

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
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Our File No. 792

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-18-82
DATE FOR REVIEW 3-27-82
DATE DUE 4-1-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 4-1-82 Disapproved _____ Returned to Agency 4-2-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 4-1-82 Revisor approved 3/19/82
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.11.82 Date

✓ Notice of Intent to Solicit Outside Opinion 2.18.80 3.23.81

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.20.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.23.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : JOHN P. SOPSIC
Commissioner of Public Safety

DATE: 4/1/82

ATTN: BERNARD E. JOHNSON, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Public Safety

Driver and Vehicle Services Division

Adopted Rules Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing

Rules as Adopted

11 MCAR S 1.4031 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.4031-1.4038 is to carry out the mandate of the Legislature and to effectuate that mandate as set forth in Minn. Stat. SS 171.33-171.41 with respect to the regulation and licensing of commercial driver training schools and instructors.

B. Scope. The scope of 11 MCAR SS 1.4031-1.4038 is intended to be confined within the framework of and consistent with Minn. Stat. SS 171.33-171.41.

11 MCAR S 1.4032 Definitions. For the purposes of 11 MCAR SS 1.4031-1.4038, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same meanings given them in Minn. Stat. S 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semi-trailer," "driver" and "street or highway" have the respective meanings given them in Minn. Stat. S 169.01.

A. Location. "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

B. Lesson. "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving or otherwise. A one-hour lesson shall mean one hour of actual instruction.

11 MCAR S 1.4033 Driver training vehicle requirements.

A. Safety standards and equipment; exemptions. Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the model

year of the vehicle, and shall have the following equipment:

1. Dual control brakes.

2. Dual control clutch pedal, where applicable.

3. Outside rearview mirror on both sides of the vehicle; in addition a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors.

4. Sunvisors for both the driver and the passenger.

5. Windshield washers, wipers, and defroster.

6. Seat belts for each occupant of the vehicle.

7. Tandem drive axles for all truck-tractors and tandem axles for all semi-trailers.

8. Because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal. Buses are exempt from the seat belt requirement.

B. Vehicle age; exemption. Except as otherwise provided in this paragraph, vehicles used for driver training purposes may not be more than four model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks and truck-tractors may not be more than ten model years old. Semi-trailers are exempt from the age limitation but must pass the required vehicle inspection.

C. Vehicle list. A list of vehicles used for driver training shall be maintained and filed with the commissioner. It shall be the responsibility of the commercial driver training school to keep the vehicle list current at all times by submitting additions, deletions or revisions to the commissioner within ten days from the date such changes occur. Additional or replacement vehicles may be used for driver training purposes only after complying with E.

D. Marking. While being used for driving instruction, all vehicles must have signs conspicuously displayed on front and rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for Class C driver training,

the lettering shall be at least two but not more than five inches in height. On vehicles used for Class A and Class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

E. Inspections. All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every 12 months thereafter at a station designated by the commissioner. No new vehicle may be used for driver training until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. Additional inspections may be requested by the commissioner. The inspection form must be filed by the vehicle owner within 30 days of the due date or use of the vehicle for driver training discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

F. Commercial use. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

1. A maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

2. All use for commercial purposes will take place during the last 50 percent of the total training program; and

3. Hazardous materials will not be transported. For the purposes of this paragraph hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials and industrial waste products.

11 MCAR S 1.4034 Driver training instruction requirements.

A. Curriculum. The curriculum of classroom and behind the wheel instruction must be submitted to the commissioner for his approval.

1. Schools offering Class A and Class B driver training must have a concurrent program consisting of at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time for each student who takes training in a Class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a Class A vehicle.

2. Bus driver training may not be given in a van or van type vehicle but must be given in a vehicle designed to carry more than 16 passengers and to transport them for compensation.

3. Training to operate a Class A type vehicle may not be given in a pick-up and trailer combination type vehicle but must be given in a vehicle which conforms to 11 MCAR S 1.4033 A.7. whose capacity is no less than 10,000 pounds.

4. Classroom training may be offered a student no more than three hours a day.

5. Behind the wheel training may be offered a student no more than two hours a day.

6. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

7. Class A driver training may not be offered to any student who is not at least 18 years of age and in possession of at least a Class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a Class C license.

B. Behind the wheel instruction.

1. Instruction may be offered on simulators and driving ranges as part of the curriculum for behind the wheel training. The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multi-phase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase

program may not be less than three hours.

2. Instruction shall not be given on actual routes used for state driver license road tests.

3. Instructors shall ensure that seat belts are used at all times by all persons while in the vehicle.

4. Instructors shall ensure that the student is in possession of a valid instruction permit or driver license from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

5. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

6. Instruction may be given only by those instructors in possession of a valid and properly endorsed Minnesota driver license and an instructor's license applicable to the type of vehicle for which instruction is being given.

7. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

8. Except for the training offered in Class A and B vehicles, neither a commercial school nor an instructor may give a student more than ~~20~~ 30 hours of behind the wheel training without the written authorization of the commissioner.

C. Instruction of students under 18 years of age.

1. Commercial schools and instructors must provide driver training students under 18 years of age a minimum of 30 hours of approved classroom instruction and a minimum of six hours of behind the wheel instruction.

2. Behind the wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind the wheel instruction will begin. The

student must present this certificate to the Minnesota driver license examiner when applying for an instruction permit, which must be obtained before commencing behind the wheel instruction.

3. When behind the wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish the student a certificate of completion.

4. If the student is under 16 years of age and fails to continue or successfully complete the driver education course, including behind the wheel instruction, the authorized school operator or instructor shall immediately notify the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

11 MCAR S 1.4035 Driver training instructor requirements. An applicant for an instructor license must:

A. Be a resident of Minnesota.

B. Be at least 21 years of age.

C. Have been a licensed driver for three years, have a valid Minnesota driver license and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in 11 MCAR SS 1.4031-1.4038. The applicant must submit with his application a certified copy of his driving record dated not earlier than 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations or cancellations as a result of violations, accidents, failure to show proper insurance or to pay fines or to comply with a department request for the previous five-year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

E. Be in good physical and mental health and submit a complete physical examination report on forms provided by the commissioner at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the State of Minnesota and submitted not later than 30 days following the

examination.

F. Have normal peripheral vision and visual acuity of not less than 20/40 corrected. Instructors qualifying for classroom instruction are required to meet only those visual requirements necessary to be a licensed driver.

G. Shall not have been convicted of a gross misdemeanor or a felony.

H. Furnish the commissioner with one photograph and authorize an investigation to determine if the applicant has a criminal record.

I. Have a minimum of a high school education or the equivalent, such as passing the Armed Forces or General Education Development tests.

J. Have satisfactorily completed ~~an 80~~ a 40-hour course~~, or 40 hours for teachers licensed by the Department of Education,~~ of driver and traffic safety education~~, or pass an equivalency test,~~ which is approved or supervised by the Minnesota Department of Public Safety. Teachers licensed by the Department of Education may elect to pass an equivalency test. In addition, motorcycle instructors must have had ten hours of approved motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include: operation of a motor vehicle, traffic laws, road signs, rules and other material pertaining to and affecting the driver, traffic, motor vehicle and methods of teaching. Applicants who fail the road test portion will be reported to the commissioner and may be required to pass the regular Minnesota driver license examination. An applicant who fails on two occasions to pass

the driver training instructor examination is not entitled thereafter to take the examination for a period of one year. The commissioner may periodically require licensed instructors to submit to a re-examination, consisting of all, or any part, of the tests specified in this rule, or a review of the instructor's teaching methods and ability while actually giving student instruction.

L. Comply with insurance and safety requirements as set forth in 11 MCAR S 1.4036 A.1. and 2., if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is cancelled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten days unless the vehicle is immediately removed from the school's approved list as filed with the commissioner and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of this rule will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

11 MCAR S 1.4036 Commercial driver training school requirements.

A. Insurance and safety.

1. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the State of Minnesota in the amounts of at least $100,000 because of bodily injury to, or death of, any one person in any one accident; at least $300,000 because of bodily injury to, or death of, two or more persons in any one accident; at least $50,000 because of damage to, or destruction of, property of others in any one accident; at least $20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage.

2. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be

cancelled or terminated, except upon ten days' prior written notice to the commissioner.

3. If the insurance is cancelled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes unless the school obtains adequate insurance coverage, notifies the commissioner of the coverage and the commissioner notifies the school in writing that the license has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is cancelled the vehicle must immediately be removed from the school's approved list as filed with the commissioner or the school license certificate will terminate automatically. School certificates terminated under provisions of this paragraph must be surrendered to the commissioner within ten days.

4. The commercial driver training school owner or operator~~, except these that provide the training before collecting the fee,~~ shall secure and submit with the application a continuous surety company bond in the principal sum of $10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the State of Minnesota. The aggregate liability of the surety for all breaches of the bond shall not exceed the principal sum of $10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond upon giving 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

B. Location of business.

1. No license shall be issued if the place of business or branch office is within 600 feet of any building where any part of the driver license examination is being administered. However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location

where business was being conducted before the driver license examination station was established.

2. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.

3. Commercial driver training schools shall be located in a non-residential building. However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with B.

4. Commercial driver training schools offering Class A, Class B, or Class A and Class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

5. A commercial driver training school may not change its location without prior approval of the commissioner.

6. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it.

7. The location of the school's principal place of business and branch office must have adequate office facilities, equipment and available classrooms of at least 300 square feet to meet the approval of the commissioner.

C. Business records. The following business records must be maintained:

1. Instruction record. A permanently bound book with consecutively numbered pages to record, in ink, for every person given lessons of any kind or any other services relating to

classroom or behind the wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons ~~and their completion dates~~.

2. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction or other services relating to the operation of a motor vehicle.

3. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection.

4. The records described in 1., 2. and 3. shall be maintained in a business-like manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records shall be retained for a period of three years after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed or mutilated; the circumstances involving such loss, destruction or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

D. Advertising. Commercial driver training schools shall not:

1. Publish, advertise or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised.

2. Duplicate or reproduce in whole or in part, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, Driver and Vehicle Services Division. Licensed commercial driver training schools may use in their advertising or on forms, contracts, and other

materials, the phrase "This school is licensed by the State of Minnesota."

3. Use the word "state" in any sign or other medium of advertising, except as permitted in 2.

4. Advertise or intimate that an instructor or commercial driver training school license encompasses licensing by the Minnesota Department of Education.

5. Advertise the address of any location other than the licensed principal place of business or a licensed branch office.

6. Distribute any advertising material within 600 feet of any public or private high school or driver license examination station. This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, Driver and Vehicle Services Division, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with 11 MCAR SS 1.4031-1.4038.

E. Agreements and contracts.

1. All contracts between schools and students shall be on a form approved by the commissioner.

2. A person shall not be given lessons or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

3. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

4. No school shall represent or agree orally, in writing, or as part of an inducement to sign a contract or enroll for lessons to give instruction until a driver license is obtained, to offer premiums or provide discounts if a driver license is

not obtained.

5. A contract shall be limited to a maximum of ten hours of behind the wheel instruction, except for Class A or Class B truck driver training courses which are provided for in 6. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind the wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

6. A contract for a review course in a Class A or Class B vehicle shall be limited to 20 hours of behind the wheel instruction. Contracts for complete training courses in Class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a Class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

7. Contracts shall not contain the term "No Refund."

F. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with respect to the licensing of any student of the school, or any other person; nor imply to his students or any other person, for any purpose, that he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

11 MCAR S 1.4037 Licensing provisions.

A. Legal requirements. The issuance of all licenses will be

subject to the applicant's conformance with Minn. Stat. SS 171.33-171.41 and all provisions of 11 MCAR SS 1.4031-1.4038.

B. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers. Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such changes in the fee schedules are filed with the commissioner at least ten days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is $25.

C. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee, the license of the instructor shall be deemed invalid and must be surrendered to the commissioner within ten days. The school shall notify the commissioner in writing within five days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be $5.

D. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license shall be required in the same manner as required for original license.

E. Display of license.

1. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

2. An instructor shall display the instructor's license in the vehicle in which the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

F. Replacement of license. If the instructor license is lost, mutilated or destroyed a duplicate will be issued upon proof of the facts and payment of a $5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof that a license has been lost or destroyed shall be submitted in the form of an affidavit stating the date the license was lost or destroyed and the circumstances involving the loss or destruction of the license.

G. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten days prior to expiration but will not be accepted more than 30 days prior to the expiration date.

H. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended or a renewal refused under any of the following conditions:

1. Whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment.

2. Whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices on the part of any applicant for a driver license or instruction permit.

3. Whenever a commercial driver training school or an instructor advertises or implies that a driver license or

instruction permit is guaranteed upon completion of the course of instruction.

4. Whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension or cancellation of his driver license. Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner ~~with~~ within ten days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

5. Whenever instruction is given to a person who does not have a valid instruction permit or driver license in his or her possession.

6. Whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and information on the certificate is false.

7. Whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles.

8. Whenever a student is overcharged, or the student is encouraged to continue indefinite instructions beyond the point the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of

instruction shall be referred in writing to the commissioner or his agent for clarification.

9. Whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students.

10. Whenever the instructor, the school or both fail to keep or are late for appointments repeatedly or without good reason.

11. Whenever the school, the instructor or both delay the start or completion of training.

12. Whenever the school, the instructor or both absent a student from school for training during school hours without school approval.

13. Whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors.

I. Fees payable to commissioner. All fees for original, renewal, duplicate and replacement licenses shall be made payable to the Commissioner of Public Safety.

11 MCAR S 1.4038 Exemption.

A. Conditions for limited operations. An applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

1. The commercial driver training school must have been in operation on the effective date of 11 MCAR SS 1.4031-1.4038, but not providing classroom instruction.

2. The applicant complies with all other requirements of 11 MCAR SS 1.4031-1.4038 as they apply to persons engaged in operation of a school conducting driver training instruction for a fee, or instructing for a fee.

B. New license required. On and after the effective date of 11 MCAR SS 1.4031-1.4038, a licensee exempt under A. from

providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business or other operational changes without obtaining a new license and complying with the provisions of 11 MCAR SS 1.4031-1.4038.

APPROVED AS TO LEGALITY

April 1 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted D. Martinez

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 1 1982
Joan Anderson Growe
Secretary of State

3:55 P.M.

Rules as Proposed

~~Drivbie 31~~ 11 MCAR S 1.4031 Purpose and scope.

~~(a)~~ A. Purpose. The purpose of ~~this regulation~~ 11 MCAR SS 1.4031-1.4038 is to carry out the mandate of the Legislature and to effectuate that mandate as set forth in ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. SS 171.33-171.41 with respect to the regulation and licensing of commercial driver training schools and instructors.

~~(b)~~ B. Scope. The scope of ~~this regulation~~ 11 MCAR SS 1.4031-1.4038 is intended to be confined within the framework of and consistent with ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. SS 171.33-171.41.

~~Drivbie 32~~ 11 MCAR S 1.4032 Definitions. For the purposes of ~~this rule and regulation~~ 11 MCAR SS 1.4031-1.4038, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same ~~meaning~~ meanings given them in ~~Laws of Minnesota 1967, Chapter 880, Section 1, Subdivisions 1 through 3~~ Minn. Stat. S 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semi-trailer," "driver" and "street or highway" ~~shall~~ have the respective meanings given them in ~~Minnesota Statutes 1965, Chapter 169~~ Minn. Stat. S 169.01.

~~(a)~~ A. Location. "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

~~(b)~~ B. Lesson. "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving or otherwise. A one ~~(1)~~ hour lesson shall mean one ~~(1)~~ hour of actual instruction.

~~Drivbie 33~~ 11 MCAR S 1.4033 Driver training vehicle requirements.

~~(a)~~ A. Safety standards and equipment; exemptions. Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the

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model year of the vehicle, and shall have the following equipment:

~~(1)~~ 1. Dual control brakes~~,~~.

~~(2)~~ 2. Dual control clutch pedal, where applicable~~,~~.

~~(3)~~ 3. Outside rearview mirror on both sides of the vehicle~~,~~; in addition a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors.

~~(4)~~ 4. ~~padded dashboard and~~ Sunvisors~~,~~ ~~on all new vehicles purchased or leased after January 1, 1968,~~ for both the driver and the passenger.

~~(5)~~ 5. Windshield washers, wipers, and defroster~~,~~.

~~(6)~~ 6. Seat belts for each occupant of the vehicle.

7. Tandem drive axles for all truck-tractors and tandem axles for all semi-trailers.

8. Because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal. Buses are exempt from the seat belt requirement.

~~(b)~~ B. Vehicle age; exemption. Except as otherwise provided in this paragraph, vehicles ~~may not be~~ used for driver training purposes ~~which are~~ may not be more than four ~~(4)~~ model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks and truck-tractors may not be more than ten model years old. Semi-trailers are exempt from the age limitation but must pass the required vehicle inspection.

~~(c)~~ C. Vehicle list. A list of vehicles used for driver training shall be maintained and filed with the commissioner. ~~If any vehicle is leased for driver training purposes, a copy of the lease agreement must also be submitted to the Commissioner by the lessee.~~ It shall be the responsibility of the commercial driver training school to keep the vehicle list ~~and the file of lease agreements~~ current at all times by submitting additions, deletions or revisions to the commissioner within ten ~~(10)~~ days from the date such changes occur. ~~However,~~ Additional or

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replacement vehicles may be used for driver training purposes only after ~~compliance~~ complying with ~~SafAd 33(e)~~ E.

~~(d)~~ D. ~~Vehicles,~~ Marking. While being used for driving instruction, all vehicles must have signs conspicuously displayed ~~conspicuously thereon signs~~ on front and rear, with background and letters of contrasting colors stating "Student Driver", ~~with lettering at least two (2) but not more than five (5) inches in height~~. On vehicles used for Class C driver training, the lettering shall be at least two but not more than five inches in height. On vehicles used for Class A and Class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

~~(e)~~ E. Inspections. All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every ~~six (6)~~ 12 months thereafter at a ~~station(s)~~ station designated by the commissioner. No new vehicle may be used for driver training ~~purposes~~ until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. ~~Subsequent~~ Additional inspections ~~shall~~ may be ~~conducted upon request from~~ requested by the commissioner ~~and~~. The inspection form must be filed by the vehicle owner within ~~thirty (30)~~ 30 days of the due date or use of the vehicle for driver training ~~purposes~~ discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

F. Commercial use. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

1. A maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

2. All use for commercial purposes will take place during

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the last 50 percent of the total training program; and

3. Hazardous materials will not be transported. For the purposes of this paragraph hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials and industrial waste products.

~~Driving~~ 11 MCAR S 1.4034 Driver training instruction requirements.

~~(a)~~ A. Curriculum. The curriculum of classroom and behind the wheel instruction must be submitted to ~~and approved by~~ the commissioner for his approval. ~~Instruction must meet the minimum requirements of any federal standards that are or may be established regarding length of lessons or methods of instruction.~~

1. Schools offering Class A and Class B driver training must have a concurrent program consisting of at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time for each student who takes training in a Class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a Class A vehicle.

2. Bus driver training may not be given in a van or van type vehicle but must be given in a vehicle designed to carry more than 16 passengers and to transport them for compensation.

3. Training to operate a Class A type vehicle may not be given in a pick-up and trailer combination type vehicle but must be given in a vehicle which conforms to 11 MCAR S 1.4033 A.7. whose capacity is no less than 10,000 pounds.

4. Classroom training may be offered a student no more than three hours a day.

5. Behind the wheel training may be offered a student no more than two hours a day.

6. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

7. Class A driver training may not be offered to any

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student who is not at least 18 years of age and in possession of at least a Class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a Class C license.

~~(b)~~ B. Behind the wheel instruction.

~~(1)~~ 1. Instruction may be ~~provided~~ offered on ~~machines which simulate driving conditions only when the use of such machines have been specifically approved~~ simulators and driving ranges as part of the curriculum for behind the wheel training ~~by the Commissioner~~. The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multi-phase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase program may not be less than three hours.

~~(2)~~ 2. Instruction shall not be given on ~~roadways or~~ actual routes used for state driver license road tests.

~~(3)~~ 3. Instructors shall ensure that seat belts are used at all times by all persons while ~~instruction is being given behind-the-wheel of a motor vehicle~~ in the vehicle.

~~(4)~~ 4. Instructors shall ensure that the student is in possession of a valid ~~Minnesota driver~~ instruction permit or driver license ~~prior to giving behind-the-wheel instruction~~ from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

~~(5)~~ 5. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle ~~used for behind-the-wheel driver training purposes~~ is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

~~(6)~~ 6. Instruction ~~for commercial vehicles~~ may be given only by those instructors ~~holding~~ in possession of a valid and properly endorsed Minnesota driver license and an instructor's

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license applicable to the type of vehicle for which instruction is being given ~~(chauffeur's license, school bus driver license, etc.)~~.

~~(7) Instructors must carry a valid Minnesota driver license at all times while behind-the-wheel instruction is being conducted.~~

~~(8)~~ 7. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

8. Except for the training offered in Class A and B vehicles, neither a commercial school nor an instructor may give a student more than 20 hours of behind the wheel training without the written authorization of the commissioner.

~~(e)~~ C. Instruction of students under ~~eighteen (18)~~ 18 years of age.

~~(1)~~ 1. Commercial schools ~~or~~ and instructors must provide driver training students under ~~eighteen (18)~~ 18 years of age a minimum of ~~thirty (30)~~ 30 hours of approved classroom instruction and a minimum of six ~~(6)~~ hours of ~~actual~~ behind the wheel instruction.

~~(2)~~ 2. Behind the wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind the wheel instruction will begin. The student must present this certificate to the Minnesota driver license examiner when applying for ~~a State driver~~ an instruction permit, which must be obtained before ~~commencement of~~ commencing behind the wheel instruction.

~~(3)~~ 3. When ~~the student has received his Minnesota driver instruction permit and satisfactorily completed the~~ behind the wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish ~~him~~ the student a certificate of completion ~~to that effect~~.

~~(4)~~ 4. If the student is under ~~eighteen (18)~~ 16 years of

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age and fails to continue or successfully complete the driver education course, including behind the wheel instruction, the authorized school operator or instructor shall immediately notify the ~~Office of Driver License,~~ Minnesota Department of Public Safety, Driver and Vehicle Services Division.

~~Driving 35~~ 11 MCAR S 1.4035 Driver training instructor requirements. An applicant for an instructor license must:

~~(a)~~ A. Be a resident of Minnesota ~~for at least one (1) year immediately preceding the date of application~~.

~~(b)~~ B. Be at least ~~twenty-one (21)~~ 21 years of age.

~~(c)~~ C. Have been a licensed driver for three ~~(3)~~ years, have a valid Minnesota driver license~~, be free from the requirement to show proof of insurance coverage under the Safety Responsibility Act~~ and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in ~~this rule and regulation~~ 11 MCAR SS 1.4031-1.4038. The applicant must submit with his application a certified copy of his driving record dated not earlier than ~~thirty (30)~~ 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations or cancellations as a result of violations, accidents, failure to show proper insurance or to pay fines or to comply with a department request for the previous five year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

~~(d)~~ E. Be in good physical and mental health and submit a complete physical examination report ~~(on forms provided by the commissioner)~~ at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the State of Minnesota and submitted not later than ~~thirty (30)~~ 30 days following the examination.

~~(e)~~ F. Have normal peripheral vision and visual acuity of not less than ~~twenty/forty (20/40) in each eye~~ 20/40 corrected. Instructors qualifying for classroom instruction are required to

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meet only those visual requirements necessary to be a licensed driver.

~~(f)~~ G. Shall not have been convicted of a ~~crime or an offense of State or local law, wherein said conviction involves moral turpitude~~ gross misdemeanor or a felony.

~~(g)~~ H. Furnish the commissioner ~~two (2) sets of photographs and fingerprints~~ with one photograph and authorize an investigation to determine if the applicant has a criminal record.

~~(h)~~ I. Have a minimum of a high school education or ~~an equivalency certification obtained as the result of~~ the equivalent, such as passing the Armed Forces ~~test~~ or General Education Development tests.

~~(i)~~ J. Have satisfactorily completed ~~a~~ an 80 hour course , or 40 hours for teachers licensed by the Department of Education, of driver and traffic safety education, or pass an equivalency test, which is approved or supervised by the Minnesota Department of Public Safety. In addition, motorcycle instructors must have had ten hours of motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. ~~Courses will be held at such times as to create the least inconvenience to the instructors and shall not exceed one complete course a year.~~ Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

~~(j)~~ K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include: operation of a motor vehicle, traffic laws, road signs, rules ~~and regulations~~ and other material pertaining to and affecting the driver, traffic, motor vehicle and methods of teaching. ~~(~~ Applicants who fail the ~~section of this test which is considered the equivalent of the State driver license examination~~ road test

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portion will be reported to the ~~Driver License Director~~ commissioner and may be required to pass the regular Minnesota driver license examination~~)~~. An applicant who fails on two ~~(2)~~ occasions to pass the driver training instructor examination is not entitled thereafter to take the examination for a period of one ~~(1)~~ year. The commissioner may periodically require licensed instructors to submit to a re-examination, consisting of all, or any part, of the tests specified in this ~~section~~ rule, or a review of the instructor's teaching methods and ability while actually giving student instruction.

~~(k)~~ L. Comply with insurance and safety requirements as set forth in ~~Driving 36(a) paragraphs (1) and (2)~~ 11 MCAR S 1.4036 A.1. and 2., if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is cancelled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten ~~(10)~~ days unless the vehicle is immediately removed from the school's approved list ~~(~~ as filed with the commissioner~~)~~ and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of this ~~section~~ rule will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

~~Driving 36~~ 11 MCAR S 1.4036 Commercial driver training school requirements.

~~(a)~~ A. Insurance and safety.

~~(1)~~ 1. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the State of Minnesota in the amounts of at least ~~one hundred thousand dollars ($100,000.00)~~ $100,000 because of bodily injury to, or death of, any one ~~(1)~~ person in any one ~~(1)~~ accident; at least ~~three hundred thousand dollars ($300,000.00)~~ $300,000 because of bodily injury to, or

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death of, two ~~(2)~~ or more persons in any one ~~(1)~~ accident; at least ~~ten thousand dollars ($10,000.00)~~ $50,000 because of damage to, or destruction of, property of others in any one ~~(1)~~ accident; at least ~~two thousand dollars ($2,000.00)~~ $20,000 for medical expenses ~~regardless of liability~~; and at least the minimum amount of uninsured motorist coverage.

~~(2)~~ 2. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be cancelled or terminated, except upon ten ~~(10)~~ days' prior written notice to the commissioner.

~~(3)~~ 3. ~~In the event said~~ If the insurance is cancelled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes~~, except in the event~~ unless the school obtains adequate insurance coverage ~~and said license is reinstated~~, notifies the commissioner of the coverage and the commissioner notifies the school in writing that the license has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is cancelled the ~~vehicle(s)~~ vehicle must immediately be removed from the school's approved list ~~(as filed with the commissioner)~~ or the school license certificate will terminate automatically. School certificates terminated under provisions of this ~~section~~ paragraph must be surrendered to the commissioner within ten ~~(10)~~ days.

~~(4)~~ 4. The commercial driver training school owner or operator, except those that provide the training before collecting the fee, shall secure and submit with the application a continuous surety company bond in the principal sum of ~~two thousand five hundred dollars ($2,500.00)~~ $10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the State of Minnesota. The aggregate liability of the surety for all breaches of the bond shall ~~in no event~~ not exceed the principal sum of ~~two thousand five hundred dollars ($2,500.00)~~ $10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond

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upon giving ~~thirty (30)~~ 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

~~(b)~~ B. Location of business.

~~(1)~~ 1. No license shall be issued ~~in municipalities over fifty thousand (50,000) population~~ if the place of business, or branch office is within ~~six hundred (600)~~ 600 feet of any ~~public or private high school or within one thousand (1,000) feet of a~~ building where any part of the driver license examination is being administered ~~or the location where State driver license road tests are being conducted. In municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet.~~ However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted ~~on or~~ before ~~January 1, 1967~~ the driver license examination station was established.

~~(2)~~ 2. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.

~~(3)~~ 3. Commercial driver training schools shall be located in a ~~building or portion thereof that is devoted to~~ non-residential ~~use~~ building. However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with B.

4. Commercial driver training schools offering Class A, Class B, or Class A and Class B training must provide a paved driving range of at least 90,000 square feet. If more than two

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motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

~~(4)~~ 5. A commercial driver training school may not change its location without prior approval of the commissioner.

~~(5)~~ 6. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it~~, readable from a distance of at least one hundred (100) feet~~.

~~(6)~~ 7. The location of the school's principal place of business and branch office must have adequate office facilities, equipment and available classrooms of at least 300 square feet to meet the approval of the commissioner.

~~(c)~~ C. Business records. The following business records ~~to~~ must be maintained:

~~(1)~~ 1. Instruction record. A permanently bound book ~~(~~ with consecutively numbered pages~~)~~ to record, in ink, for every person given lessons of any kind or any other services relating to classroom or behind the wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons and their completion dates.

~~(2)~~ 2. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction or other services relating to the operation of a motor vehicle.

~~(3)~~ 3. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection~~, including a copy of vehicle lease agreements if applicable~~.

~~(4)~~ 4. The records described in ~~paragraphs (c)(1), (2) and (3) above~~, 1., 2. and 3. shall be maintained in a business-like manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records

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shall be retained for a period of three ~~(3)~~ years after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed or mutilated; the circumstances involving such loss, destruction or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

~~(d)~~ D. Advertising. Commercial driver training schools shall not:

~~(1)~~ 1. Publish, advertise or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised.

~~(2) Publicly advertise that driver license or motor vehicle license plate applications are accepted or that such licenses are issued at the school's principal place of business or at a licensed branch office.~~

~~(3)~~ 2. Duplicate or reproduce ~~(in whole or in part)~~, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, ~~Office of~~ Driver ~~License~~ and Vehicle Services Division. Licensed commercial driver training schools may use in their advertising or on forms, contracts, ~~etc.~~ and other materials, the phrase "This school is licensed by the State of Minnesota."

~~(4)~~ 3. Use the word "state" in any sign or other medium of advertising, except as permitted in ~~paragraph (d)(3), above~~ 2.

~~(5)~~ 4. Advertise or intimate that an instructor or commercial driver training school license encompasses ~~certification~~ licensing by the Minnesota Department of Education.

~~(6)~~ 5. Advertise the address of any location other than the licensed principal place of business or a licensed branch office.

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~~(7)~~ 6. Distribute any advertising material within ~~six hundred (600)~~ 600 feet of any public or private high school or ~~within one thousand (1,000) feet of~~ a driver license examination station ~~in municipalities over fifty thousand (50,000) population. In municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet.~~ This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, ~~Office of~~ Driver ~~License~~ and Vehicle Services Division, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with ~~this rule and regulation~~ 11 MCAR SS 1.4031-1.4038.

~~(e)~~ E. Agreements and contracts.

~~(1)~~ 1. All contracts between schools and students shall be on a form approved by the commissioner.

~~(2)~~ 2. A person shall not be given lessons, or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

~~(3)~~ 3. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

~~(4)~~ 4. No school shall represent or agree ~~(orally, in writing, or as part of an inducement to sign a contract or enroll for lessons)~~ to give instruction until a driver license is obtained, to offer premiums or provide discounts if a driver license is not obtained.

~~(5)~~ 5. A contract shall be limited to a maximum of ten ~~(10)~~ hours of behind the wheel instruction ~~and~~, except for Class A or Class B truck driver training courses which are provided

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for in 6. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind the wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

6. A contract for a review course in a Class A or Class B vehicle shall be limited to 20 hours of behind the wheel instruction. Contracts for complete training courses in Class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a Class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

~~(6)~~ 7. Contracts shall not contain the term "No Refund."

~~(f)~~ F. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with respect to the licensing of any student of the school, or any other person; nor imply to ~~their~~ his students or any other person, for any purpose, that ~~they~~ he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

~~Drivlic 37~~ 11 MCAR S 1.4037 Licensing provisions.

~~(a)~~ A. Legal requirements. The issuance of all licenses will be subject to the applicant's conformance with ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. SS 171.33-171.41 and all

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provisions of ~~this rule and regulation~~ 11 MCAR SS 1.4031-1.4038.

~~(b)~~ B. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers ~~and acknowledged before a Notary Public~~. Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such changes in the fee schedules are filed with the commissioner at least ten ~~(10)~~ days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is $25.

~~(c)~~ C. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee, the license of the instructor ~~will~~ shall be deemed invalid and must be surrendered to the commissioner within ten ~~(10)~~ days. The school shall notify the commissioner in writing within five ~~(5)~~ days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be ~~one dollar ($1.00)~~ $5.

~~(d)~~ D. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license ~~will~~ shall be required in the same manner as required for original license.

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(e) E. Display of license.

(1) 1. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

(2) 2. An instructor shall display the instructor's license in the vehicle in which ~~he~~ the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

(f) F. Replacement of license. ~~In the event~~ If the instructor license is lost, mutilated or destroyed a duplicate will be issued upon proof of the facts and payment of a ~~one dollar ($1.00)~~ $5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof that a license has been lost or destroyed shall be submitted in the form of an affidavit stating:

(1) the date the license was lost or destroyed and

(2) the circumstances involving the loss or destruction of the license.

(g) G. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten (10) days prior to expiration but will not be accepted more than ~~thirty~~ (30) 30 days prior to the expiration date.

(h) H. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended or a renewal refused under any of the following conditions:

(1) 1. Whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment.

(2) 2. Whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices

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on the part of any applicant for a driver license or instruction permit.

~~(3)~~ 3. Whenever a commercial driver training school or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction.

~~(4)~~ 4. Whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension or cancellation of his driver license. Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within ~~thirty~~ ~~(30)~~ 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner with ten ~~(10)~~ days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

~~(5)~~ 5. Whenever instruction is given to a person who does not have a valid ~~Minnesota~~ instruction permit or driver license in his or her possession.

~~(6)~~ 6. Whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and information on the certificate is false.

~~(7)~~ 7. Whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles.

~~(8)~~ 8. Whenever a student is overcharged, or the student

APPROVED IN THE REVISOR OF STATUTES' OFFICE BY:

is encouraged to continue indefinite instructions beyond the point ~~where in the opinion of the instructor~~ he the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of instruction shall be referred in writing to the commissioner or his agent for clarification.

9. Whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students.

10. Whenever the instructor, the school or both fail to keep or are late for appointments repeatedly or without good reason.

11. Whenever the school, the instructor or both delay the start or completion of training.

12. Whenever the school, the instructor or both absent a student from school for training during school hours without school approval.

13. Whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors.

~~(i)~~ I. Fees payable to commissioner. All fees for original, renewal, duplicate and replacement licenses shall be ~~in the form of a money order or certified check~~ made payable to the "Commissioner of Public Safety".

~~Drivbie~~ ~~38~~ 11 MCAR S 1.4038 Exemption.

~~(a)~~ A. Conditions for limited operations. An applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

~~(1) Where the need arises, the Commissioner may license instructors operating independently as behind-the-wheel~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~instructors only, if there is no commercial driver training school licensed in accordance with the provisions of laws of Minnesota 1967, Chapter 880 within twenty (20) miles of the municipality where such instruction is given and the instructors qualify by their experience and training.~~

1. The commercial driver training school must have been in operation on the effective date of 11 MCAR SS 1.4031-1.4038, but not providing classroom instruction.

~~(2) if~~ 2. The applicant complies with all other requirements of ~~this rule and regulation as it applies~~ 11 MCAR SS 1.4031-1.4038 as they apply to persons engaged in operation of a school conducting driver training instruction for a fee, or instructing for a fee.

~~(b) A license to operate a commercial driver training school or an instructor license to conduct behind-the-wheel instruction only shall be void and must be surrendered within ten (10) days after termination of the active participation of the individual or firm in the business of teaching driver training for a fee. The licensee cannot enlarge his school operations by employing additional instructors unless he provides approved classroom instruction and facilities.~~

B. New license required. On and after the effective date of 11 MCAR SS 1.4031-1.4038, a licensee exempt under A. from providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business or other operational changes without obtaining a new license and complying with the provisions of 11 MCAR SS 1.4031-1.4038.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

October 23, 1981
RD122

Agency Department of Public Safety

Division Driver and Vehicle Services

Agency Contact Diane Hamilton Phone Number 296-7096

Title: Proposed Rules Establishing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing

Type of Rules: Permanent X Temporary _____

Incorporations by References: None

Rule Number Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Available

See Additional references on back Yes ___ No X

Duplication of Statutory Language None

Rule Number Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ward P. Gronfield

Title: Deputy Revisor

Phone: 296-0945

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 23, 1981, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd. 4, on November 19, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within th 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11 MCAR 1.4031 through 1.4038 are adopted this 11th day of March, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6.

STATE OF MINNESOTA

John P. Sopsic
COMMISSIONER OF PUBLIC SAFETY

Office of Hearing Examiners

Notice of Intent to Solicit Information or Opinions Relating to Amendments to the Rules of the Office of Hearing Examiners Relating to Rulemaking and Contested Cases

Pursuant to Minn. Stat. § 15.0412, subd. 6, notice is hereby given that the Office of Hearing Examiners is soliciting information and opinions from sources outside of the agency for the purpose of preparing amendments to the existing procedural rules of the office relating to both rulemaking and contested cases.

Any persons desiring to submit data or views on the subjects may do so either orally or in writing. All written submissions will become part of the record in any subsequent hearing. Persons submitting proposals which are accepted by the office may be called upon to present oral or written testimony in support of the proposals at any subsequent hearing.

The office intends to proceed to hearing immediately following adjournment of the 1980 regular legislative session. Therefore, all submissions must be received by the office no later than 4:30 p.m., five working days after the legislature adjourns sine die.

Comments should be submitted to:

Duane R. Harves
Chief Hearing Examiner
Office of Hearing Examiner
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 296-8100

Department of Public Safety Driver and Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revisions to Rules on Driver Training, Vehicles, Instruction, Instructors and Schools

Notice is hereby given that the Department of Public Safety is seeking information, comments and opinions from sources outside the department in preparing to draft revisions to rules relating to commercial driver training schools. Such rules are authorized by Minn. Stat. §§ 171.33 and 171.34. The department is proposing to incorporate rules concerning truck driver training and to update the existing rules, Driver License 31-38.

All interested or affected persons or groups are invited to provide information on this subject until March 18, 1980 by contacting:

Mr. Rollis Odendahl
Driver Training Supervisor
314 Transportation Building
St. Paul, MN 55155

Written statements will be made part of the public hearing record.

Secretary of State

Notice of Vacancies in Multi-Member State Agency

Notice is hereby given to the public that vacancies have occurred in a multi-member state agency, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. Application deadline is Tuesday, March 4, 1980.

Department of Economic Security Advisory Council has two vacancies open immediately: one for a public member and one for a labor representative. Members are appointed by the Commissioner of Economic Security. The council advises the commissioner on the policies and programs of the Department of Economic Security. Meetings are held monthly. Members receive $35 per diem. For specific information, contact Dave Newman, (612) 296-6073.

Department of Transportation Technical Services Division

Notice of Intent to Solicit Outside Opinions Concerning the Possible Adoption, Amendment, Suspension or Repeal of Rules Relating to Minn. Stat. chs. 161 and 162 (State-Aid Roadway Operations), 14 MCAR § 1.5032

Notice is hereby given that the Commissioner of Transportation is soliciting opinions and comments pertaining to the adoption, amendment, suspension or repeal of rules promulgated pursuant to or authorized by Minn. Stat., chs. 161 and 162 relating to State-Aid Roadway Operations.

St. Paul Public Library
Science and Industry Room
90 West Fourth Street
St. Paul, MN 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, MN 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, MN 55318

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville, MN 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, MN 55435

Ramsey County Library—Roseville Branch
2180 N. Hamline Avenue
Roseville, MN 55113

Scott County Library—Shakopee Branch
235 S. Lewis Street
Shakopee, MN 55379

Washington County Library—Park Grove Branch
7520—80th Street S.
Cottage Grove, MN 55106

Copies of the ten service components are available free of charge from the Metropolitan Health Board, 300 Metro Square Building, St. Paul, Minnesota 55101, telephone 291-6352.

People who wish to speak at this public hearing may register in advance by contacting Eleanor Suneson at 291-6352. Those who register first will be scheduled to speak first. If you cannot attend you are encouraged to send written comments to the Metropolitan Health Board, up to seven days following this hearing. For further information contact the Metropolitan Health Board at 291-6352.

Barbara O'Grady, Chairperson
Metropolitan Health Board

Charles Weaver, Chairman
Metropolitan Council

Department of Public Safety
Driver and Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Revisions to Rules on Driver Training, Vehicles, Instruction, Instructors and Schools

Notice is hereby given that the Department of Public Safety is seeking information, comments and opinions from sources outside the department in preparing to draft revisions to rules relating to commercial driver training schools. Such rules are authorized by Minn. Stat. §§ 171.33 and 171.34. The department is proposing to incorporate rules concerning truck driver training and to update the existing rules, Driver License 31-38.

All interested or affected persons or groups are invited to provide information on this subject until May 1, 1981 by contacting:

Mr. Rollis Odendahl
Driver Training Supervisor
314 Transportation Building
St. Paul, MN 55155

Written statements will be made part of the public hearing record.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 5th day of November, 1981, that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

John P. Sopsic
COMMISSIONER OF PUBLIC SAFETY

DEPARTMENT OF PUBLIC SAFETY

DRIVER AND VEHICLE SERVICES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES GOVERNING Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications is desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 171.33 - 171.41. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subidvision 11 (1980) defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses

and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7 (1980).

The rules proposed for adoption relate to the following matters:

General requirements
-Includes truck driver and motorcycle training.
-Updates equipment requirements for training vehicles.
-Deletes requirement of submitting lease to Commissioner.
-Amends various general requirements to comply with statutory and operating changes made since rules were last amended.
-Requires notification to department when student under age 16 (now 18) does not complete driver training course.
-Eliminates requirement for money order to certified check only, for payment of license fees.

Truck driver training
-Requires use of vehicles with tandem axles.
-Exempts vehicles from dual brake and clutch pedal requirement, and allows them to be up to 10 years old.
-Prohibits training vehicles from being used for commercial purposes, unless done so for less than 50% of time and only during last half of total program.
-Specifies curriculum including number of hours, types of vehicles, age and licensing requirement of students, use of simulators, and size of required driving range.

Instructor requirements
-Eliminates one year residency requirement.
-Requires cycle instructors to have 50 hours riding experience.
-Makes vision requirements less stringent.
-Specifies number of hours of required instructor training and allows alternate equivalency test.
-Requires notification to department of reinstatement of insurance for reinstatement of instructor license.
-Increases all liability insurance and bond amounts.

School requirements
-Allows location near high school and remove differentiation of location requirements between municipalities over and under 50,000 population.
-Claifies prohibition against locating in a residential building.
-Provides for issuance of a $25 duplicate school license and increases the fee for duplicate instructor license to $5.
-Strengthens and broadens penalty sections.

STATE OF MINNESOTA

11-6-81
DATED

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 20th day of November, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department.

Diane K. Hamilton

Subscribed and sworn to before me

this 20th day of November,

1981.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 a.m., this 19th day of November, 1981.

Diane K. Hamilton

Rule as Proposed

Repealer. Rules Agr 434-457 are repealed.

Minnesota Housing Finance Agency

Proposed Temporary Rules Governing Income Limits for the Home Improvement Loan Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following temporary rules for the purpose of setting income limits for the Home Improvement Loan Program, pursuant to Laws of 1981, ch. 306, § 3.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Monte Aaker, Research Coordinator, Minnesota Housing Finance Agency, Suite 200—Nalpak Building, 333 Sibley Street, St. Paul, Minnesota 55101. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

November 12, 1981

James J. Solem
Executive Director

Temporary Rule as Proposed

12 MCAR § 3.002 O. (Temporary) "Persons and families of low and moderate income" means:

1-3. [Unchanged.]

4. with respect to home improvement loans and accessibility improvement assistance pursuant to Chapter Six of these rules, those persons and families whose adjusted income does not exceed ~~$18,000~~ $24,000 or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

Department of Public Safety
Driver and Vehicle Services Division

Proposed Rules Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor and School Licensing

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications is desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Diane Hamilton
Department of Public Safety
211 Trransportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 171.33-171.41. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Question should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subdivision 7.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed

~~DrivLic 31~~ 11 MCAR § 1.4031 Purpose and scope.

~~(a)~~ A. Purpose. The purpose of ~~this regulation~~ 11 MCAR §§ 1.4031-1.4038 is to carry out the mandate of the Legislature and to effectuate that mandate as set forth in ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. §§ 171.33-171.41 with respect to the regulation and licensing of commercial driver training schools and instructors.

~~(b)~~ B. Scope. The scope of ~~this regulation~~ 11 MCAR §§ 1.4031-1.4038 is intended to be confined within the framework of and consistent with ~~Laws of Minnesota 1967, Chapter 880~~ Minn. Stat. §§ 171.33-171.41.

~~DrivLic 32~~ 11 MCAR § 1.4032 Definitions. For the purposes of ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038, the terms "commercial driver training school,", "instructor,"~~,~~ and "commissioner" shall have the same ~~meaning~~ meanings given them in ~~Laws of Minnesota 1967, Chapter 880, Section 1, Subdivisions 1 through 3~~ Minn. Stat. § 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semi-trailer," "driver" and "street or highway" ~~shall~~ have the respective meanings given them in ~~Minnesota Statutes 1965, Chapter 169~~ Minn. Stat. § 169.01.

~~(a)~~ A. Location. "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

~~(b)~~ B. Lesson. "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving or otherwise. A one ~~(1)~~ hour lesson shall mean one ~~(1)~~ hour of actual instruction.

~~DrivLic 33~~ 11 MCAR § 1.4033 Driver training vehicle requirements.

~~(a)~~ A. Safety standards and equipment; exemptions. Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the model year of the vehicle, and shall have the following equipment:

~~(1)~~ 1. Dual control brakes~~;~~.

~~(2)~~ 2. Dual control clutch pedal, where applicable~~;~~.

~~(3)~~ 3. Outside rearview mirror on both sides of the vehicle~~;~~; in addition a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors.

~~(4)~~ 4. ~~padded dashboard and~~ Sunvisors~~, on all new vehicles purchased or leased after January 1, 1968,~~ for both the driver and the passenger.

~~(5)~~ 5. Windshield washers, wipers, and defroster~~.~~.

~~(6)~~ 6. Seat belts for each occupant of the vehicle.

7. Tandem drive axles for all truck-tractors and tandem axles for all semi-trailers.

8. Because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal. Buses are exempt from the seat belt requirement.

~~(b)~~ B. Vehicle age; exemption. Except as otherwise provided in this paragraph, vehicles ~~may not be~~ used for driver training purposes ~~which are~~ may not be more than four ~~(4)~~ model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks and truck-tractors may not be more than ten model years old. Semi-trailers are exempt from the age limitation but must pass the required vehicle inspection.

~~(c)~~ C. Vehicle list. A list of vehicles used for driver training shall be maintained and filed with the commissioner. ~~If any vehicle is leased for driver training purposes, a copy of the lease agreement must also be submitted to the Commissioner by the lessee.~~ It shall be the responsibility of the commercial driver training school to keep the vehicle list ~~and the file of lease agreements~~ current at all times by submitting additions, deletions or revisions to the commissioner within ten ~~(10)~~ days from the date such changes occur. ~~However,~~ Additional or replacement vehicles may be used for driver training purposes only after ~~compliance~~ complying with ~~SafAd 33(e)~~ E.

~~(d)~~ D. ~~Vehicles,~~ Marking. While being used for driving instruction, all vehicles must have signs conspicuously displayed ~~conspicuously thereon signs~~ on front and rear, with background and letters of contrasting colors stating "Student Driver"~~, with lettering at least two (2) but not more than five (5) inches in height.~~ On vehicles used for Class C driver training, the lettering shall be at least two but not more than five inches in height. On vehicles used for Class A and Class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

~~(e)~~ E. Inspections. All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every ~~six (6)~~ 12 months thereafter at a ~~station(s)~~ station designated by the commissioner. No new vehicle may be used for driver training ~~purposes~~ until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. ~~Subsequent~~ Additional inspections ~~shall~~ may be ~~conducted upon request from~~ requested by the commissioner ~~and~~. The inspection form must be filed by the vehicle owner within ~~thirty (30)~~ 30 days of the due date or use of the vehicle for driver training ~~purposes~~ discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

F. Commercial use. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

1. A maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

2. All use for commercial purposes will take place during the last 50 percent of the total training program; and

3. Hazardous materials will not be transported. For the purposes of this paragraph hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials and industrial waste products.

~~DrivLic 34~~ 11 MCAR § 1.4034 Driver training instruction requirements.

~~(a)~~ A. Curriculum. The curriculum of classroom and behind the wheel instruction must be submitted to ~~and approved by~~ the commissioner for his approval. ~~Instruction must meet the minimum requirements of any federal standards that are or may be established regarding length of lessons or methods of instruction.~~

1. Schools offering Class A and Class B driver training must have a concurrent program consisting of at least 40 hours of

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

classroom training, 60 hours of behind the wheel training and 60 hours of observation time for each student who takes training in a Class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a Class A vehicle.

2. Bus driver training may not be given in a van or van type vehicle but must be given in a vehicle designed to carry more than sixteen passengers and to transport them for compensation.

3. Training to operate a Class A type vehicle may not be given in a pick-up and trailer combination type vehicle but must be given in a vehicle which conforms to 11 MCAR § 1.4033 A.7. whose capacity is no less than 10,000 pounds.

4. Classroom training may be offered a student no more than three hours a day.

5. Behind the wheel training may be offered a student no more than two hours a day.

6. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

7. Class A driver training may not be offered to any student who is not at least 18 years of age and in possession of at least a Class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a Class C license.

~~(b)~~ B. Behind the wheel instruction.

~~(1)~~ 1. Instruction may be ~~provided~~ offered on ~~machines which simulate driving conditions only when the use of such machines have been specifically approved~~ simulators and driving ranges as part of the curriculum for behind the wheel training ~~by the Commissioner.~~ The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multi-phase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase program may not be less than three hours.

~~(2)~~ 2. Instruction shall not be given on ~~roadways or~~ actual routes used for state driver license road tests.

~~(3)~~ 3. Instructors shall ensure that seat belts are used at all times by all persons while ~~instruction is being given behind the wheel of a motor vehicle~~ in the vehicle.

~~(4)~~ 4. Instructors shall ensure that the student is in possession of a valid ~~Minnesota driver~~ instruction permit or driver license ~~prior to giving behind the wheel instruction~~ from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

~~(5)~~ 5. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle ~~used for behind the wheel driver training purposes~~ is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

~~(6)~~ 6. Instruction ~~for commercial vehicles~~ may be given only by those instructors ~~holding~~ in possession of a valid and properly endorsed Minnesota driver license and an instructor's license applicable to the type of vehicle for which instruction is being given ~~(chauffeur's license, school bus driver license, etc.)~~.

~~(7) Instructors must carry a valid Minnesota driver license at all times while behind the wheel instruction is being conducted.~~

~~(8)~~ 7. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

8. Except for the training offered in Class A and B vehicles, neither a commercial school nor an instructor may give a student more than 20 hours of behind the wheel training without the written authorization of the commissioner.

~~(c)~~ C. Instruction of students under ~~eighteen (18)~~ 18 years of age.

~~(1)~~ 1. Commercial schools ~~or~~ and instructors must provide driver training students under ~~eighteen (18)~~ 18 years of age a minimum of ~~thirty (30)~~ 30 hours of approved classroom instruction and a minimum of six ~~(6)~~ hours of ~~actual~~ behind the wheel instruction.

~~(2)~~ 2. Behind the wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind the wheel instruction will begin. The student

must present this certificate to the Minnesota driver license examiner when applying for ~~a State driver~~ an instruction permit, which must be obtained before ~~commencement of~~ commencing behind the wheel instruction.

~~(3)~~ 3. When ~~the student has received his Minnesota driver instruction permit and satisfactorily completed the~~ behind the wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish ~~him~~ the student a certificate of completion ~~to that effect~~.

~~(4)~~ 4. If the student is under ~~eighteen (18)~~ 16 years of age and fails to continue or successfully complete the driver education course, including behind the wheel instruction, the authorized school operator or instructor shall immediately notify the ~~Office of Driver License,~~ Minnesota Department of Public Safety, Driver and Vehicle Services Division.

~~DrivLic 35~~ 11 MCAR § 1.4035 Driver training instructor requirements. An applicant for an instructor license must:

~~(a)~~ A. Be a resident of Minnesota ~~for at least one (1) year immediately preceding the date of application~~.

~~(b)~~ B. Be at least ~~twenty-one (21)~~ 21 years of age.

~~(c)~~ C. Have been a licensed driver for three ~~(3)~~ years, have a valid Minnesota driver license~~, be free from the requirement to show proof of insurance coverage under the Safety Responsibility Act~~ and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038. The applicant must submit with his application a certified copy of his driving record dated not earlier than ~~thirty (30)~~ 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations or cancellations as a result of violations, accidents, failure to show proper insurance or to pay fines or to comply with a department request for the previous five year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

~~(d)~~ E. Be in good physical and mental health and submit a complete physical examination report ~~(~~on forms provided by the commissioner~~)~~ at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the State of Minnesota and submitted not later than ~~thirty (30)~~ 30 days following the examination.

~~(e)~~ F. Have normal peripheral vision and visual acuity of not less than ~~twenty/forty (20/40 in each eye~~ 20/40 corrected. Instructors qualifying for classroom instruction are required to meet only those visual requirements necessary to be a licensed driver.

~~(f)~~ G. Shall not have been convicted of a ~~crime or an offense of State or local law, wherein said conviction involves moral turpitude~~ gross misdemeanor or a felony.

~~(g)~~ H. Furnish the commissioner ~~two (2) sets of photographs and fingerprints~~ with one photograph and authorize an investigation to determine if the applicant has a criminal record.

~~(h)~~ I. Have a minimum of a high school education or ~~an equivalency certification obtained as the result of~~ the equivalent, such as passing the Armed Forces ~~test~~ or General Education Development tests.

~~(i)~~ J. Have satisfactorily completed ~~a~~ an 80 hour course, or 40 hours for teachers licensed by the Department of Education, of driver and traffic safety education, or pass an equivalency text, which is approved or supervised by the Minnesota Department of Public Safety. In addition, motorcycle instructors must have had ten hours of motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. ~~Courses will be held at such times as to create the least inconvenience to the instructors and shall not exceed one complete course a year.~~ Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

~~(j)~~ K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include: operation of a motor vehicle, traffic laws, road signs, rules ~~and regulations~~ and other material pertaining to and affecting the driver, traffic, motor vehicle and methods of teaching. ~~(~~Applicants who fail the ~~section of this test which is considered the equivalent of the State driver license examination~~ road test portion will be reported to the ~~Driver License Director~~ commissioner and may be required to pass the regular Minnesota driver license

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examination). An applicant who fails on two (2) occasions to pass the driver training instructor examination is not entitled thereafter to take the examination for a period of one (1) year. The commissioner may periodically require licensed instructors to submit to a re-examination, consisting of all, or any part, of the tests specified in this section rule, or a review of the instructor's teaching methods and ability while actually giving student instruction.

(d) L. Comply with insurance and safety requirements as set forth in DrivLic 36(a) paragraphs (1) and (2) 11 MCAR § 1.4036 A.1. and 2., if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is cancelled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten (10) days unless the vehicle is immediately removed from the school's approved list (as filed with the commissioner) and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of this section rule will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

DrivLic 36 11 MCAR § 1.4036 Commercial driver training school requirements.

(a) A. Insurance and safety.

(1) 1. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the State of Minnesota in the amounts of at least one hundred thousand dollars ($100,000.00) $100,000 because of bodily injury to, or death of, any one (1) person in any one (1) accident; at least three hundred thousand dollars ($300,000.00) $300,000 because of bodily injury to, or death of, two (2) or more persons in any one (1) accident; at least ten thousand dollars ($10,000.00) $50,000 because of damage to, or destruction of, property of others in any one (1) accident; at least two thousand dollars ($2,000.00) $20,000 for medical expenses regardless of liability; and at least the minimum amount of uninsured motorist coverage.

(2) 2. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be cancelled or terminated, except upon ten (10) days' prior written notice to the commissioner.

(3) 3. In the event said If the insurance is cancelled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes, except in the event unless the school obtains adequate insurance coverage and said license is reinstated, notifies the commissioner of the coverage and the commissioner notifies the school in writing that the license has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is cancelled the vehicle(s) vehicle must immediately be removed from the school's approved list (as filed with the commissioner) or the school license certificate will terminate automatically. School certificates terminated under provisions of this section paragraph must be surrendered to the commissioner within ten (10) days.

(4) 4. The commercial driver training school owner or operator, except those that provide the training before collecting the fee, shall secure and submit with the application a continuous surety company bond in the principal sum of two thousand five hundred dollars ($2,500.00) $10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the State of Minnesota. The aggregate liability of the surety for all breaches of the bond shall in no event not exceed the principal sum of two thousand five hundred dollars ($2,500.00) $10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond upon giving thirty (30) 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

(b) B. Location of business.

(1) 1. No license shall be issued in municipalities over fifty thousand (50,000) population if the place of business, or branch office is within six hundred (600) 600 feet of any public or private high school or within one thousand (1,000) feet of a building where any part of the driver license examination is being administered or the location where State driver license road tests are being conducted. In municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet. However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted on or before January 1, 1967 the driver license examination station was established.

(2) 2. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.

(3) 3. Commercial driver training schools shall be located in a building or portion thereof that is devoted to non-residential use building. However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through

the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with B.

4. Commercial driver training schools offering Class A, Class B, or Class A and Class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

~~(4)~~ 5. A commercial driver training school may not change its location without prior approval of the commissioner.

~~(5)~~ 6. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it~~, readable from a distance of at least one hundred (100) feet~~.

~~(6)~~ 7. The location of the school's principal place of business and branch office must have adequate office facilities, equipment and available classrooms of at least 300 square feet to meet the approval of the commissioner.

~~(c)~~ C. Business records. The following business records ~~to~~ must be maintained:

~~(1)~~ 1. Instruction record. A permanently bound book ~~(~~with consecutively numbered pages~~)~~ to record, in ink, for every person given lessons of any kind or any other services relating to classroom or behind the wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons and their completion dates.

~~(2)~~ 2. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction or other services relating to the operation of a motor vehicle.

~~(3)~~ 3. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection~~, including a copy of vehicle lease agreements if applicable~~.

~~(4)~~ 4. The records described in ~~paragraphs (c)(1), (2) and (3) above,~~ 1., 2. and 3. shall be maintained in a business-like manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records shall be retained for a period of three ~~(3)~~ years after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed or mutilated; the circumstances involving such loss, destruction or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

~~(d)~~ D. Advertising. Commercial driver training schools shall not:

~~(1)~~ 1. Publish, advertise or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised.

~~(2) Publicly advertise that driver license or motor vehicle license plate applications are accepted or that such licenses are issued at the school's principal place of business or at a licensed branch office.~~

~~(3)~~ 2. Duplicate or reproduce ~~(~~in whole or in part~~)~~, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, ~~Office of~~ Driver ~~License~~ and Vehicle Services Division. Licensed commercial driver training schools may use in their advertising or on forms, contracts, ~~etc.~~ and other materials, the phrase "This school is licensed by the State of Minnesota."

~~(4)~~ 3. Use the word "state" in any sign or other medium of advertising, except as permitted in ~~paragraph (d)(3), above~~ 2.

~~(5)~~ 4. Advertise or intimate that an instructor or commercial driver training school license encompasses ~~certification~~ licensing by the Minnesota Department of Education.

~~(6)~~ 5. Advertise the address of any location other than the licensed principal place of business or a licensed branch office.

~~(7)~~ 6. Distribute any advertising material within ~~six hundred (600)~~ 600 feet of any public or private high school or ~~within one thousand (1,000) feet of~~ a driver license examination station ~~in municipalities over fifty thousand (50,000) population. In~~

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~~municipalities with a population under fifty thousand (50,000) both restricted distances shall be six hundred (600) feet.~~ This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, ~~Office of~~ Driver ~~License~~ and Vehicle Services Division, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038.

~~(e)~~ E. Agreements and contracts.

~~(1)~~ 1. All contracts between schools and students shall be on a form approved by the commissioner.

~~(2)~~ 2. A person shall not be given lessons~~,~~ or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

~~(3)~~ 3. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

~~(4)~~ 4. No school shall represent or agree ~~(~~orally, in writing, or as part of an inducement to sign a contract or enroll for lessons~~)~~ to give instruction until a driver license is obtained, to offer premiums or provide discounts if a driver license is not obtained.

~~(5)~~ 5. A contract shall be limited to a maximum of ten ~~(10)~~ hours of behind the wheel instruction ~~and~~, except for Class A or Class B truck driver training courses which are provided for in 6. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind the wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

6. A contract for a review course in a Class A or Class B vehicle shall be limited to 20 hours of behind the wheel instruction. Contracts for complete training courses in Class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a Class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

~~(6)~~ 7. Contracts shall not contain the term "No Refund."

~~(f)~~ F. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with resepct to the licensing of any student of the school, or any other person; nor imply to ~~their~~ his students or any other person, for any purpose, that ~~they~~ he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

~~DrivLic 37~~ 11 MCAR § 1.4037 Licensing provisions.

~~(a)~~ A. Legal requirements. The issuance of all licenses will be subject to the applicant's conformance with ~~Laws of Minnesota 1967, Chapter~~ 880 Minn. Stat. §§ 171.33-171.41 and all provisions of ~~this rule and regulation~~ 11 MCAR §§ 1.4031-1.4038.

~~(b)~~ B. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers ~~and acknowledged before a Notary Public~~. Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such charges in the fee schedules are filed with the commissioner at least ten ~~(10)~~ days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is $25.

~~(c)~~ C. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee, the license of the instructor ~~will~~ shall be deemed invalid and must be surrendered to the commissioner within ten ~~(10)~~ days. The school shall notify the commissioner in writing within five ~~(5)~~ days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be ~~one dollar ($1.00)~~ $5.

~~(d)~~ D. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license ~~will~~ shall be required in the same manner as required for original license.

~~(e)~~ E. Display of license.

~~(1)~~ 1. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

~~(2)~~ 2. An instructor shall display the instructor's license in the vehicle in which ~~he~~ the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

~~(f)~~ F. Replacement of license. ~~In the event~~ If the instructor license is lost, mutilated or destroyed a duplicate will be issued upon proof of the facts and payment of a ~~one dollar ($1.00)~~ $5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof that a license has been lost or destroyed shall be submitted in the form of an affidavit stating:

~~(1)~~ the date the license was lost or destroyed and

~~(2)~~ the circumstances involving the loss or destruction of the license.

~~(g)~~ G. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten ~~(10)~~ days prior to expiration but will not be accepted more than ~~thirty (30)~~ 30 days prior to the expiration date.

~~(h)~~ H. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended or a renewal refused under any of the following conditions:

~~(1)~~ 1. Whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment.

~~(2)~~ 2. Whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices on the part of any applicant for a driver license or instruction permit.

~~(3)~~ 3. Whenever a commercial driver training school or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction.

~~(4)~~ 4. Whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension or cancellation of his driver license. Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of such circumstances. After a hearing the commissioner shall notify the licensee of his decision within ~~thirty (30)~~ 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner with ten ~~(10)~~ days. Failure to notify the commissoiner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

~~(5)~~ 5. Whenever instruction is given to a person who does not have a valid ~~Minnesota~~ instruction permit or driver license in his or her possession.

~~(6)~~ 6. Whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and information on the certificate is false.

~~(7)~~ 7. Whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles.

~~(8)~~ 8. Whenever a student is overcharged, or the student is encouraged to continue indefinite instructions beyond the point ~~where in the opinion of the instructor he~~ the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of instruction shall be referred in writing to the commissioner or his agent for clarification.

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9. Whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students.

10. Whenever the instructor, the school or both fail to keep or are late for appointments repeatedly or without good reason.

11. Whenever the school, the instructor or both delay the start or completion of training.

12. Whenever the school, the instructor or both absent a student from school for training during school hours without school approval.

13. Whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors.

~~(i)~~ I. Fees payable to commissioner. All fees for original, renewal, duplicate and replacement licenses shall be ~~in the form of a money order or certified check~~ made payable to the ~~"~~Commissioner of Public Safety~~"~~.

~~DrivLic 38~~ 11 MCAR § 1.4038 Exemption.

~~(a)~~ A. Conditions for limited operations. An applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

~~(1) Where the need arises, the Commissioner may license instructors operating independently as behind the wheel instructors only, if there is no commercial driver training school licensed in accordance with the provisions of Laws of Minnesota 1967, Chapter 880 within twenty (20) miles of the municipality where such instruction is given and the instructors qualify by their experience and training.~~

1. The commercial driver training school must have been in operation on the effective date of 11 MCAR §§ 1.4031-1.4038, but not providing classroom instruction.

~~(2) If~~ 2. The applicant complies with all other requirements of ~~this rule and regulation as it applies~~ 11 MCAR §§ 1.4031-1.4038 as they apply to persons engaged in operation of a school conducting driver training instruction for a fee, or instructing for a fee.

~~(b) A license to operate a commercial driver training school or an instructor license to conduct behind the wheel instruction only shall be void and must be surrendered within ten (10) days after termination of the active participation of the individual or firm in the business of teaching driver training for a fee. The licensee cannot enlarge his school operations by employing additional instructors unless he provides approved classroom instruction and facilities.~~

B. New license required. On and after the effective date of 11 MCAR §§ 1.4031-1.4038, a licensee exempt under A. from providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business or other operational changes without obtaining a new license and complying with the provisions of 11 MCAR §§ 1.4031-1.4038.

Small Business Finance Agency

Proposed Rules Relating to Amendment of Rules Regarding the Making of Business Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Small Business Finance Agency proposed to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980), as amended.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minneosta Statutes, § 15.0412, subdivisons 4-4f. If a public hearing is requested, identification of the particular

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor, and School Licensing.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on November 23, 1981, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 19, 1981.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Sections 171.34 and 171.35.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, two requests for public hearing were received. Both requests concern subparagraph 9 of 11 MCAR 1.4037H., which authorizes revocation, suspension and nonrenewal of a school or instructor license whenever the school or instructor fails to comply with any of the rules. The need for the rule is fully set forth in the Statement of Need and Reasonableness and the public comments give no compelling reason to modify or eliminate the language.

4. Two public comments were received in response to the Department's Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules, and are hereby included in the hearing record. The proposals made by the AI Driving School concerning commercial truck driver training were incorporated, in part, in the proposed rules, and are fully addressed in the Statement of Need and Reasonableness.

5. The Minnesota Professional Driver Training Association, without requesting a hearing submitted a list of modifications to the proposed rules along with the justifications and reasonableness of each. The Department finds that these proposed modifications are reasonable and do not alter the original intent of the rules as proposed.

6. No one requested to be notified of the date on which the hearing record is submitted to the Attorney General.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. Rule 11 MCAR 1.4034,B,8 is modified to limit to 30 hours the amount of training that can be given without the written consent of the Commissioner. Beginning adult students should have at least 20 hours of training and most last up to 30 hours. The original intent of safeguarding the public from excessive and unnecessary training is equally fulfilled by this modification. p.5

6. Rule 11 MCAR 1.4035,J is modified to retain the 40 hour instructor training requirement. School owners overwhelmingly opposed the change from 40 to 80 hours, therefore the Department withdraws the proposed amendment and the adopted rules retain the present 40 hour requirement. Therefore, the new language in the proposed rules, calling for 40 hours of instructor training for teachers licensed by the Department of Education, is stricken. Driver training instructors who have received no formal training to teach should not be afforded the opportunity to bypass the 40 hours of training by satisfactorily completing an equivalency test. Therefore, the language in this rule is modified to allow this option only to teachers licensed by the Department of Education. It should be open only to those who have spent the time and effort to acquire needed teaching skills and demonstrated their ability. Owners have agreed that such rule helps ensure the quality of instruction delivered without imposing an undue burden on schools or prospective instructors. p.7

7. Rule 11 MCAR 1.4036,A,4 is modified by deleting the new language in the proposed rules that would have exempted from the surety bond requirement school owners and operators who provide training before collecting the fee. School owners themselves agree that all schools should be bonded and that any other system could lead to abuses. The Department agrees and therefore withdraws the proposed exemption. p.9

8. Rule 11 MCAR 1.4036,C,1 is modified by removing the new language of the proposed rules which would have required school owners to record completion dates of driver training courses. Persons are free to stop training at any time, to take it a few lessons at a time or to contract for any portion from any one or several schools. The difficulty of including a completion date would become an almost insurmountable task which would ultimately serve no useful purpose.

p. 11

STATE OF MINNESOTA

3-11-82
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

BEFORE JOHN P. SOPSIC

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of
Rules of the State Department of Public Safety
Governing Requirements for Commercial Driver
Training Vehicles, Instruction, Instructor and
School Licensing

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Department of Public Safety, Driver and Vehicle Services Division. The last time the rules were amended was December 31, 1968.

The need to adopt these rules arises because of statutory changes over the past several years; a desire to assure better school control, instructor discipline and greater public protection; and the need to expand the rules to apply to truck driver and motorcycle training for which there are no provisions under present rules.

The justification establishing the need for and the reasonableness of the specific substantive provisions of the rules is as follows:

11 MCAR 1.4031 A and B. Statutory citations are updated to more accurately reflect existing law concerning the establishment and regulation of commercial schools.

11 MCAR 1.4032 The proposed rules apply to truck driver and motorcycle training and include the terms motorcycle, truck-tractor, truck, school bus, trailer, and semi-trailer; therefore these terms are included in the definition section.

11 MCAR 1.4033 A,3. Requires additional mirrors to facilitate visual scanning within the immediate cab area of trucks for safety. These mirrors permit the driver of these large vehicles to see smaller vehicles which are very close to the cab but out of the driver's line of sight. Such vehicles could be endangered if the truck or truck-tractor changed direction while the driver's vision was restricted or blocked.

11 MCAR 1.4033 A,4. Updates language to be in keeping with vehicle age limitations and specifies the sunvisor requirements for driver and passenger safety. The instructor is afforded the visual protection which is needed for advising and directing the student driver.

11 MCAR 1.4033 A,7. The tandem axle requirement assures adequate experience in training to meet the needs of most employers whose heavy duty sophisticated equipment requires skilled operators. By requiring that the training be given in vehicles with tandem axles, it is assured that drivers qualify for that type of equipment. Both the student and the prospective employer benefit by this requirement.

11 MCAR 1.4033 A,8. This section exempts buses, trucks, and truck-tractors from the dual brake requirement because of the probable ability of a licensed driver to exercise at least minimum vehicle control. The need for dual controls does not arise to the same degree as in a car because of the sequence of training procedures which must be followed; i.e., training first on a range, then on the road. Buses are exempt from the seatbelt requirement because the construction of the vehicle prohibits the instructor from being seated next to the student. The necessity to observe, advise and direct the student driver may require the instructor to stand close by. This cannot be done if the instructor is belted in at a distant seating location.

11 MCAR 1.4033 B. Buses, trucks and truck-tractors are exempt from the vehicle age limit because of the greater cost and because adequate maintenance will permit them to meet safety requirements. Currently, automobiles used for driver training cost between $6,500 and $11,000, compared with a truck-tractor ranging between $60,000 and $80,000 plus the semi-trailer.

11 MCAR 1.4033 C. The requirement of submitting a copy of the vehicle lease agreement serves no useful governmental purpose and is therefore deleted.

11 MCAR 1.4033 D. The size of signs is increased for truck driver training vehicles to be in proportion to the vehicle size. The larger signs required for truck driver training better directs the attention of other drivers to the possible vagaries of the student driver with this large and more dangerous vehicle.

11 MCAR 1.4033 E. The frequency of inspections has been changed from six to 12 months because of the ever mounting cost and the experience that a significant amount of needless paperwork can be saved. School buses, which carry many students, are inspected yearly. Further, changes authorize additional inspections at the option of the Commissioner. This change was made because experience has shown that some instructors abuse the vehicles and additional inspections may be advisable. It also designates who must file the required form and clarifies when it must be filed. Sanctions are removed from this section and placed in a separate section on suspensions and revocations.

11 MCAR 1.4033 F. This section prevents unlimited use of driver training hours for commerical purposes under the guise of providing training. It allows commerical use for a part of the required observation time, specifies when the hauling may be done and places significant restrictions on the type of load. This makes it possible for the trainee to get supervised training experience as a truck driver in actual commercial situations.

11 MCAR 1.4034 A. Does away with reference to federal standards in these rules as impractical in application and substitutes specific rules for equal or greater safety and public protection.

11 MCAR 1.4034 A,1-7. This rule assures that adequate time for training is provided for truck driver trainees by requiring a minimum of 40 hours classroom and 60 hours behind-the-wheel training for truck driver trainees in contrast to the minimum "30 and 6" offered to beginning automobile drivers. Because the operation of a truck and truck-trailer type vehicle is more difficult and dangerous and requires greater skill, more training is needed. The rule provides safeguards against training inadequacies by stipulating the type of vehicle as well as limiting the number of consecutive hours offered a student. This helps eliminate shortcuts, cram courses, and substitutions - the type of training which does not provide adequate benefits commensurate with the costs involved.

11 MCAR 1.4034 B,1. This section establishes a ratio of simulation and range time that is consistent with present day commonly accepted practices. It also provides safeguards to assure that no school can offer simulation or range time only, and sets a permanent ratio to prevent a change in economic condition or planned progression from lowering standards.

11 MCAR 1.4034 B,3. This section promotes safety by stipulating that all persons in the training vehicle must use seat belts, not clearly mandated previously.

11 MCAR 1.4034 B,4. Current rules use the term "valid Minnesota permit or driver license" but not all persons being trained are eligible for such a permit or license. This is changed to agree with Minnesota law which permits a driver legally licensed in another state or country to drive in Minnesota, and therefore to take training in Minnesota.

11 MCAR 1.4034 B,6. Since the current rules were promulated, Minnesota has been endorsing driver licenses, classified licensing has come into being, and a chauffeur's license no longer exists. This section is updated to require proper endorsement and class of license for which training may be given.

11 MCAR 1.4034 B,7. This section is eliminated and is now incorporated in paragraph 6.

11 MCAR 1.4034 B,8. The training school and instructor are limited to giving a maximum of 20 hours of training without the written permission of the Commissioner of Public Safety in order to make sure that students are not being over-charged by being given unnecessary training. The department can determine that the student is fully aware of the cost and is willing to knowingly incur the expense before authorization is given. Class A vehicles are exempt from the 20 hour restriction because of the greater number of training hours needed in Class A vehicles.

11 MCAR 1.4034 C,3. This paragraph is reworded to clarify its intent and meaning. Language concerning the instruction permit is removed because it merely creates confusion in the paragraph.

11 MCAR 1.4034 C,4. Current rules require the school operator or instructor to notify the Office of Driver License if a student under 18 years old fails to complete the behind-the-wheel course. However, no action is taken unless the student is under 16 years of age. The age is changed to 16 to coincide with this policy.

11 MCAR 1.4035 A. The one year residency policy is eliminated to bring the requirement in line with most other state residency requirements.

11 MCAR 1.4035 D. The present policy of requiring a cycle instructor to have riding experience is now clearly stated in the rules, thus giving greater assurance that the potential instructor has the necessary qualifications.

11 MCAR 1.4035 C. Since the requirement to show proof of insurance coverage under the Safety Responsibility Act no longer exists, that section has been removed. The reason for denying a license because of the driver's record is clarified. This will make simpler the prospective employer's decision in hiring and training the instructor.

11 MCAR 1.4035 F. Vision requirements are changed to be the same as for a driver license and the same as for other driver education teachers. It specifies less stringent vision requirements for classroom instructors because they do not need to exercise the same visual acquity in their work. We can therefore untilize the capabilities of a good instructor in the classroom where no hazard exists without the need of his qualifying for the more dangerous part of the program.

11 MCAR 1.4035 G. Language is changed to gross misdemeanor or felony and the vague term of moral turpitude is eliminated. The use of gross misdemeanor and felony more specifically defines who shall be allowed to deal with students. Since the position of instructor is a sensitive one, this language better protects the public interest and safety including the student and the employer.

11 MCAR 1.4035 H. Eliminates certain documents, pictures, and procedures since they are redundant and unnecessary.

11 MCAR 1.4035 I. This paragraph is changed to include other possible educational equivalencies in order to broaden the field and more accurately reflect an acceptable general level of knowledge.

11 MCAR 1.4035 J. The present policy on training requirements is made a part of the rule because experience has shown that prospective instructors need training to gain the necessary knowledge to instruct and to pass the qualifying test. The phrase on simulation training has been added to assure that instructors have training which meets proven standards. The phrase stating that courses will be held at a time convenient to instructors and shall not exceed one course a year has been removed as not practical in application. This will allow greater flexibility for instructors and for the department.

11 MCAR 1.4035 L. The requirement to notify the department when insurance coverage is reinstated puts the burden of proof on the instructor and school. This affords better school and instructor control and provides for greater public protection because the department will know whether there is again full and adequate coverage.

11 MCAR 1.4036 A,1. Required property damage coverage is increased from $10,000 to $50,000 to be in line with today's cost. One likely kind of property to be damaged might be an automobile worth between $10,000 and $20,000. The $50,000 coverage is a more realistic amount of protection. The $20,000 for medical

expenses and the minimum amount of uninsured motorist coverage provides coverage required under the no-fault law.

11 MCAR 1.4036 A,4. The bond requirement is raised to $10,000.00 because of the increased fees paid and the greater number of students who are enrolled, and the much larger fee collected for a truck driver training course. For practical reasons, schools which collect no money before giving the training are exempt from the bonding requirement.

11 MCAR 1.4036 B,1. The discriminatory proximity restriction between municipalities over 50,000 and those under 50,000 is eliminated because it is of no practical value. Distance restrictions are made a standard 600 feet for consistency. The restriction of proximity to high schools is removed because many schools are now signing agreements with commercial schools to provide driver training for their students and their close proximity is practical and necessary.

11 MCAR 1.4036 B,2. Mobile home and travel trailer are prohibited from being used as the primary place of business. Requests have been received to use that type of headquarters as the base of operations. It is unacceptable since it is not permanent. This prevents the operation from moving about. Requiring a permanent base allows for adequate supervision and protection of the public interest.

11 MCAR 1.4036 B,3. Prospective school owners have often asked about starting a school in the basement or in another part of their home or in their garage. To assure that the school is operated responsibly as a legitimate business and not a temporary operation, this section now clarifies the prohibition on use of a part of a residence. New wording safeguards existing schools which are exempted unless sold or expanded.

11 MCAR 1.4036 B,4. Establishes a minimum driving range size for the safe manuevering of large Class A and B vehicles. A range is necessary because most students will need to spend a considerable amount of time learning to use the brake and clutch, shifting, backing, and manuevering. The requirement for having the range paved will keep down the excessive dust which would otherwise be raised by the repeated manuevering of large vehicles. The necessary learning procedures for beginning Class A and B vehicles are better conducted on a range than on the street for safety and efficiency.

11 MCAR 1.4036 B,6. The phrase "readable from a distance of at least 100 feet" has been eliminated because the meaning is not clear as to whether the lettering must be large enough to be read from 100 feet or whether the sign must be placed so as to be read from 100 feet away. The question becomes moot, however, because many city ordinances have prohibited the placing of signs overhanging a sidewalk and some buildings severely restrict sign placement.

11 MCAR 1.4036 B,7. A 300 square foot minimum size will permit the schools to offer training to at least 15 students at one time for efficiency and economy, but does not place an undue burden on the school by requiring a large costly facility. This restriction does not prevent the commercial school from providing a much larger room should the need arise.

11 MCAR 1.4036 C,1. By adding the phrase "and their completion dates" the record has been made more useful for checking or auditing. This aids in the department's supervision responsibilities.

11 MCAR 1.4036 C,3. Language covering lease agreement is deleted to agree with 11 MCAR. 1.4033 C.

11 MCAR 1.4036 D,2. This section has been deleted because enforcement is not practical.

11 MCAR 1.4036 D,4. The change reflects the fact that the Department of Education licenses rather than certifies teachers.

11 MCAR 1.4036 D,6. This section is amended to remove the discriminatory distance restrictions of advertising near high school in municipalities of different sizes and sets a uniform 600 foot minimum proximity to the school or exam station. The difference in distance is of no practical value and could have the effect of working unnecessary hardship on the commercial school.

11 MCAR 1.4036 E,5 and 6. Training courses for Class A and B vehicles are exempt from the 10 hour maximum on the contract for behind-the-wheel training because of the nature of the vehicle and the sophistication of the training which is more comprehensive. The contract may be written for a review course in Class A or B vehicle for those already qualified in that vehicle, but the 20 hour limitation again is designed to permit progress review and training adequacy and to prevent overcharging. The evaluation procedures are stipulated to assure that good training methods have been used, progress is satisfactory, and the student is receiving fair value for the money and has reason to believe that he will be a qualified driver upon completion of the course.

11 MCAR 1.4037 B. This section provides for the issuing of a duplicate school license, sets the fee, and removes the requirement for acknowledgement before a notary public. It requires the titles of the school owners or operators because experience has shown that we need to know who the school officials are to determine responsibility for school operation. The requirement of acknowledgement before a notary has been removed as serving no practical purpose and it often delays the processing of the applications. The fee for a duplicate license has been set at $25.00 to help defray some of the costs involved in inspecting the new location whenever the school moves.

11 MCAR 1.4037 C. This section requires that the notification of termination of an instructor be in writing. Experience has shown that instructors often do not surrender the license upon termination of employment and schools are slow to relay that information. Since good supervision and hence protection for the public hinges on our knowing who works where, the notification in writing within five days has been added.

11 MCAR 1.4037 C and F,4. This section raises the fee for a duplicate instructor license to a more realistic $5.00 to defray more of the cost.

11 MCAR 1.4037 H,1. A phrase is added to penalize an instructor or school for misconduct or improper practices in the operation of business. The existing rule only referenced fraud with the license application, a problem which seldom occurs because there is no advantage to the school. A more realistic and recurring problem is fraud in the operation of the school or in the conduct of employment. The new phrase states that such conduct will result in a penalty of removing the school's or the instructor's license.

11 MCAR 1.4037 H,4. An addition is made to this section to provide a penalty for failure to notify the Commissioner of accidents or traffic violations. At the present time the failure of either the school or the instructor to report traffic violations or accidents makes a mockery of the requirement to have a good driving record. Specifying that the penalty for failure to report the violation or accident shall result in suspension or revocation of the license removes all doubt as to what will happen to the license.

11 MCAR 1.4037 H,8. A requirement for having these communications in writing makes this a matter of record. The department will have better records as to the hours of instruction and questions concerning the training. This is especially helpful when disciplinary action against a school or instructor is necessary.

11 MCAR 1.4037 H,9-13. These additional sections institute penalties for failure to comply with the enumerated requirements. Failing to comply with the rules, failure to keep appointments, delaying the start or the completion of training, removing a student from school for training during school hours without approval, and using unapproved practices or practices not commonly accepted are problems that occur frequently and about which we frequently receive complaints from the public. Under present rules there is no penalty for such conduct in which schools or instructors have engaged with impunity. The public will be better protected with rules prohibiting such conduct. In addition, the establishment of such a rule would provide for a better learning experience for the student with more continuity in training, better discipline and student attitude, greater student satisfaction and fewer complaints.

11 MCAR 1.4037 I. This section is amended to make all usual forms of payment, including currency, acceptable.

11 MCAR 1.4038 This is amended to exempt from the classroom instruction and office space requirements only those schools that are currently operating in this way. It prevents those who would attempt to provide only behind-the-wheel training at some future date from being licensed. The permission to license instructors operating independently as behind-the-wheel instructors only has been removed because of the absence of need, the possibility of abuse, the difficulty of supervision, the adequacy of school training programs including vocational-technical and community programs, and the desirability of having a totally integrated program which includes classroom and behind-the-wheel. It also prevents temporary operations. The rule prevents existing schools, which provide behind-the-wheel training only, from enlarging the operation unless they comply with the rules and it requires purchasers of such a school to conform to all the rules. Thus schools which do not offer classroom training will be phased out through attrition but are protected until their closing. The final result is greater public protection through conformity, program excellence and continuity, and less fragmented application of training courses.

11-30-81
Date

John P. Sopsic, Commissioner

Esse Elite Driving School
1145 Riverwood Dr.
Burnsville, Minn



Diane Hamilton
Dept of Public Safety
211 Transportation Bldg.
St. Paul Minn.

12-28-81

In the Matter of the proposed adaption of "Rules governing requirements for Commercial Drivers Training Vehicles, Instruction, Instructors and School Licensing." We wish to comment and request a public hearing and recieve any futher notices, such as a Statement of Need and Reasonableness.

Our comments refer to line 10-13 page 19
We feel this is a step backwards for the department

Sincerely
Jackie Esse

Esse - Elite Driving School
1145 Riverwood Dr.
Burnsville, Minn.



Diane Hamilton
Dept. of Public Safety
211 Transportation Bldg.
St. Paul, Minn.

12-28-81

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We feel this is a step backward for the department

Sincerely
Robert D Esse

Professional driving schools do the job better.

MINNESOTA PROFESSIONAL DRIVER TRAINING ASSOCIATION

520 LOWRY N. E.
Area Code (612) 781-6939
MINNEAPOLIS, MINNESOTA 55418

RECEIVED
DEC 22 1981
DEPARTMENT OF
PUBLIC SAFETY

11 December, 1981

Ms. Diane Hamilton
Department of Public Safety
211 Transportation Building
St, Paul, MN 55155

Dear Ms. Hamilton:

In response to the proposed changes in Minnesota Statutes Sections 171.33 - 171.41, we propose the following changes for your consideration and comments. Explained are our justifications and reasonableness that describes our view points as signed by the existing licensed commercial schools listed on the last page.

pg 6 l 10-13

11 MCAR S 1.4034, B,8. That the 20 hour written report be changed to 30 hours. Most safety experts agree that begining adult students should have at least 25 to 30 hours of supervised training. A 30 hour report would adequately protect the public from unnecessary training and eliminate the needless reports and investigations by the commissioner or his agent.

pg 8 l 14-38

11 MCAR S 1.4035, J. We feel that the Instructor training course requirement should remain at the present 40 hours, as we feel this been proven adequate when, indeed, the full 40 hour training program has been given by the school.

pg 10 l 26-27

11 MCAR S 1.4036, A,4. To provide for the full protection of the public, a continous surety company bond in the principal sum of $10,000, should be required for all licensed commercial driving schools regardless of method of operation.

pg 12 l 17-23

11 MCAR S 1.4036, C,1. That the contract completion dates be eliminated as it serves no purpose whatsoever. It is just a duplicate of required documentation of the student's school record.

We feel that these minor changes would not alter the intent of the Rules as Proposed and would better protect the public while giving the commissioner the enforcement powers needed.

Sincerely,

David W. Clausen
President

Encl.

QUALIFIED
PROFESSIONAL DRIVING SCHOOLS
NORTH AMERICAN PROFESSIONAL DRIVER EDUCATION ASSOCIATION
ETHICS INTEGRITY
DO THE JOB BETTER
DRIVING SCHOOL

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MINNESOTA PROFESSIONAL DRIVER TRAINING ASSOCIATION

520 LOWRY N. E.
Area Code (612) 781-6939
MINNEAPOLIS, MINNESOTA 55418

RECEIVED
DEC 22 1981
DEPARTMENT OF
PUBLIC SAFETY

We, the undersigned, approve of the proposed modifications to the **RULES AS PROPOSED**, 11 MCAR SS 1.4031 - 1.4038 as specified in the 11 December, 1981 letter from the Minnesota Professional Driver Training Association.

David W. Clausen
A.I. Driving School

David E. Gantner
North Star Driving School, Inc.

Lee B. Whited
Montgomery Ward Driving School

DeWayne T. Marshman
Minnesota Driving School

Arnold J. Kimbrel
Adult Specialists Driving School

Jerry Arvidson
Dayton's Driving School

Bruce R. Raasch
Safeway Driving School

Anthony J. Ryan
Midway Driving School

James A. Harelson
Professional Driving School

Gregory Taylor
Elephant Driving School

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MINNESOTA PROFESSIONAL DRIVER TRAINING ASSOCIATION

RECEIVED
DEC 22 1981
DEPARTMENT OF
PUBLIC SAFETY

520 LOWRY N. E.
Area Code (612) 781-6939
MINNEAPOLIS, MINNESOTA 55418

We, the undersigned, approve of the proposed modifications to the **RULES AS PROPOSED,** 11 MCAR SS 1.4031 - 1.4038 as specified in the 11 December, 1981 letter from the Minnesota Professional Driver Training Association.

André R. St. Louis — Andre' St. Louis, Diamond Driving School

Wayne J Hanson — Wayne J. Hanson, H & H Driving School

A A Gillie — Alice A. Gillie, Hastings Driving School

QUALIFIED
PROFESSIONAL DRIVING SCHOOLS
NORTH AMERICAN PROFESSIONAL DRIVER EDUCATION ASSOCIATION
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NORTH STAR DRIVING SCHOOL
MAIN OFFICE:
308 NORTH SNELLING
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612-646-7185 ST. PAUL TELEPHONE
612-827-3641 MINNEAPOLIS TELEPHONE

March 12, 1980

Submitted in response to 1980 Notice soliciting outside opinion in drafting of rules.

Mr. R. Odendahl
Department of Transportation
St. Paul, Minnesota

Dear Mr. Odendahl:

An item I feel would benefit the industry that could be incorporated in the Rules and Regulations is a rule that would not permit a school to open within five (5) miles of an operating driving school. Yhe reason for this is to check panic price wars that frequently happen within the industry and has been very harmful to the public good.

In the last 18 months four major driving schools have closed their doors. AAA of St. Paul, ABC Driving School, Paul Michaels Driving School and AAADriving School of Minneapolis has transfered their operation to North Star Driving School. Every school listed was a respectable operation and served the public honorably. Every school listed folded because they could not compete with other schools that cut price, service and quality to get a temporary competitive edge. I am very familiar with many of the driving schools in the area and I can predict that if this price problem continues at least two other respectable schools will close within the year.

This is not servicing the public properly. A five mile limit will allow hundreds of locations for new schools to open without having to open up next door and enticing students of other schools with a low price but disquising the lower quality training and service.

Sincerely,

Lee B. Whited
VP

Driving School Association of America, Inc.

learn to drive the North Star way

ai DRIVING SCHOOL
884 4422

AN ASSOCIATION OF INSTRUCTORS
8900 PENN AVENUE SOUTH
MINNEAPOLIS, MN. 55431

Submitted in response to 1981 Notice soliciting outside opinion in drafting of rules.

March 16, 1981

State Of Minnesota
Commissioner Of Public Safety
Statement Of Need

RE: Amendment to existing rules and regulations of the Department Of Public Safety, Driver & Vehicle Services Division.

This is with specific reference to 11 MCAR 1.4033 F which prohibits use of training vehicles for commercial use. Of greater value to the public/student, the following is the amendment.

11 MCAR 1.4033 Driver Training Vehicle Requirements.

F. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless incorporated in an approved driver training curriculum where:

1. A maximum of 30% of the total training hours are devoted to such use.

2. All such use takes place during the last 35% of the total training program.

3. Hazardous materials are not transported - hazardous materials as defined by the Federal DOT to include, but not limited to, compressed gases and liquids, explosives and flamables, nuclear materials and industrial waste products.

The benefits to the public/student are as follows:

#1 - Obtain an accurate picture of what the job of "Trucker" actually involves by experiencing a practical/real-life exposure with said student actually traveling through weigh stations, becoming involved with the documents required therein and procedures, strange towns finding new addresses, low bridges, own routes applicable to the existing and upcoming weather to and including spending non-training time at truck stops talking with the experienced trucker and asking him/her whatever questions one might deem helpful (what road would you take to such and such town and why . . .).



#2 - Lower the cost of the training program for the public/student. This would be a lower cost without any compromise with safety, indeed, one would have the promise of being able to offer a variety of updated & well maintained equipment which is currently being used on the job market.

#3 - The school would be able to offer to the public/student an atmosphere of actual problem solving from a flat tire to a fellow driver sharing a breakdown and what readiness must a driver address himself to. This #3 is to also include pressing upon the driver the seriousness of their actions.

#4 - Such a program holds the possibility of being able to offer mountainous type of driving/training otherwise impossible to furnish on any kind of reasonable economic scale.

#5 - The public/student would gain knowledge and expertise on how a vehicle handles when the aspect of weight is added to the training program.

#6 - Obtaining knowledge of how to load and unload in reference to the safety aspect of "Building," "Stacking," "Tying," "Shifting," and accepted industry standards/policies for same.

The view is likened to the journeymen electrician in that doesn't he/she wire a house or two during the training period? Doesn't the brick layer lay a fountation for a structure during their training? Indeed, even doctors during their training, internship, work on actual . . . One is reminded here of the current Minnesota laws which prohibit the new school bus operator from driving a bus while picking up/dropping off school children when driving on his/her permit with supervision, so, what happens is that the new driver becomes licensed first, without ever picking up or dropping off a single child, and then going to work as such! Sure, the school bus company can still train this new school bus driver further but do they? If so, how often do they? And for how long?

The point here, aside from those benefits listed above is, that some actual shipping, under supervision, taking place and the end of formal training is completely pertinent and consistent with many if not all other skilled professions where safety is of such a prime concern.

Sincerely Yours,

Donald E. Harvey

David W. Clausen

11 MCAR 1.4033 Driver training vehicle requirements.

F. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless incorporated in an approved driver training curriculum where:

1. A maximum of 30% of the total training hours are devoted to such use.

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3. Hazardous materials are not transported - hazardous materials as defined by the Federal DOT to include, but not limited to, compressed gases and liquids, explosives and flamables, nuclear materials and industrial waste products.

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Commercial Driver Training Vehicles, Instruction, Instructor, and School Licensing.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Bernard E. Johnson, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

3/15/82
DATED

Bernard E. Johnson
SPECIAL ASSISTANT ATTORNEY GENERAL