

## CHAPTER 171

## DRIVERS' LICENSES AND TRAINING SCHOOLS

171.02	Licenses; types, endorsements, restrictions.	171.29	Revoked license; examination for new license.
171.07	Information on license and identification card.	171.321	Qualifications of school bus driver.
171.09	Driving restrictions; authority, violations.	171.3215	Canceling bus endorsement for certain offenses.
171.173	Suspension; underage drinking offense.	171.39	Exemptions.
171.183	Satisfaction of judgment.		

## 171.02 LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. Except as provided in subdivision 2a, no class of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed.

There shall be four general classes of licenses as follows:

(b) Class D; valid for:

(1) operating all farm trucks operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) operating fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) operating recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; and

(5) notwithstanding paragraph (c), operating a type A school bus without a school bus endorsement if:

(i) the bus has a gross vehicle weight of 10,000 pounds or less;

(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and

(iii) the requirements of subdivision 2a, paragraph (b), are satisfied, as determined by the commissioner.

The holder of a class D license may also tow vehicles if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(c) Class C; valid for:

(1) operating class D vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(d) Class B; valid for operating all vehicles in class C, class D, and all other single unit vehicles including, with a passenger endorsement, buses. The holder of a class B license may tow only vehicles with a gross vehicle weight of 10,000 pounds or less.

(e) Class A; valid for operating any vehicle or combination of vehicles.

Subd. 2a. **Exceptions.** (a) Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class C license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.

(b) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

(1) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this paragraph.

(2) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(3) The operator is prohibited from using the eight-light system. Violation of this clause is a misdemeanor.

(4) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(i) safe operation of the type of school bus the operator will be driving;

(ii) understanding student behavior, including issues relating to students with disabilities;

(iii) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(iv) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(v) handling emergency situations; and

(vi) safe loading and unloading of students.

(5) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or 245A.04 for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this paragraph.

(6) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(7) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(8) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(9) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(10) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(11) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

(12) Annual certification of the requirements listed in this paragraph must be maintained under separate file at the business location for each operator licensed under this paragraph and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this paragraph is responsible for maintaining these files for inspection.

(13) The school bus must bear a current certificate of inspection issued under section 169.451.

(14) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph.

*[For text of subds 3 to 5, see M.S.2000]*

**History:** 2001 c 97 s 3,4; 1Sp2001 c 6 art 2 s 60

NOTE: The amendments to subdivisions 2 and 2a by Laws 2001, chapter 97, sections 3 and 4, respectively, expire July 1, 2003. Laws 2001, chapter 97, section 5, paragraph (b).

### 171.07. INFORMATION ON LICENSE AND IDENTIFICATION CARD.

Subdivision 1. **License; contents.** Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee. No license is valid until it has been signed by the licensee. Except in the case of an instruction permit, every license must bear a colored photograph or an electronically produced image of the licensee. Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21." The department shall use such process or processes in the issuance of licenses that prohibits, as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photograph or electronically produced image on the licenses, without ready detection. A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

*[For text of subds 1a to 13, see M.S.2000]*

**History:** 1Sp2001 c 8 art 2 s 46

### 171.09 DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.

(a) The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(b) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under paragraph (a) is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

**History:** 1Sp2001 c 8 art 12 s 14

**171.173 SUSPENSION; UNDERAGE DRINKING OFFENSE.**

The commissioner of public safety shall suspend the license of any person convicted of or any juvenile adjudicated for an offense under section 340A.503, subdivision 1, paragraph (a), clause (2), if the court has notified the commissioner of a determination made under section 169A.33, subdivision 4. The period of suspension shall be for the applicable period specified in section 169A.33. If the person does not have a license or if the person's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for license issuance or reinstatement, delay the issuance or reinstatement of the person's license for the applicable time period specified in section 169A.33. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

**History:** 2001 c 7 s 44

**171.183 SATISFACTION OF JUDGMENT.**

Subdivision 1. **Requirements.** For the purposes of sections 171.182 to 171.184, a judgment is satisfied if:

- (1) \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;
- (2) subject to the limit of \$30,000 because of bodily injury to or death of one person, the sum of \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
- (3) \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

*[For text of subd 2, see M.S.2000]*

**History:** 1Sp2001 c 8 art 2 s 47

**171.29 REVOKED LICENSE; EXAMINATION FOR NEW LICENSE.**

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Reinstatement fees and surcharges, allocation.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, or 609.21, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52, 169A.54, or 609.21, shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. Beginning July 1, 2002, the surcharge is \$145. Beginning July 1, 2003, the surcharge is \$380. The \$250 fee is to be credited as follows:

- (1) Twenty percent must be credited to the trunk highway fund.
- (2) Fifty-five percent must be credited to the general fund.
- (3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.
- (4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) in fiscal year 2002:

(A) the first \$200,000 to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(B) the remainder credited to the commissioner of public safety to be spent as grants through March 31, 2002, to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools and then from April 1, 2002, through June 30, 2002, for programs described in item (ii); and

(ii) after June 30, 2002, to the commissioner of public safety for grants for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

*[For text of subd 3, see M.S.2000]*

**History:** *1Sp2001 c 8 art 2 s 48; art 11 s 12; art 12 s 15; 1Sp2001 c 9 art 19 s 13*

### 171.321 QUALIFICATIONS OF SCHOOL BUS DRIVER.

*[For text of subds 1 to 4, see M.S.2000]*

**Subd. 5. Annual evaluation and license verification.** (a) A school district's pupil transportation safety director, the chief administrator of a nonpublic school, or a private contractor shall certify annually to the school board or governing board of a nonpublic school that, at minimum, each school bus driver meets the school bus driver training competencies under subdivision 4. A school district, nonpublic school, or private contractor also shall provide in-service training annually to each school bus driver.

(b) A school district, nonpublic school, or private contractor shall annually verify the validity of the driver's license of each person who transports students for the district with the National Drivers Register or with the department of public safety.

**History:** 2001 c 98 s 1

#### 171.3215 CANCELING BUS ENDORSEMENT FOR CERTAIN OFFENSES.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "School bus driver" means a person possessing a school bus driver's endorsement on a valid Minnesota driver's license or a person possessing a valid Minnesota driver's license who drives a vehicle with a seating capacity of ten or less persons used as a school bus.

(c) "Disqualifying offense" includes (1) any felony offense, (2) any misdemeanor, gross misdemeanor, or felony violation of chapter 152, (3) any violation under section 609.3451, 609.746, subdivision 1, 617.23, 617.246, 617.247, or 617.293, or (4) while driving, operating, or being in physical control of a school bus or a Head Start bus; a violation of section 169A.20 or a similar statute or ordinance from another state.

(d) "Head Start bus driver" means a person possessing a valid Minnesota driver's license:

(1) with a passenger endorsement, who drives a Head Start bus;

(2) with a school bus driver's endorsement, who drives a Head Start bus; or

(3) who drives a vehicle with a seating capacity of ten or fewer persons used as a Head Start bus.

*[For text of subs 2 to 4, see M.S.2000]*

**History:** 2001 c 25 s 1

#### 171.39 EXEMPTIONS.

(a) The provisions of sections 171.33 to 171.41 do not apply to any person giving driver training lessons without charge; to employers maintaining driver training schools without charge for their employees only; to a home-school within the meaning of sections 120A.22 and 120A.24; or to schools or classes conducted by colleges, universities, and high schools as a part of the normal program for those institutions.

(b) Any person who is a certificated driver training instructor in a high school driver training program may give driver training instruction to persons over the age of 18 without acquiring a driver training school license or instructor's license, and those instructors may make a charge for that instruction, if there is no private commercial driver training school licensed under sections 171.33 to 171.41 within ten miles of the municipality where driver training instruction is given and there is no adult drivers training program in effect in the schools of the school district in which the trainee resides.

**History:** 1Sp2001 c 8 art 2 s 49