

1 **Department of Public Safety**

2 **Adopted Permanent Rules Governing Drivers' Licenses and Vehicle Records; Proof**
3 **of Identity and Residency**

4 **7410.0100 DEFINITIONS.**

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

6 Subp. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety
7 of the state of Minnesota acting directly through its duly authorized officers and agents.

8 Subp. 1b. **Department.** "Department" means the Minnesota Department of Public
9 Safety, Driver and Vehicle Services Division, and includes those persons appointed as
10 deputy registrars and agents of the department.

11 [For text of subps 2 to 15, see M.R.]

12 **7410.0400 DOCUMENTING PROOF OF NAME, DATE OF BIRTH, IDENTITY.**

13 Subpart 1. **In general.** At the time of application for a driver's license, permit,
14 identification card, or vehicle certificate of title or registration by an owner who is an
15 individual, the applicant shall present a Minnesota driver's license, permit, or
16 Minnesota identification card if one of these has been issued to the applicant.

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

18 C. As proof of full name, date of birth, and identity, the applicant must present one
19 primary document and one secondary document if the applicant cannot present:

20 (1) a Minnesota driver's license, identification card, or permit that is current or
21 has been expired for five years or less with a color photograph or electronically
22 produced or digitized image; or

23 (2) a Minnesota driver's license, identification card, or permit that is current or
24 has been expired for one year or less without a color photograph or electronically
25 produced or digitized image.



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

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

3 Subp. 2. **Primary documents.** If the applicant for a driver's license, permit, or
4 identification card, or an individual who is applying as the owner for a vehicle title or
5 registration, cannot present a Minnesota driver's license, identification card, or permit,
6 as described in subpart 1, item C, then the applicant must present one legible, unaltered,
7 primary document that contains the applicant's full name and date of birth as proof of
8 name, date of birth, and identity, which are described as follows:

9 A. A copy of the applicant's record of birth certified by the issuing government
10 jurisdiction of the United States, District of Columbia, Guam, Puerto Rico, or United
11 States Virgin Islands may be presented if it satisfies the following conditions:

12 (1) A record of birth issued by a hospital or a baptismal certificate is not
13 acceptable.

14 (2) The certified copy of the record of birth must bear the raised or authorized
15 seal of the issuing government jurisdiction or a protective equivalent.

16 (3) The certified record of birth must be issued by:

17 (a) a government bureau of vital statistics or board of health;

18 (b) the United States Department of State as a Record of Birth Abroad (FS-545,
19 DS-1350); or

20 (c) a United States embassy as a Report of Birth Abroad of A United States
21 Citizen (FS-240).

22 (4) Instead of a certified copy of a birth record issued by a United States
23 government bureau of vital statistics or by a board of health, an original certificate is
24 acceptable only if it is in the files of the bureau or board and can be readily viewed by
25 the official accepting the application.

1 B. A certified copy of an adoption certificate with the applicant's full name and
2 date of birth from a United States court of competent jurisdiction that bears the raised
3 court seal or other court certification may be presented.

4 C. An unexpired identification card (Form DD-2 or Common Access Card) issued
5 to the applicant by the United States Department of Defense for active duty, reserve, or
6 retired personnel may be presented.

7 D. A valid unexpired passport issued to the applicant by the United States
8 Department of State may be presented.

9 E. An applicant or owner may present a valid, unexpired passport issued to the
10 applicant from a jurisdiction other than the United States Department of State with
11 either:

12 (1) a United States Department of Justice or United States Department of
13 Homeland Security Arrival and Departure Form I-94 attached, bearing the same name
14 as that on the passport and containing an unexpired endorsement of the alien's
15 nonimmigrant status or authorized presence or an expired Form I-94 together with a
16 Form I-797 accepted by the United States Department of Justice or the United States
17 Department of Homeland Security within the past one year for an extension or change
18 of the alien's nonimmigrant status or authorized presence, or a Form I-94 endorsed
19 "D/S" together with an unexpired Form I-20 or Form DS-2019; or

20 (2) an unexpired I-551 stamp.

21 F. An applicant or owner may present a Canadian birth certificate or Canadian
22 naturalization certificate with a United States Department of Justice or a United States
23 Department of Homeland Security Arrival and Departure Form I-94 attached, bearing
24 the same name as that on the Canadian birth certificate or Canadian naturalization
25 certificate and containing an unexpired endorsement of the alien's nonimmigrant status
26 or authorized presence. The applicant or owner must also present a secondary

1 document as described in subpart 3, issued by a Canadian government agency and
2 containing a photograph or image of the applicant.

3 G. An applicant or owner may present one of the following documents issued by
4 the United States Department of Justice or the United States Department of Homeland
5 Security or any subsequent form or version of the documents specified in this item:

6 [For text of subitems (1) to (3), see M.R.]

7 (4) Permanent Resident or Resident Alien card (Form I-551 or I-151) that is valid
8 and not expired;

9 [For text of subitems (5) to (8), see M.R.]

10 Subp. 3. **Secondary documents.** If an applicant for a driver's license, permit, or
11 identification card cannot present a Minnesota driver's license, identification card, or
12 permit, as described in subpart 1, item C, then, in addition to presenting a primary
13 document, the applicant must also present a secondary document, described as follows:

14 A. a second primary document listed in subpart 2;

15 B. a driver's license, identification card, or permit, with a photograph or digitized
16 image, issued by a United States state other than Minnesota, or by the District of
17 Columbia, Guam, Puerto Rico, or the United States Virgin Islands, or a Canadian
18 province or territory, that has expired not more than five years, or that is current;

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

20 E. a certified copy of a record of birth issued by a government jurisdiction other
21 than one in the United States, the District of Columbia, Guam, Puerto Rico, or the
22 United States Virgin Islands;

23 [For text of items F to I, see M.R.]

24 J. a copy of a transcript containing the applicant's legal full name and date of birth
25 certified by the issuing secondary or postsecondary school;

[For text of items K and L, see M.R.]

Subp. 3a. **Verification.** ~~If necessary,~~ The department must be able to verify with the issuing jurisdiction the issuance of and authenticity of the primary or secondary document presented.

A. Verification is required if:

(1) the document provided by the applicant is inconsistent with the department record;

(2) the document provided by the applicant appears to be altered or fraudulent;

(3) there is reason to believe the applicant is not legally present in the United States; or

(4) there is reason to believe the applicant is not who the applicant claims to be.

B. If a document is presented that cannot be verified, notice of refusal shall occur in accordance with the procedures in part 7410.0425.

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

7410.0410 PROOF OF RESIDENCY.

Subpart 1. **Proof of residency required at time of application.** Proof of residency is required at the time of application for an initial driving permit, driver's license, or state identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subp. 2. Proof of residency at renewal.

A. Proof of residency is required at the time of application for renewal of a driving permit, driver's license, or state identification card.

B. A person with permanent United States resident status, indefinite authorized

1 presence status, or United States citizenship must attest to a residence address in
2 Minnesota.

3 C. A person with lawful short-term admission to the United States must attest to a
4 residence address in Minnesota and provide proof of lawful short-term admission status
5 to the United States.

6 Subp. 3. **Documents not sufficient to prove residency.** The presentation of a driver's
7 license, permit, or identification card from another jurisdiction or another United States
8 state is not acceptable as proof of permanent United States resident status, indefinite
9 authorized presence status, lawful short-term admission to the United States, or United
10 States citizenship.

11 Subp. 4. **Documents sufficient to prove residency.** To demonstrate permanent
12 United States resident status, indefinite authorized presence status, lawful short-term
13 admission, or United States citizenship, an applicant must attest to a Minnesota
14 residence address on the application form and present a primary document specified in
15 part 7410.0400, subpart 1 or 2. If the primary document presented to demonstrate lawful
16 short-term admission does not indicate a date that the admission period ends or if the
17 date has been extended, the applicant must present additional documentation issued
18 under the authority of the United States Department of Justice or the United States
19 Department of Homeland Security that indicates the duration of the applicant's lawful
20 short-term admission status.

21 Subp. 5. **Evidence required when name changed.** If there has been a change in the
22 individual's legal full name as it appears on the presented document specified in
23 subpart 4, the individual must also present evidence of a change of name as specified in
24 part 7410.0500.

25 Subp. 6. **Lawful short-term admission status.**

26 A. If the lawful admission period indicated on the federal primary document

presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the applicant shall be issued a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

B. If the lawful admission period indicated on a presented federal primary document specified in part 7410.0400, subpart 2, expires in less than 30 days from the date of application for the state driver's license, permit, or identification card, the applicant shall be informed at the time of application that no driver's license, permit, or identification card will be issued. If application is made, a receipt for the driver's license, permit, or identification card will be issued.

Subp. 7. **No lawful admission status.** The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States.

Subp. 8. **Status check date.** A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented or on the additional documentation that indicates the duration of the applicant's lawful short-term admission status shall be indicated on the driver's license, permit, or identification card issued.

Subp. 9. **Reissuance.** A driver's license, permit, or identification card shall be reissued with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Justice or the United States Department of Homeland Security to indicate extension of the lawful admission period.

A. If the applicant presents an accepted application from the United States Department of Justice or the United States Department of Homeland Security for an extension of or change in the federal lawful admission period, the driver's license,

1 permit, or identification card will be reissued with a status check date extension of six
2 months from the date of the federal receipt for the extension or change.

3 (1) The state document shall be reissued for a second six-month period if the
4 applicant presents a subsequent federal document or information indicating a decision
5 by the federal government on the extension or change of status is still pending.

6 (2) After one year, any extension request shall be handled through a request for
7 a variance under part 7410.0600.

8 B. If the applicant presents a subsequent federal document indicating permanent
9 United States resident status, indefinite authorized presence status, or United States
10 citizenship, a driver's license, permit, or identification card will be reissued without a
11 status check date.

12 Subp. 10. **Cancellation; denial.** Pursuant to Minnesota Statutes, sections 171.04 and
13 171.14, the commissioner shall cancel a driver's license, permit, or identification card:

14 A. on the status check date unless the state document holder presents federal proof
15 of extension of the lawful admission period or a receipt from the United States
16 Department of Justice or the United States Department of Homeland Security for an
17 application for an extension or change of the lawful admission status; or

18 B. when the department receives notice from the United States Department of
19 Justice or the United States Department of Homeland Security that the individual has
20 been deported.

21 Subp. 11. **Warning notice of possible cancellation.** If the status check date is to
22 expire in more than 60 days, a notice warning the state document holder that the
23 driver's license, permit, or identification card will be canceled on the status check date
24 shall be sent by first class mail to the document holder's residence address on file with
25 the department. If application is being made and the status check date would expire in
26 60 days or less from the date of application, the applicant will be directly issued a

1 general notice warning of cancellation on the status check date and will be sent a
2 follow-up warning notice as described in items A to C.

3 A. The notice shall contain:

- 4 (1) the person's full name;
5 (2) the person's date of birth;
6 (3) the person's unique state document number;
7 (4) the person's current address from the department record; and
8 (5) the date the notice is mailed or directly issued.

9 B. The notice shall indicate that:

- 10 (1) the driver's license, permit, or identification card shall be canceled on the
11 status check date;
12 (2) the driver's license, permit, or identification card may be reissued if the
13 document holder presents federal proof of extension of the lawful admission period or a
14 receipt from the United States Department of Justice or the United States Department of
15 Homeland Security for application for an extension or change of the lawful admission
16 period; and
17 (3) the individual may request an administrative review of the possible
18 cancellation under part 7409.4600.

19 Subp. 12. **Cancellation order.** At least seven days before the status check date, the
20 document holder shall be issued a cancellation order indicating that the driver's license,
21 permit, or identification card is canceled. The notice shall be sent by first class mail to
22 the address shown on department records.

23 A. The notice shall contain:

- 24 (1) the person's full name;
25 (2) the person's date of birth;

1 (3) the person's unique state document number;

2 (4) the person's current address from the department record; and

3 (5) the date the order is mailed.

4 B. The notice shall indicate application may be made for a new driver's license,
5 permit, or identification card if the individual can present proof to the department of
6 current authorized legal presence in the United States.

7 C. The notice shall specify that an administrative review of the cancellation may be
8 requested by the document holder under part 7409.4600.

9 Subp. 13. **Administrative review.** An administrative review of the cancellation of the
10 state document or the denial to issue a state document under this part shall be
11 conducted under part 7409.4600.

12 Subp. 14. **Fees.**

13 A. A state document holder who applies for an extension of the status check date
14 on the driver's license, permit, or identification card before expiration of the status check
15 date shall not be charged a fee for reissuance of the state document if there is no change
16 to the address or name on the state document.

17 B. If the status check date on the driver's license, permit, or identification card has
18 expired and the applicant presents federal documentation indicating an extended lawful
19 admission period or application for an extension or change, the applicant must pay the
20 fee for a duplicate card as specified in Minnesota Statutes, section 171.06.

21 C. The applicant must pay the renewal fee as specified in Minnesota Statutes,
22 section 171.06, when the applicant's driver's license, permit, or identification card
23 expires.

24 Subp. 15. **Variance.** The requirements of this part are subject to variance under part
25 7410.0600.

1 **7410.1810 DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGE.**

2 Subpart 1. **Image.** The applicant for a driver's license, permit, or identification card
3 shall have a full-face image taken by the department that is a representation of the true
4 appearance of the applicant.

5 A. The face of the applicant must be uncovered and unobscured.

6 B. If an applicant objects to the capture of a full-face image or to the display of a
7 full-face image on the driver's license, permit, or identification card due to a religious
8 objection, the applicant may apply for a variance from this subpart under Minnesota
9 Statutes, sections 14.055 and 14.056.

10 C. As a condition of granting a variance, the applicant must either allow placement
11 of the full-face image in the department record or provide the department with a unique
12 biometric identifier, such as fingerprints, that can be used by the department and allow
13 enforcement agencies to identify the applicant.

14 Subp. 2. **Use of previous image.** The use of the previous image on file with the
15 department is limited to:

16 A. duplicate driver's licenses and identification cards;

17 B. replacement of unexpired permits;

18 C. one renewal cycle for a person who applies to the department and certifies that
19 the person is out-of-state at the time of expiration of the driver's license or identification
20 card and intends to return within four years; and

21 D. verification of identity for issuing a Minnesota driver's license, permit, or
22 identification card.

23 Subp. 3. **Updated image required upon return.** Within 30 days after the return to
24 Minnesota of an applicant whose previous image was used in accordance with subpart
25 2, item B C, the applicant shall appear at a driver's license renewal office and shall allow

1 an updated image to be taken. The applicant shall comply with the identity provisions
2 in part 7410.0400.

3 **REPEALER.** Minnesota Rules, part 7410.1800, is repealed.