171.04 PERSONS NOT ELIGIBLE FOR DRIVERS' LICENSES.

Subdivision 1. **Persons not eligible.** The department shall not issue a driver's license:

(1) to any person under 18 years unless:

(i) the applicant is 16 or 17 years of age and has a previously issued valid license from another state or country or the applicant has, for the 12 consecutive months preceding application, held a provisional license and during that time has incurred (A) no conviction for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, (B) no conviction for a crash-related moving violation, and (C) not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation;

(ii) the application for a license is approved by (A) either parent when both reside in the same household as the minor applicant or, if otherwise, then (B) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having custody of the minor, (E) the foster parent or director of the transitional living program in which the child resides or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (F) the minor's adult spouse, adult close family member, or adult employer; provided, that the approval required by this item contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure;

(2) to any person who is 18 years of age or younger, unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and, with respect to a person under 18 years of age, a provisional license for a minimum of 12 months;

(3) to any person who is 19 years of age or older, unless that person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of three months;

(4) to any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act;

(5) to any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act and if otherwise qualified;

(6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

(7) to any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that the person is competent to operate a motor vehicle with safety to persons or property;

(8) to any person who is required by this chapter to take a vision, knowledge, or road examination, unless the person has successfully passed the examination. An applicant who fails four road tests must complete a

minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(9) to any person who is required under the Minnesota No-Fault Automobile Insurance Act to deposit proof of financial responsibility and who has not deposited the proof;

(10) to any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare;

(11) to any person when, in the opinion of the commissioner, the person is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways;

(12) to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(13) to a child for whom a court has ordered denial of driving privileges under section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is completed; or

(14) to any person whose license has been canceled, during the period of cancellation.

Subd. 2. **Disqualified operators of commercial motor vehicles.** During the period of disqualification, the department shall not issue a class C, class B, or class A commercial driver's license, including a limited license, to a person who has been disqualified from operating a commercial motor vehicle under section 171.165.

Subd. 3. **Medical qualification for commercial driver's license.** The department shall not issue a class A, class B, or class C commercial driver's license to a person who:

(1) has not submitted the self-certification required under section 171.162, subdivision 2; or

(2) has not submitted either a valid medical examiner's certificate or a current medical waiver as required under section 171.162, subdivision 3.

Subd. 4. **Persons not eligible for enhanced driver's license.** The department shall not issue an enhanced driver's license to any person who is:

(1) under 16 years of age;

(2) not a resident of this state;

(3) not a citizen of the United States of America; or

(4) described in subdivision 1, clauses (4) to (12), or (14).

Subd. 5. **Temporary lawful admission.** The commissioner is prohibited from issuing a driver's license or Minnesota identification card to an applicant who has a lawful temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph (b), clause (2), that expires within 30 days of the date of the application.

[See Note.]

History: *(2720-144a) 1939 c 401 s 4; 1941 c 517; 1957 c 564 s 1; 1963 c 382 s 1; 1965 c 78 s 1; 1965 c 795 s 1; 1967 c 61 s 1; 1967 c 839 s 1; 1969 c 1129 art 1 s 18; 1971 c 644 s 6; 1974 c 408 s 32 subd 4; 1981 c 363 s 30; 1982 c 548 art 4 s 14; 1986 c 444; 1988 c 558 s 1; 1989 c 262 s 1; 1989 c 307 s 19; 1995*

c 226 art 3 s 13; 1996 c 275 s 3; 1996 c 455 art 3 s 24; 1998 c 388 s 8; 1999 c 139 art 4 s 2; 1999 c 238 art 2 s 23; 2000 c 478 art 2 s 7; 2002 c 371 art 1 s 52; 1Sp2005 c 6 art 3 s 61; 2010 c 242 s 6,11; 2010 c 269 art 1 s 1; 2010 c 316 s 3,18; 2017 c 76 s 6; 2017 c 83 art 3 s 18; 2023 c 13 art 1 s 1

NOTE: (a) Subdivision 5, as added by Laws 2017, chapter 76, section 6, was effective May 19, 2017, and applies to driver's licenses and Minnesota identification cards applied for and issued on or after October 1, 2018. Laws 2017, chapter 76, section 29.

(b) If the Federal REAL ID Act, Public Law 109-13, Division B, is repealed, or if the definition of "official purpose" in Code of Federal Regulations, title 6, part 37, is amended, subdivision 5, as added by Laws 2017, chapter 76, section 6, is repealed on June 30 of the following year. Laws 2017, chapter 76, section 27.