methods used to reduce the risks of

1 riding hazards;

2 H. the procedures for passing, group riding, and
3 night riding;

4 I. preparation for handling unusual or emergency
5 situations;

6 J. the opportunity for students to gather information
7 and practice making decisions about selecting, insuring, and
8 maintaining a motorcycle;

9 K. information on how alcohol and other drugs affect
10 a driver's ability to safely operate a motor vehicle, including:

11 (1) information on the effects of consumption of
12 alcoholic beverage products and the use of illegal drugs,
13 prescription drugs, and nonprescription drugs on the ability of
14 a person to operate a motor vehicle;

15 (2) the hazards of driving while under the
16 influence of alcohol or drugs; and

17 (3) the legal penalties and financial
18 consequences resulting from violations of laws prohibiting the
19 operation of a motor vehicle while under the influence of
20 alcohol or drugs;

21 L. having the student's knowledge evaluated in the
22 classroom;

23 M. the duties of drivers when encountering school
24 buses, the content and requirements of Minnesota Statutes,
25 section 169.444, and the penalties for violating that section;
26 and

27 N. the principles of safe operation of vehicles at
28 railroad-highway grade crossings.

29 Subp. 3. Classroom schedule requirements. A program shall
30 provide a driver education student who is less than 18 years old
31 with a minimum of seven hours of approved classroom instruction.

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

33 Subp. 5. Laboratory curriculum. A written laboratory
34 curriculum guide must be available to and used by an instructor
35 conducting laboratory instruction. The program shall submit the
36 curriculum to the approving authority for approval. The

1 approving authority shall approve the curriculum if it meets the
2 requirements of this subpart. The program may not use the
3 curriculum until the curriculum has been approved. Separate
4 curriculums must be submitted for approval if a program conducts
5 both consecutive and concurrent classroom and laboratory
6 instruction. The curriculum presented to the students must
7 include at least the following:

8 [For text of item A, see M.R.]

9 B. mounting, dismounting, starting, and stopping the
10 engine; moving the motorcycle; understanding the friction zone;
11 and riding in a straight line;

12 C. turning to include: slow, tight turns and higher
13 speed turns, shifting;

14 D. braking to include: braking technique for
15 stopping in a straight line and in a curve, emergency straight
16 line braking, and emergency braking in a curve;

17 E. scanning techniques for recognizing and responding
18 to hazards;

19 F. controlling rear wheel skids;

20 G. changing lanes;

21 H. countersteering and changing lanes quickly; and

22 I. formal skills evaluation, self-evaluation, and
23 planning for future improvement.

24 Subp. 6. **Laboratory schedule requirements.** A program
25 shall provide a rider education student who is less than 18
26 years old with at least eight hours of approved laboratory
27 instruction.

28 A program may use machines that simulate motorcycle riding
29 but may not substitute simulator education for the required
30 eight hours of laboratory education.

31 Subp. 7. **Laboratory instruction requirements.** The
32 following requirements apply to motorcycle laboratory
33 instruction:

34 A. The student-instructor ratio may not exceed three
35 students per instructor for on-street instruction and eight
36 students per instructor for riding range instruction.

1 B. A program that includes laboratory instruction
2 shall conduct that instruction on a planned practice riding
3 route. The planned practice riding route must not include
4 routes used for state driver's license road tests, except when
5 unavoidable due to lack of alternatives.

6 [For text of item C, see M.R.]

7 D. Before giving laboratory instruction on a riding
8 range that does not include a public street or highway, an
9 instructor shall ensure that a student is in immediate
10 possession of a valid standard Minnesota driver's license or a
11 valid motor vehicle instruction permit.

12 [For text of item E, see M.R.]

13 F. A riding range used for laboratory instruction
14 must be at least 160 feet long and 60 feet wide. No more than
15 eight students may receive instruction at one time on a range of
16 this size. Up to 12 students may receive instruction at one
17 time if the dimensions of the riding range are at least 220 feet
18 by 120 feet. There must be at least 20 feet of level runout
19 space around the outside of the range and between an intended
20 path of travel and the nearest obstacle. The riding range area
21 must be paved. The approving authority shall waive the
22 requirements for the minimum dimensions of the riding range if a
23 suitable paved area is not available and if the program
24 demonstrates that the required laboratory curriculum objectives
25 can be met on the proposed riding range without compromising the
26 safety of the students. The program shall obtain the waiver
27 before instruction begins.

28 G. A student wishing to take the motorcycle education
29 course shall enroll for both the classroom and laboratory
30 portions of the course.

31 H. On-street instruction must be planned to meet the
32 needs of each individual student.

33 [For text of subp 8, see M.R.]

34 **Subp. 9. Consecutive classroom and laboratory**
35 **instruction.** When a program conducts the two phases of the
36 education course in two separate time periods, a student shall

1 successfully complete the classroom phase before beginning the
2 laboratory phase. The two phases of the program must not be
3 separated by more than one month.

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

5 Subp. 11. **Additional education.** A program may provide
6 hourly education to a person older than 18 years of age to
7 increase the proficiency of a person who has already obtained a
8 motorcycle endorsement or to prepare the person to take the test
9 to obtain a motorcycle endorsement.

10 Subp. 12. **Education limitations.** A program may offer a
11 student no more than a total of eight hours of motorcycle
12 education per day.

13 7411.0610 INSTRUCTOR REQUIREMENTS.

14 Subpart 1. **License required.** Each instructor for a
15 commercial driver education school and each instructor of a
16 two-wheeled vehicle safety course shall obtain an instructor's
17 license under part 7411.0800. Each instructor for a certified
18 driver education program and public high school shall fulfill
19 the licensure requirements of part 8700.4901 or successor rules.

20 Subp. 2. **General.** A commercial program instructor must:

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

22 Subp. 3. **Certified copy of driving record.**

23 [For text of item A, see M.R.]

24 B. A new instructor at a certified program or public
25 high school shall submit a certified copy of the instructor's
26 driving record to the program.

27 C. An instructor who does not have a Minnesota
28 driver's license shall submit a certified copy of the
29 instructor's driving record to the approving authority at the
30 time of becoming an instructor and annually after that time.
31 For a licensed instructor, the annual certified copy must be
32 submitted with the instructor's license renewal application.
33 For an instructor at a certified program or public high school,
34 the annual certified copy must be submitted with the program's
35 annual application for renewal of its certificate or approval.

1 D. A certified copy of a driving record submitted
2 under this subpart must be dated not earlier than 30 days before
3 the date the program or the approving authority receives it.

4 Subp. 4. **Driving record.** An instructor shall notify the
5 approving authority, in writing, if the instructor is convicted
6 of a traffic violation or is involved in a reportable motor
7 vehicle accident as required under Minnesota Statutes, section
8 169.09, subdivision 7. The written notification must be
9 submitted to the approving authority within ten days from the
10 date of the conviction or the accident. The approving authority
11 shall review the driving records of each applicant for an
12 instructor's license and of each new instructor at a certified
13 program. The approving authority shall also annually review the
14 driving record of each instructor. A person is ineligible to be
15 a commercial instructor if:

16 A. the person's driver's license has been revoked or
17 suspended for a traffic violation other than an
18 insurance-related traffic violation and one year has not elapsed
19 since the last conviction;

20 [For text of items B and C, see M.R.]

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

29 [For text of subps 5a and 6, see M.R.]

30 Subp. 7. **Criminal history.** Each applicant for a new
31 commercial instructor's license and each new instructor at a
32 certified program shall authorize an investigation to determine
33 if the applicant or instructor has a criminal record. The
34 authorization must be submitted with the application for an
35 instructor's license or with the program's annual application
36 for renewal of its certificate. If a person has been convicted

1 of a gross misdemeanor or felony, then that person is ineligible
2 to be an instructor unless:

3 [For text of items A and B, see M.R.]

4 Subp. 8. Education for truck, bus, and automobile
5 instructors. The education requirements for an instructor who
6 teaches a class A, class B, or class C, or class D vehicle
7 driver education course are contained in this subpart. A
8 licensed instructor must have satisfactorily completed a 40-hour
9 course of driver and traffic safety education approved or
10 supervised by the department or have satisfactorily fulfilled
11 the licensure requirements of parts 8700.4901 and 8700.4902. An
12 instructor for a certified program or public high school must
13 have satisfactorily fulfilled the licensure requirements of
14 parts 8700.4901 and 8700.4902. The department shall require
15 instructors, except public high school instructors, to complete
16 driver and traffic safety education periodically when these
17 courses are approved or supervised by the department. A
18 simulator instructor shall complete a course in simulation
19 approved by the approving authority.

20 Subp. 9. Tests for truck, bus, and automobile instructors.
21 The test requirements for an instructor, except a public high
22 school instructor, who teaches a class A, class B, or class C,
23 or class D vehicle driver education course are contained in this
24 subpart.

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

26 F. When the commissioner has good cause to believe
27 that an instructor is not able to properly teach driver
28 education courses or safely operate a motor vehicle, the
29 commissioner shall require a licensed instructor to submit to a
30 reexamination, consisting of all or part of the tests specified
31 in parts 7411.0100 to 7411.0900, or to a review of the
32 instructor's teaching methods and ability while actually
33 instructing students.

34 [For text of item G, see M.R.]

35 Subp. 10. Education for motorcycle instructors. The
36 education requirements for an instructor, except a public high

1 school instructor, who teaches a two-wheeled vehicle safety
2 course are contained in this subpart. An instructor must have
3 satisfactorily completed a motorcycle instructor's course that
4 has been approved by the commissioner. The motorcycle
5 instructor's course must consist of a minimum of 47 hours of
6 instruction. The course of instruction must include the
7 following minimum requirements:

8 A. 8-1/2 hours of classroom instruction to include:
9 classroom teaching techniques and classroom course content;

10 B. 11-1/2 hours of laboratory instruction;

11 C. 11 hours of peer teaching, with each
12 instructor-student acting as both an instructor and a student to
13 other instructor-students in the class; and

14 D. 16 hours of participation in a beginner's
15 motorcycle instruction course, with each instructor-student
16 teaching a portion of both the classroom and laboratory phases
17 of motorcycle instruction.

18 Subp. 11. Test for motorcycle instructors. The test
19 requirements for an instructor, except a public high school
20 instructor, who teaches a two-wheeled vehicle safety course are
21 contained in this subpart.

22 [For text of items A to C, see M.R.]

23 D. When the commissioner has good cause to believe
24 that an instructor is not able to properly teach driver
25 education courses or safely operate a motor vehicle, the
26 commissioner shall require a licensed instructor to submit to a
27 reexamination, consisting of a road test or to a review of the
28 instructor's teaching methods and ability while actually
29 instructing students.

30 [For text of item E, see M.R.]

31 Subp. 12. Other requirements for motorcycle instructors.
32 A motorcycle instructor must have a driver's license with a
33 motorcycle endorsement. Further, an instructor, except a public
34 school instructor, shall teach at least three two-wheeled
35 vehicle safety courses during each three-year period.

36 Subp. 13. Exemptions. The department shall waive the

1 following instructor requirements, as indicated:

2 A. The department shall waive the education
3 requirements for an instructor contained in subpart 10 if the
4 instructor was licensed and qualified to teach a two-wheeled
5 vehicle safety course before May 14, 1990, and has maintained
6 the instructor's license continuously since that time.

7 B. The department shall waive the testing
8 requirements for a new instructor contained in subpart 11, if
9 the person has met the education requirements for an instructor
10 contained in subpart 2 before May 14, 1990, and has taught at
11 least two two-wheeled vehicle safety courses in the two-year
12 period immediately preceding that date.

13 7411.0700 PROGRAM REQUIREMENTS.

14 Subpart 1. Insurance and safety. Insurance and safety
15 requirements are as follows:

16 A. The program, except public high schools, shall
17 file with the commissioner evidence of liability insurance
18 obtained from a company authorized to do business in Minnesota.
19 Programs must maintain insurance in the amounts of at least
20 \$100,000 because of bodily injury to, or death of, any one
21 person in any one accident; at least \$300,000 because of bodily
22 injury to, or death of, two or more persons in any one accident;
23 at least \$50,000 because of damage to, or destruction of,
24 property of others in any one accident. Also, at least \$20,000
25 for medical expenses; and at least the minimum amount of
26 uninsured motorist coverage, when any portion of the education
27 is done on public streets.

28 B. The program, except public high schools, shall
29 furnish evidence of coverage to the commissioner in the form of
30 an original certificate of insurance from the insurance company
31 demonstrating the required amount of insurance under item A and
32 demonstrating that the insurance may not be canceled or
33 terminated, except upon 30 days' prior written notice to the
34 commissioner.

35 C. If the insurance is canceled, the commercial

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

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

36 Items B, C, and D are not required for public high school

1 driver education programs.

2 Subp. 2. Location of program. Location requirements are
3 as follows:

4 A. A commercial driver education program must have a
5 permanent location in Minnesota with adequate office facilities
6 and equipment and available classrooms of at least 300 square
7 feet. The program must have continuous and exclusive control of
8 the permanent location either through ownership or a lease for a
9 period of one year or more. The program must have a program
10 license or certificate for its permanent location. Records
11 required by subpart 3 must be stored in Minnesota. If the
12 program stores records at a location other than at a licensed or
13 certified location, the program shall notify the commissioner.

14 B. A commercial program must have a separate program
15 license or certificate for each additional location in which the
16 program has exclusive use of classroom or laboratory space for a
17 continuous period of 90 days or more.

18 C. A commercial program may obtain classroom and
19 laboratory facilities at temporary locations. The program shall
20 notify the commissioner of each temporary location before using
21 it for instruction.

22 [For text of item D, see M.R.]

23 E. A commercial program may not change a licensed or
24 certified location without previous approval of the commissioner.

25 [For text of item F, see M.R.]

26 G. No licensed, certified, or temporary program
27 location may be within 150 feet of a building where any part of
28 a driver's license examination is administered. However, this
29 requirement does not apply to a previously licensed or certified
30 program operating at the same location before the driver's
31 license examination station was established.

32 This subpart does not apply to public high school driver
33 education programs.

34 Subp. 3. Records. The program shall maintain the
35 following records for a minimum of five years:

36 A. The program shall keep an instruction record of

1 every person enrolled, whether or not the person was given
2 instruction or other services relating to classroom or
3 laboratory instruction in operating a motor vehicle. The record
4 for each person must contain the person's legal name, including
5 first, middle, and last names, address, date of birth, contract
6 number, date and number of hours of all instruction, and type of
7 instruction. For a student who has completed a phase of the
8 driver education instruction, the record must also contain the
9 completion date of the phase of the instruction and the name of
10 the instructor.

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

12 The records must be maintained in a businesslike manner.
13 Only standard abbreviations are to be used. The records are
14 subject to inspection by the commissioner during reasonable
15 business hours. The loss, mutilation, or destruction of records
16 required to be maintained by the program must be reported
17 immediately to the commissioner by affidavit, stating the date
18 the records were lost, destroyed, or mutilated; the
19 circumstances involving the loss, destruction, or mutilation;
20 the names of the law enforcement officer or fire department
21 official to whom the loss was reported; and the date of the
22 report.

23 Item B does not apply to public high school driver
24 education programs.

25 Subp. 4. **Advertising.** A driver education program shall
26 not:

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

28 E. advertise or intimate that an instructor's license
29 or program's license or certificate, except for public high
30 schools, encompasses licensing by the Minnesota Department of
31 Children, Families, and Learning;

32 F. advertise the address of a location other than a
33 licensed or certified location or a temporary location, if
34 applicable;

35 [For text of items G and H, see M.R.]

36 Subp. 5. **Agreements and contracts.** Contractual

1 requirements are as follows:

2 A. A contract between a commercial program and a
3 student must be on a form approved by the commissioner.

4 B. A commercial driver education school shall not
5 give a person instruction or other service relating to
6 instruction in motor vehicle operation unless and until a
7 written contract has been executed between the school and the
8 student.

9 [For text of items C and D, see M.R.]

10 E. A contract must be limited to a maximum of ten
11 hours of laboratory instruction, except for class A or, class B,
12 or class C driver education courses provided in item F. A
13 contract may be renewable only by mutual agreement in writing in
14 a manner and form approved by the commissioner. At the
15 expiration of the original contract and each subsequent contract
16 or renewal agreement for laboratory instruction, the instructor
17 shall evaluate with the student the progress made and determine
18 how much further education, if any, is necessary.

19 F. A contract for a review course in a class A or,
20 class B, or class C vehicle must be limited to 20 hours of
21 laboratory instruction. Contracts for complete education
22 courses in class A or, class B, or class C vehicles must state
23 that at least 40 hours of classroom education, 60 hours of
24 laboratory education, and 60 hours of observation time will be
25 provided for each student. The supervisor and the instructor
26 shall evaluate the progress made with each student enrolled in a
27 class A or, class B, or class C education course after 40 hours
28 of education, and shall then determine if the student can
29 successfully complete the course. If a determination is made
30 that the student cannot successfully complete the course, the
31 program shall notify the commissioner in writing and may
32 continue the education of that student only if authorized to do
33 so in writing.

34 G. Contracts must not contain the term "No Refund."

35 Items A to F do not apply to public high school driver
36 education programs.

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

2 Subp. 7. Use of driver education vehicle for test. An
3 instructor shall accompany an applicant appearing for the state
4 driver's license road test when a driver education vehicle is to
5 be used. The instructor must be employed by the program that
6 owns or leases the vehicle.

7 Subp. 8. Authorized official; certificates. A program
8 shall designate one authorized official per program. The
9 authorized official for a public school need not be licensed
10 under part 8700.4900, unless that person also is an instructor
11 in the program. The program must provide written notification
12 to the approving authority of the name of the authorized
13 official and any change in the designation of an authorized
14 official. The authorized official shall perform the following
15 duties:

16 A. The authorized official shall furnish the student:

17 [For text of subitem (1), see M.R.]

18 (2) a verification statement of completion form,
19 as approved by the department, of classroom instruction within
20 15 calendar days after the student completes the required course
21 of classroom instruction and notifies the program that the
22 student intends to complete laboratory instruction with another
23 program.

24 B. The authorized official shall notify the
25 department's driver and vehicle services division within a
26 reasonable period of time of when a student who is 15, 16, or 17
27 years of age fails to continue or complete the required
28 automobile driver education course, including laboratory
29 instruction.

30 [For text of items C and D, see M.R.]

31 Subp. 9. Instruction requirements. The program shall
32 ensure that the following instruction requirements are complied
33 with:

34 A. Instruction may be given only by those instructors
35 in possession of a valid and properly endorsed driver's license
36 and either a Minnesota instructor's license if instructing at a

1 commercial driver education school or a Minnesota teaching
2 license if instructing at a certified program or public high
3 school. The documents must be applicable to the type of vehicle
4 for which instruction is being given.

5 B. An instructor may not instruct for a program
6 unless the instructor's license application was signed by the
7 owner of the program or the owner's agent or unless the
8 instructor is listed in the program application. This item does
9 not apply to public high school driver education programs.

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

11 Subp. 11. **Certified programs; licensure and age**
12 **conditions.** A certified or public high school program shall not
13 employ a person as an instructor unless the person has
14 satisfactorily fulfilled the licensure requirements of parts
15 8700.4901 and 8700.4902.

16 A certified program shall not offer a course in driver
17 education to a student unless the student is not more than 18
18 years of age and the student is taking the course to qualify for
19 a class E D instruction permit or driver's license or unless the
20 program is conducted by a college, university, or high school as
21 part of the normal program for that institution.

22 Subp. 12. **Annual report.** A program shall submit an annual
23 report to the approving authority concerning the number of
24 students who received instruction and the number of courses
25 offered during the previous year. The report must be submitted
26 on forms supplied by the approving authority.

27 Subp. 13. **Situations requiring notification.** A program
28 shall notify the approving authority, in writing, if one of its
29 instructors is convicted of a traffic violation or is involved
30 in a reportable motor vehicle accident as required by law.

31 A program shall notify the approving authority, in writing,
32 if one of its students, while receiving instruction, is involved
33 in a motor vehicle accident. The written notification must be
34 submitted to the office within ten days from the date of the
35 accident. The program shall also inform the student of the
36 student's obligation to submit an accident report to the

1 commissioner and provide the student with the information
2 concerning the motor vehicle or insurance that is required to be
3 on the accident report.

4 A program shall notify the approving authority if one of
5 its instructors has violated a statute or rule or committed an
6 act that would cause the instructor to be unfit to continue
7 working as an instructor.

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

15 Subp. 14. **Types of instruction.** A commercial program
16 shall offer a driver education student under 18 years of age the
17 required course of classroom instruction and the required course
18 of laboratory instruction.

19 Subp. 15. **Exemption for experimental program.** A public
20 high school desiring an exemption from this chapter must follow
21 the procedures contained in part 3500.1000.

22 7411.0800 LICENSING AND CERTIFICATION PROVISIONS.

23 Subpart 1. **Legal requirements.** The issuance of a license
24 or certificate is subject to the applicant's conformance with
25 Minnesota Statutes, sections 169.974, 171.04, and 171.33 to
26 171.41, and parts 7411.0100 to 7411.0900. This part does not
27 apply to public high school driver education programs.

28 Subp. 2. **Program application; duplicate license or**
29 **certificate.** Application for a new or renewal license or
30 certificate for a driver education program must be made on forms
31 prescribed by the commissioner. Owners, partners, corporate
32 directors, and officers must be named, with their titles, on
33 each program application. The application must be signed by one
34 of the owners, partners, directors, or officers. Program
35 applications must be accompanied by a schedule of maximum fees

1 and charges. The schedules of fees and charges may be amended
2 at any time by a licensee or certificate holder, when the
3 changes in the fee schedules are filed with the commissioner at
4 least ten days before they become effective. A program
5 application must identify the authorized official and must
6 contain an exemplar of the authorized official's signature. A
7 certified program application must also identify the instructors
8 who will be teaching students and each instructor's driver's
9 license number. In addition, a certified program application
10 must be accompanied by the information and documents concerning
11 the program's instructors required to be submitted to the
12 commissioner by part 7411.0610. If the program changes location
13 or the license or certificate is lost within the year of
14 issuance, a duplicate license or certificate for the program may
15 be issued by the commissioner. The fee for issuing a program's
16 duplicate license is \$25.

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

18 Subp. 8. **Suspension and revocation.** The license or
19 certificate of a program or the license of an instructor may be
20 revoked, suspended, or refused renewal under any of the
21 following conditions:

22 [For text of items A to C, see M.R.]

23 D. There is evidence that intoxicating beverages have
24 been present or consumed on the program premises or in its
25 education vehicles.

26 [For text of item E, see M.R.]

27 F. The program, the instructor, or both have delayed
28 the start or completion of education without good reason.

29 G. The program or instructor has conducted business
30 in a way that substantially departs from commonly accepted
31 practices as used by other driver education programs and
32 instructors.

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

34 Subp. 8a. **Administrative review.** When the commissioner
35 notifies a program or instructor of a revocation, suspension, or
36 refusal to renew, the program or instructor may proceed under

1 item A or B. A revocation, suspension, or refusal to renew is
2 not effective until the time for requesting a review or hearing
3 under items A and B has lapsed or, if a review or hearing is
4 requested under items A and B, until completion of these
5 proceedings. The notice of revocation, suspension, or refusal
6 is adjudged received three days after mailing to the last known
7 address of the program or instructor as listed by the records of
8 the driver education office of the department.

9 [For text of items A and B, see M.R.]

10 [For text of subps 8b and 8c, see M.R.]

11 Subp. 9. Fees payable to commissioner. Fees for original,
12 renewal, duplicate, and replacement licenses must be made
13 payable to the commissioner.

14 Subp. 10. Suspension and revocation. A public high school
15 teacher license shall be revoked or suspended pursuant to part
16 8700.7500 or successor rules or Minnesota Statutes, sections
17 125.09 and 125.185.

18 7411.0900 EXEMPTION.

19 Subpart 1. Limited instruction. Regarding conditions for
20 limited operations, an applicant for a license to operate a
21 commercial driver education school for behind the wheel
22 instruction only will not be required to conduct classroom
23 instruction or furnish office space, providing the following
24 conditions are met:

25 A. the commercial driver education school must have
26 been in operation on May 3, 1982, but not providing classroom
27 instruction; and

28 B. the applicant complies with all other requirements
29 of this part as they apply to persons engaged in operation of a
30 school conducting driver education instruction for a fee, or
31 instructing for a fee.

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

33

34 TERM CHANGES. To conform with Laws 1996, chapter 275, the
35 revisor of statutes shall change "class C driver's license" to

1 "class D driver's license" and change "class CC driver's
 2 license" to "class C driver's license," and similar words,
 3 terms, and phrases referring to those drivers' licenses,
 4 wherever else they appear in Minnesota Rules.

5 REPEALER. Minnesota Rules, parts 3500.5000 and 7411.0400,
 6 subpart 3, are repealed effective August 1, 1996.

7

8 ~~EFFECTIVE-DATE.--These-amendments-to-Minnesota-Rules, chapter~~
 9 ~~7411, are effective August 1, 1996.~~