

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: April 16, 1991

TO: KATHERINE BURKE MOORE
Department of Public Safety

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

The above-referenced rule has been approved as to its legality by the Attorney General on April 10, 1991.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJM:sc
Enclosures
cc: Nancy Bode
William Brown, Chief Judge
MaryAnn Hruby

4-1 MJM

Public Safety Implied Consent

RULE REVIEW CHECKLIST

File No. 1817
DATE RECEIVED 3-28-91
REVIEW DATE ~~3-28-91~~ 4-8-91
DUE DATE 4-11-91
(~~DIS~~)APPROVED April 10, 1991
WITHDRAWN

Docket No. 05, 0009, 0012
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 4-1-91
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 4-15-91
RETURNED TO AGENCY 4-16-91

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
November 13, 1989 Date published in State Register
Comments

~~Petition for Adoption~~ of a Rule

~~Board's Authorizing Resolution~~
~~Date adopted~~

✓ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
171.165 subd 5 Statutory Authority
~~made a statement~~ Small Business Statement
Expenditure of public money
statement
~~undated~~ Signature ? OAH not required to be dated
~~unsigned~~ #see notes ~~but it was signed~~

✓ Statement of Need and Reasonableness (if applicable)
~~made a statement~~ Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
January 24, 1991 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of ~~rule~~ or summary attached

✓ Publication in State Register
January 28, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
Effective date of law requiring rule (14.12) (both rules) amendments don't apply
end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
March 25, 1991 Date

~~Written Requests, Submissions or Comments~~

✓ Declaration of Attorney
Nancy Bode Name of SAAG representing agency

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing License Revocation for Alcohol and Controlled Substance Related Incidents.	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on January 28, 1991 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on January 24, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

(6) Based on the comments and evidence in the record before the agency, I find the following:

1. that in Minnesota Rules, part 7503.0800, subpart 2, lines 21 and 22, the words "from the date the record of conviction is received." have been deleted. These words have been deleted because the words "upon receiving a record of conviction" were added to the first sentence of subpart 2 to clarify when the conviction under this part becomes effective and to assure consistency in the imposition of revocation periods.. Therefore, the words "from the date the record of conviction is received" are repetitive and are being deleted at this time.

2. that Minnesota Rules, part 7503.0800, subpart 2, line 25 was amended to include "subdivision 2a, clause (2), (3), or (4),". This modification is a result of the legislature adding a new subdivision to the Criminal Vehicular Operation statute, Minnesota Statute, section 609.21. The material contained in subdivision 2a is not new

material. The legislature took the material contained in section 609.21, subdivision 2 and divided it into subdivision 2 and 2a.
The modification reflects that change.

3. that Minnesota Rules, part 7503.1000, subpart 5, is amended to read, "The scope of an administrative review is as set forth in Minnesota Statutes, section 169.123, subdivision 5b." The remainder of subpart 5, has been stricken.

The department has deleted the wording in subpart 5 and referred to the statute, section 169.123, subdivision 5b for clarification. The modification does not change the scope and standard of an administrative review. What the modification does is refer the public directly to the statute that deals with administrative review. The part of subpart 5 that has been deleted previously paraphrased section 169.123, subdivision 5b.

However, instead of paraphrasing the statute the department has decided to refer the public directly to the statutory language in section 169.123, subdivision 5b so as to leave no doubt as to the scope and standard of review the department uses for administrative hearings under part 7503.1000.

4. that Minnesota Rules, part 7503.1700, subpart 4a, lines 30 through 33 have been amended as follows: the words "driving record" have been stricken and the phrase, "from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, department of public safety" has been substituted.

Subpart 4a is a new addition to the rules and the reason for the addition is explained in the Statement of Need and Reasonableness pages 13-14.

However, the words "driving record" have been stricken and the above phrase substituted because it is the intent of the department to remove the restriction from the person's record that is available to the public but not from the department's official driving record. Under the rules the department needs to keep a record that the person's driving privileges are subject to the person maintaining abstinence.

The modification of subpart 4a is not substantial because the intent of the department rule has not been changed. The modified language of the subpart will still allow the person to have the restriction removed from the driving record that is available to the public after meeting the requirements of subpart 4a.

5. that Minnesota Rules, part 7503.2800 subpart 2 has been amended as follows: on line 11 the words " mail notification of reinstatement to" have been stricken and the words " notify" and "of reinstatement" have been added to the sentence at lines 11 and 12. The last sentence of subpart 2 has been stricken. The modification removes the

requirement that reinstatement can only be reinstated when the notice is sent to the persons address.

The intent of subpart 2 is to state that the person will be given notice of reinstatement. However, the reinstatement notice is not always given by mail but can also be given to the person orally or in person. Therefore, a person's driving privilege is not only reinstated when the notice is sent to the person. For example, if a person personally appears at the department and completes the necessary reinstatement requirements, the department can reinstate the person's driving privileges at that time. The person does not have to wait for notice to be sent to their home address for reinstatement to be effective. Therefore, the rule, as modified, provides for a more efficient and faster method of giving notice of reinstatement.

6. that the above modifications are not substantial in that the modifications do not affect a new class of persons who did not have an opportunity to respond to the proposed rules as originally noticed.

7. that the above modifications are not substantial in that the modifications do not introduce significant new subject matter which a reasonable person, on the basis of the proposed rule as originally noticed, would not have anticipated would occur during the rulemaking proceeding.

8. that the above modifications are not substantial in that the modifications do not make a major substantive change that was not raised by the proposed rule as originally noticed in such a way as to invite reaction.

9. (8) that the modifications to the above-captioned rules do not result in inadequate notice to affected parties.

10. (8) that the above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances as modified is adopted this 25 day of March 1991 (9) pursuant to authority vested in me by Minnesota Statutes, sections 14.06, 171.165, subdivision 5 and 299A.01, subdivision 6.

Ralph Church

Ralph Church, Commissioner
Department of Public Safety

Department of Public Safety

Adopted Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

Rules as Adopted

7503.0100 DEFINITIONS.

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

Subp. 3. **Alcohol- or controlled-substance-related incident.** An "alcohol- or controlled-substance-related incident" is a violation or license revocation under Minnesota Statutes, section 169.121; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 171.245; or 609.21, subdivision 1, clauses (2), (3), and (4), subdivision 2, clauses (2), (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4); or a statute from another state in conformity with one of these provisions.

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

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, treatment in a hospital-based treatment program, or alternative treatment program approved by the commissioner of public safety. All programs must include a requirement of abstinence.

Subp. 5a. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of Minnesota Statutes, section 171.02, subdivision 2, paragraph (a).

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

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Subp. 6a. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6b. **Disqualification.** "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

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

Subp. 8. **Personal injury.** A "personal injury" is substantial bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 7a, or great bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 8.

Subp. 9. **Revocation.** "Revocation" is the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific minimum period under Minnesota Statutes, section 169.121, 169.123, or 171.17.

[For text of subps 10 to 12, see M.R.]

7503.0300 SUSPENSION PERIODS.

Subpart 1. **For revocable offenses.** The commissioner shall suspend the driver's license or driving privilege of a person who commits an offense for which mandatory revocation of a driver's license is required upon conviction for the revocation period that is imposed for conviction of the offense in Minnesota, up to a maximum period of one year. Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction.

However, if the suspension is based on a criminal charge and the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

Subp. 2. **For failure to complete assessment.** The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete an alcohol problem assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

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7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

Except as stated in part 7503.1800, the commissioner shall not reinstate the driver's license or driving privilege of a person whose license or privilege was suspended under Minnesota Statutes, section 169.121, subdivision 8, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless:

A. the suspension period has expired or the person has satisfied the conditions of suspension;

B. the conditions of the person's outstanding license withdrawals have been satisfied; and

C. the person has paid a reinstatement fee as required by Minnesota Statutes.

7503.0800 REVOCATION PERIODS.

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

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of a person convicted under Minnesota Statutes, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2), (3), or (4), for a period of five years ~~from the date the record of conviction is received~~. The commissioner shall revoke the driver's license or driving privilege of a person convicted under Minnesota Statutes, section 609.21, subdivision 2, clause (2), (3), or (4), subdivision 2a, clause (2), (3), or (4), or subdivision 4, clause (2), (3), or (4), for a period of three years from the date the record of conviction is received.

Subp. 3. **For aggravated violations.** Upon receiving a record of conviction of a person under Minnesota Statutes, section 169.129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of that person for a period of 30 days, 90 days, or one year. The length of the revocation period depends on the number of previous convictions for violations of Minnesota Statutes, section 169.129 or 171.24, or a statute of

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another state in conformity with either of them, on the person's driving record during the three-year period preceding the date of the latest conviction. The revocation period must be:

A. 30 days, if there are no previous convictions;

B. 90 days, if there is one previous conviction; or

C. one year, if there are two or more previous convictions.

A revocation ordered for a conviction under Minnesota Statutes, section 169.129, runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under Minnesota Statutes, section 169.129, is based.

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

Subp. 5. **For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under Minnesota Statutes, section 169.121, subdivision 4, is based, the period of revocation must be increased as follows:

A. for a personal injury, the additional period of revocation must be 180 days;

B. for a fatality, the additional period of revocation must be one year.

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

Subp. 7. **Terminating revocation after assessment action completed.** The commissioner shall terminate a revocation period in accordance with Minnesota Statutes, section 169.123, subdivision 10. The amount of the termination must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under Minnesota Statutes, section 169.123, subdivision 10, does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements, such as completion of a special review or conditions of licensure imposed by the commissioner following a special review. Termination of the

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revocation period applies only in the following circumstances.

A. When notified that a driver has undergone an alcohol problem assessment and that the driver is not required by the court to complete a driver improvement course, alcohol awareness program, or treatment for chemical dependency and that the driver has no identifiable chemical abuse problem, the commissioner shall terminate the revocation period. The person may inform the commissioner of the court's decision by telephone to the department's driver evaluation office in Saint Paul.

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

7503.0900 NOTICE OF REVOCATION, ISSUING TEMPORARY LICENSES.

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

Subp. 2. **Notice served by court.** Notice of license revocation is served by the court when a person is convicted of violating Minnesota Statutes, section 169.121. The commissioner shall provide forms to the court for serving the notice of revocation and issuing a temporary license. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

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

E. the minimum length of the revocation period;

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

H. a statement advising the person that all driving privileges are revoked upon expiration of the temporary license period;

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

Subp. 3. **Notice served by peace officer.** Notice of license revocation is served by a peace officer when a person is subject to revocation under Minnesota Statutes, section 169.123. The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of revocation together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for

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notice of revocation and issuing temporary licenses. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

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

G. the minimum length of the revocation period;

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

L. a statement indicating that the driver's license cannot be surrendered if the license is lost, stolen, already surrendered, or otherwise unavailable;

[For text of items M to O, see M.R.]

Subp. 4. **Notice served by commissioner.** Notice of license revocation may be served by the commissioner when a person is subject to revocation under Minnesota Statutes, section 169.123, and notice is not served by a peace officer; when a person is convicted of violating Minnesota Statutes, section 169.121, and notice is not served by a court; when an additional revocation period is imposed under Minnesota Statutes, section 169.121, subdivision 4, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied. The commissioner shall establish a form for serving notice of revocation, that contains space for the following information and may contain other information that the commissioner considers appropriate:

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

E. the minimum length of the revocation period;

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

H. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that the person has a right to administrative and judicial review of the revocation order under Minnesota Statutes, section 169.123;

I. if the person is subject to revocation under Minnesota Statutes, section 169.123, information explaining that an administrative review of the revocation order issued under Minnesota Statutes, section 169.123, may be obtained by

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submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter, and that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

J. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 5. **Notice of revocation to other states.** If the driving privilege of a nonresident is revoked under Minnesota Statutes, section 169.121, 169.123, 169.129, or 609.21, the commissioner, pursuant to Minnesota Statutes, sections 169.123, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION OR DISQUALIFICATION.

Subpart 1. **Right to administrative review.** A person whose driver's license is revoked under Minnesota Statutes, section 169.123, or disqualified under Minnesota Statutes, section 171.165, subdivision 2, has the right to an administrative review of the revocation or disqualification order under the procedure outlined in this chapter. The review is final and no subsequent administrative review will be granted on the order of revocation or disqualification.

Subp. 2. **Requesting written administrative review.** A written administrative review of an order of revocation under Minnesota Statutes, section 169.123, or disqualification under Minnesota Statutes, section 171.165, subdivision 2, is initiated by filing a written request for review with the commissioner at

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one of the department's driver evaluation offices. The driver evaluation offices shall provide forms for requesting administrative review. The request for review must contain the following information:

A. the person's full name, date of birth, driver's license number, and the date of the incident for which review is being requested; and

B. a written statement of the factual basis upon which the person seeks to have the revocation rescinded.

Subp. 3. **Performance of administrative review.** Upon receipt of a request for an administrative review, the commissioner shall review the submitted statement together with the information upon which the order of revocation or disqualification was based. The commissioner may seek additional written information from the person requesting the review or from an agency or person believed to have information relating to the facts underlying the order of revocation or disqualification. Written findings will be reported to the person by first class mail within 15 days after the commissioner received the request for administrative review.

Subp. 4. **Appearances.** A person requesting administrative review of a revocation order under Minnesota Statutes, section 169.123, or a disqualification order under Minnesota Statutes, section 171.165, subdivision 2, shall file a written request with the commissioner. The person may present additional information to the commissioner before the date the administrative review is completed. Additional information may be presented at the department's driver evaluation office in Saint Paul by personal or telephone appearance. Personal appearances are held without appointment during regular business hours at the department's driver evaluation office in Saint Paul and may also be scheduled at other offices throughout the state. Telephone appearances may be made by calling the driver evaluation office in Saint Paul during regular business hours. The commissioner shall provide a person electing to make a personal or telephone appearance a report of the results of the

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administrative review within 15 days following the date the personal or telephone appearance was held or scheduled.

Subp. 5. **Scope and standard of review.** The scope of an administrative review is ~~limited to the issue of the validity of the order of revocation or disqualification. Upon reviewing the evidence, the commissioner shall sustain the order if there is sufficient cause to believe that the revocation or disqualification is authorized by law. On finding that there is not sufficient cause to believe the revocation or disqualification is authorized by law, the commissioner shall rescind the order~~ as set forth in Minnesota Statutes, section 169.123, subdivision 5b.

Subp. 6. **Administrative review distinguished.** Administrative review of a revocation order under Minnesota Statutes, section 169.123, or disqualification order under Minnesota Statutes, section 171.165, subdivision 2, is separate and distinct from review by the chemical abuse review panel or review by the commissioner in an informal hearing procedure.

7503.1200 REINSTATEMENT FOLLOWING REVOCATION.

Subpart 1. **Conditions.** Except as stated in part 7503.1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under Minnesota Statutes, section 169.121, 169.123, or 171.17, unless:

A. the revocation period has expired;

B. the person has paid a reinstatement fee as required by Minnesota Statutes;

C. the person has applied for a new license and paid the application fee for the class of license involved;

D. the person has passed the driver's license examination required for issuance of an original license; and

E. if the incident is a second conviction under Minnesota Statutes, section 169.121 or 169.129, the person has submitted a certification that the court-ordered treatment or rehabilitation has been completed.

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

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7503.1300 LICENSE CANCELLATION AND DENIAL.

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

Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of a person who (1) has incurred three alcohol- or controlled-substance-related incidents within the past five years, (2) has incurred three of these incidents and a special review has been conducted within ten years of the third incident, or (3) has four or more of these incidents on record.

Subp. 3. **Consumption of alcohol or controlled substance after completing rehabilitation.** The commissioner shall cancel and deny the driver's license or driving privilege of a person whose license or privilege has been reinstated after completion of rehabilitation when the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the documented date of abstinence.

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless:

A. no revocation or suspension of the person's driver's license or driving privilege is outstanding;

B. the person has completed a special review and any special review action required; and

C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third incident on record and a special review was conducted within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

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7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation when (1) the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years, (2) a special review has been conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record, or (3) there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** To complete rehabilitation, a person must:

A. successfully complete treatment for chemical dependency following the last documented date of the use of alcohol or controlled substance and submit evidence of chemical dependency treatment to the commissioner;

B. participate in a generally recognized, ongoing abstinence-based support group and submit evidence of attendance to the commissioner showing regular participation for a minimum of three months immediately before submission;

C. abstain from the use of alcohol and the use of controlled substances, attest to the abstinence for a period prescribed in subpart 5, and furnish evidence of abstinence for the required period to the commissioner; and

D. appear for a rehabilitation interview at one of the department's driver evaluation offices.

[For text of subps 3 and 4, see M.R.]

Subp. 4a. **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and ~~driving record~~ from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, Department of Public Safety, after the following requirements are met:

A. a minimum of five years has elapsed since the completion of rehabilitation;

B. the person appears personally at the department's

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driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

C. the person completes an application and pays a duplicate fee as required by Minnesota Statutes, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The required period of documented abstinence is:

A. for a person who has not previously undergone rehabilitation, one year;

B. for a person who has once completed rehabilitation, three years;

C. for a person who has twice completed rehabilitation, six years; or

D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to D.

Subp. 6. **Failure to abstain following rehabilitation.** The commissioner shall cancel and deny the driver's license and driving privilege of a person on sufficient cause to believe that the person has consumed alcohol or a controlled substance after the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of a person until the rehabilitation requirements of this chapter have been completed. This subpart does not apply to the consumption of a controlled substance in accordance with a

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medical prescription.

Subp. 7. **Rehabilitation interview.** A person seeking reinstatement following rehabilitation shall appear in person for an interview at one of the department's driver evaluation offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

7503.1750 RESTRICTED LICENSES.

Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.09, the commissioner shall issue a restricted license to a person who has successfully completed the elements of a third or subsequent rehabilitation as required by part 7503.1700.

Subp. 2. **Issuing restricted license.** In addition to the rehabilitation requirements and before the commissioner may issue a restricted license, the applicant must:

A. apply for a new license and pay the application fee for the class of license involved;

B. pass the driver's license examination required for issuance of the class of license for which applied;

C. pay the reinstatement fee as required by Minnesota Statutes;

D. appear personally at one of the department's driver evaluation offices to request a restricted license;

E. satisfy the requirements of any previous license withdrawals; and

F. demonstrate a need for a restricted license. The commissioner shall issue a restricted license as needed for employment, or attendance at chemical dependency treatment, counseling programs, or postsecondary education. The commissioner shall also issue a restricted license as needed for homemaker responsibilities if necessary to prevent the

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substantial disruption of the education, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household.

The commissioner shall prescribe constraints on the time and use of the restricted license.

Subp. 3. **Length of restricted license period.** A person is eligible for restricted driving privileges only after completing a third or subsequent rehabilitation. The period of restricted driving privileges is:

A. for a person who has successfully completed a third rehabilitation and documented abstinence period, three years; or

B. for a person who has successfully completed a fourth or subsequent rehabilitation and documented abstinence period, double the period required after the latest rehabilitation.

Subp. 4. **Informal hearing following denial of restricted license application.** The commissioner shall grant an applicant an informal hearing to review a decision to deny the application for a restricted license.

7503.1800 LIMITED LICENSES.

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

Subp. 2. **Persons not eligible.** The commissioner shall not issue a limited license to a person whose driver's license or driving privilege is canceled or denied. No limited license may be issued to a person incurring a second alcohol- or controlled-substance-related incident within five years or to a person with three alcohol- or controlled-substance-related incidents on record, unless one-half of the revocation period has expired. However, a license must be issued as required by Minnesota Statutes, section 171.30, subdivision 3.

Subp. 3. **Conditions of issuance.** Before a limited license may be issued under Minnesota Statutes, section 171.30, subdivision 1, the person must:

A. apply for a new license and pay the application

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fee for the class of license involved;

B. pass the driver's license examination required for issuance of an original license;

C. pay a reinstatement fee as required by Minnesota Statutes;

D. appear personally, by telephone, or by mail at one of the department's driver evaluation offices to request a limited license, except that a person who has two alcohol- or controlled-substance-related incidents within five years, or three of these incidents on record must appear personally to request a limited license; and

E. demonstrate a need for a limited license for employment; attendance at chemical dependency treatment, counseling programs, or postsecondary education; or, as a homemaker, to prevent the substantial disruption of the educational, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household. A person may demonstrate the need for a limited license using letters from the person's employer, proof of attendance at a chemical dependency treatment or counseling program, or proof of attendance at a postsecondary institution of education. The commissioner shall consider the particular circumstances and needs of the individual before issuing a limited license.

The commissioner shall waive items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met before reinstatement of driving privileges.

If a limited license is issued, the conditions need not be repeated when seeking reinstatement, but any additional conditions must be satisfied.

Subp. 4. **Restrictions and limitations.** The commissioner shall prescribe restrictions on the time and use of a limited license as provided in Minnesota Statutes, section 171.30, subdivision 1.

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Subp. 5. **Informal hearing following denial.** The commissioner shall grant a person an informal hearing to review a decision not to issue a limited license to that person.

7503.2000 ASSESSMENTS REQUIRED BY COMMISSIONER.

Subpart 1. **Assessment required after 0.07 test.** When an evidentiary test administered under authority of Minnesota Statutes, section 169.123, discloses an alcohol concentration of 0.07 percent or more, the result must be reported to the commissioner. If a second test of 0.07 percent or more occurs within two years, the commissioner shall require the person to appear for an assessment. The commissioner shall notify the person by first class mail that the assessment is required.

Subp. 2. **By whom conducted.** An alcohol problem assessment conducted under Minnesota Statutes, section 169.121, subdivision 8, must be conducted by an agency approved by the county or municipal court as outlined in Minnesota Statutes, section 169.126.

[For text of subps 3 and 4, see M.R.]

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or a diagnosis of chemical abuse accepted by the commissioner arising from a special review or rehabilitation. Members of the panel must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing together with copies of the written materials the person wishes to have considered. This request may include a written request for

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copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall submit the person's requests and materials to the chemical abuse review panel not more than 30 days from receipt of the request for review.

C. The commissioner may submit written materials in addition to the record of the special review or alcohol problem assessment for consideration by the chemical abuse review panel. These materials will be supplied to the applicant, if the person requested copies of the commissioner's materials when requesting a special review.

D. Both parties have the right to submit additional written material for rebuttal until the review date.

E. On the review date, the written material submitted by both parties will be sent to the chemical abuse review panel.

F. After receiving the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment or recommend acceptance of a different diagnosis to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment not be changed or that a diagnosis other than the contested diagnosis not be accepted, if the person does not establish that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case.

G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that

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decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

Subpart 1. **Driving under influence of alcohol or controlled substance.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.121, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 2. **Alcohol-related driving.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.1211.

Subp. 3. **Implied consent revocation.** The commissioner shall disqualify a person from holding a commercial driver's license when the person's license has been revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 4. **Out-of-state incidents.** Upon receiving a record of conviction or revocation from another state, the commissioner shall disqualify a person from holding a commercial driver's license if the conviction or revocation would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

7503.2400 DISQUALIFICATION PERIODS.

Subpart 1. **One-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for one year for a first conviction or revocation under

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Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The one-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 2. **Three-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for three years if the person was transporting hazardous materials at the time of the incident forming the basis for a conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The three-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 3. **Not less than ten-year disqualification.** The commissioner shall disqualify a person from holding a commercial driver's license for life if the person is disqualified a second or subsequent time in 55 years under Minnesota Statutes, section 171.165, subdivision 1 or 2. The lifetime disqualification period begins on the date the record of conviction or revocation is received by the commissioner. The lifetime disqualification period will be reduced to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in Minnesota Statutes, section 171.165, subdivision 1, and if the person's license is not revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

7503.2500 NOTICE OF DISQUALIFICATION.

Subpart 1. **Notice served by peace officer.** Notice of disqualification is served by a peace officer when a person is

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subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2.

The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of disqualification together with the license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of disqualification and issuing temporary licenses. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, height and weight, and current residential address, including street number, city, state, and zip code;

B. the date that notice is served;

C. the date of the incident;

D. the traffic citation number;

E. the type of vehicle being operated at the time of the incident;

F. the name, signature, and business telephone number of the peace officer serving the notice;

G. the reason for the disqualification;

H. the minimum length of the disqualification period;

I. a statement that the person must surrender to the peace officer the driver's license certificates in the person's possession, unless the person is not a resident of Minnesota;

J. a statement advising the person that the person is under an out-of-service order required under Minnesota Statutes, section 169.1215, for 24 hours;

K. a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period;

L. a statement informing the person that failing to surrender all driver's licenses may subject the person to criminal prosecution under Minnesota Statutes, sections 171.22

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and 171.241, and suspension of the driver's license under Minnesota Statutes, section 171.18, clause (8);

M. a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

N. a statement that the driver's license cannot be surrendered, if the license is lost, stolen, already surrendered, or otherwise unavailable;

O. a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

P. information explaining that an administrative review of the disqualification order may be obtained by submitting a written request for review to the commissioner under Minnesota Statutes, section 169.123, subdivision 5b, and this chapter;

Q. information explaining that judicial review may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c; and

R. a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 2. **Notice by commissioner.** Notice of disqualification may be served by the commissioner when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), and notice is not served by a court; a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied. The commissioner shall establish a form for serving notice of disqualification. The form must contain space for the following

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information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code;

B. the type of vehicle being operated at the time of the disqualifying incident;

C. the date the notice of disqualification is issued;

D. the effective date of the disqualification order;

E. the reason for the disqualification;

F. the length of the disqualification period;

G. reinstatement requirements;

H. a demand for surrender of the license certificates issued to the person or submission of a sworn statement from the person that an outstanding certificate was lost, stolen, or destroyed;

I. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

J. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, information explaining:

(1) that an administrative review of the disqualification order issued under Minnesota Statutes, section 171.165, subdivision 2, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter; and

(2) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

K. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision

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5c, forfeits the person's right to judicial review of a disqualification order under Minnesota Statutes, section 171.165, subdivision 2; and

L. a statement informing the person that the person has a right to an informal hearing to review a disqualification order under Minnesota Statutes, section 171.165, subdivision 1, clause (1).

Subp. 3. **Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating Minnesota Statutes, section 169.1211, the commissioner shall report that conviction to the driver's state of residence.

7503.2600 ISSUING CLASS C LICENSES.

Subpart 1. **Class C license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 1, will be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver license examination station where a paper record of

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examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class C vehicles only. If the period of disqualification exceeds 90 days, a paper class C license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class C license card.** A person who would prefer a class C license card must apply for a duplicate class C license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 4. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

The commissioner shall grant an informal hearing to a person who has been disqualified from operating commercial motor vehicles as a result of a conviction under Minnesota Statutes, section 169.121 or 169.1211. No informal hearing may be granted to review the validity of an order of disqualification under Minnesota Statutes, section 169.123, but administrative review of the disqualification is set out in part 7503.1000.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subpart 1. **Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied:

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A. the disqualification period has been served and expired;

B. the person has paid the reinstatement fee as required by Minnesota Statutes;

C. the requirements imposed during this or any previous disqualification period have been satisfied; and

D. if issued, the class C license card has been returned to the department.

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will ~~mail notification of reinstatement to~~ notify the person of reinstatement. ~~The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.~~

Approved by Revisor _____

APPROVED AS TO FORM AND LEGALITY

April 10 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 15 1991
Joan Anderson Growe
Secretary of State
4:10 P.M.
M

Problem

Stat. 171.165 subd 5

The commissioner shall adopt rules to administer this section. The rules must include procedures for issuing class C licenses to persons who have been disqualified from operating commercial motor vehicles but whose drivers' licenses have not otherwise been revoked, suspended, canalled or denied.

end of comment period is February 27, 1991

Sent SOLAR to LCRA
Good Solar

Notice of Intent was not signed
Name of Commissioner is ~~written in~~ typed in
Rules do require Notice to be signed

OK -
ratified by
findings signature
but will confirm PS to
get feature ones signed

DRIVER AND VEHICLE SERVICES DIVISION
MOTOR VEHICLE OFFICE
TRANSPORTATION BUILDING
612-296-6911

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155

March 25, 1991

3-28-91 returned because A6 didn't sign Attorney Declaration

Ms. Patricia Nolte, Legal Assistant
Public Finance Division
Office of the Attorney General
404 Capital Office Building
525 Park Street
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing License Revocation for Alcohol and Controlled Substance Related Incidents.
Minn. Rules 7503

Dear Ms. Nolte:

On March 25, 1991, The Minnesota Department of Public Safety adopted the above-captioned rules. Enclosed for your review are the following documents:

1. A copy of the Notice of Solicitation of Outside Opinion as published in the State Register,

2. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached,

3. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as mailed,

4. A copy of the Statement of Need and Reasonableness,

5. The Affidavit of Mailing the Notice of Intent to Adopt the Rule Without a Public Hearing and Certification of the Mailing List,

6. The Affidavit of Mailing the Rule and Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules,

7. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as published in the State Register,

8. Four copies of the Rule as adopted,

9. A copy of the Findings of Fact, Conclusions of Law, and Order adopting the rule, and

10. The Declaration of Counsel.

There were no written requests, submissions, or comments received by the agency except for requests solely for copies of the rule or statement of need and reasonableness.

If you should have any questions regarding the above rules please do not hesitate to contact me at 296-2608.

Yours truly,

Laura Nehl-Trueman

Laura Nehl-Trueman

The Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

H. Leonard Boche, Executive Director
Minnesota Board of Medical Examiners
2700 University Ave. W., #106
St. Paul, MN 55114-1080

Oral statements will be received during regular business hours over the telephone at 612-642-0538 and in person at the above address.

All statements of information and opinions shall be accepted until December 1, 1990. Any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 2 November 1989

H. Leonard Boche
Executive Director

Department of Public Safety

Driver and Vehicle Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing License Revocation for Alcohol and Controlled Substance Related Incidents

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendments to the rules governing license revocation for alcohol and controlled substance related incidents.

The adoption of the rules is authorized by *Minnesota Statutes*, sections 169.128 and 171.165, subdivision 5. Section 169.128 permits the agency to adopt rules governing chemical tests for intoxication and drivers under the influence of alcohol or controlled substance. Section 171.165, subdivision 5, requires the agency to adopt rules to administer the disqualification of commercial vehicle drivers and the issuance of class C licenses to those disqualified drivers so eligible.

The State Department of Public Safety requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 297-5755 and in person at the above address.

Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendments are adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Another related Public Safety OFFICIAL NOTICE appears on page 1190.

Regional Transit Board

Public Hearing on Metro Mobility

The Regional Transit Board will hold a public hearing on Monday, December 4, 1989 at 4:00 p.m. on the 1st floor Mears Park Centre, 230 E. 5th Street, St. Paul, MN 55101 on the provision of Metro Mobility services. This hearing is held pursuant to *Minnesota Statute* 473.386 section d. Interested persons are encouraged to attend this hearing and offer public comment. Please call Mary Fitzgerald, board secretary, if you wish to speak at the public hearing or if you need an interpreter. You may also sign up at the hearing. The Regional Transit Board offices are located on the 7th floor of Mears Park Centre, 230 E. 5th Street, St. Paul, MN. 55101, telephone: 292-8789.

Michael Ehrlichmann
Chairman

A. the disqualification period has been served and expired;

B. the person has paid the reinstatement fee as required by *Minnesota Statutes;*

C. the requirements imposed during this or a previous disqualification period have been satisfied: and

D. if issued, the class C license card is returned to the department.

Subp. 2. **Reinstatement notice.** After the person completes the requirements for reinstatement, the department shall notify the person by mail. The driving privilege is reinstated only when the notice is sent to the address shown on department records.

Department of Public Safety

Proposed Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes,* section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes,* sections 14.06 and 171.165, subdivision 5.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes,* section 14.131 to 14.20. **PLEASE NOTE That If Twenty-Five or More Persons Submit Written Requests for a Public Hearing Within the 30-Day Comment Period, a Hearing Will Be Held on Monday, March 25, 1991, Unless a Sufficient Number Withdraw Their Request, in Accordance With the Notice of Public Hearing on These Same Rules Published in This *State Register* and Mailed to Persons Registered With the Department of Public Safety.** To verify whether a hearing will be held, please call the Department of Public Safety between 8 a.m. and 4:30 p.m. at (612) 297-5755.

People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
(612) 297-5755

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on Wednesday, February 27, 1991.

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A free copy of this rule is available for your review on request from Katherine Burke Moore at the address and telephone number listed above.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

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.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied on to support the proposed rule has been prepared and is available on request from Katherine Burke Moore at the address and telephone number listed above.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Adoption of these rules will not result in additional spending by local public bodies in the excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155.

Ralph Church, Commissioner
Department of Public Safety

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, on Monday, March 25, 1991, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, However, that the Hearing Will Be Cancelled If Fewer than Twenty-Five Persons Request a Hearing in Response to the Notice of Intent to Adopt These Same Rules Without a Public Hearing Published in This *State Register* and Mailed to Persons Registered With the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety from February 28, 1991, through March 22, 1991, between 8 a.m. and 4:30 p.m. at (612) 297-5755.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to: Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rule making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge at the address listed above or by calling (612) 349-2544.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 14.06 and 171.165, subdivision 5.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed

by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to or calling: Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155, (612) 297-5755.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Katherine Burke Moore at the address or telephone number listed above.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, 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 travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than $250, not including his own traveling 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ralph Church, Commissioner
Department of Public Safety

Rules as Proposed

7503.0100 DEFINITIONS.

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

Subp. 3. **Alcohol- or controlled-substance-related incident.** An "alcohol- or controlled-substance-related incident" is a violation ~~of~~ or license revocation under *Minnesota Statutes*.section 169.121~~, subdivision 1~~; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 171.245; or 609.21, subdivision 1, clauses (2) ~~and~~, (3), and (4), subdivision 2, clauses (2) ~~and~~, (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4); ~~*Minnesota Statutes* 1984, sections 169.127 and 171.245;~~ or ~~a violation of~~ a statute from another state in conformity with one of these provisions.

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

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, ~~or~~ treatment in a hospital-based treatment program, or alternative treatment program approved by the commissioner of public safety. All programs must include a requirement of abstinence.

Subp. 5a. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in *Minnesota Statutes*, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of *Minnesota Statutes*, section 171.02, subdivision 2, paragraph (a).

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

Subp. 6a. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6b. **Disqualification.** "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under *Minnesota Statutes*, section 171.165.

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

Subp. 8. **Personal injury.** A "personal injury" is ~~an incapacitating injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing activities which he or she was capable of performing just before the accident~~ substantial bodily harm as defined in *Minnesota Statutes*, section 609.01, subdivision 7a, or great bodily harm as defined in *Minnesota Statutes*, section 609.01, subdivision 8.

Subp. 9. **Revocation.** "Revocation" is the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific minimum period ~~of time~~ under *Minnesota Statutes*, section 169.121, 169.123, or 171.17.

[For text of subps 10 to 12, see M.R.]

7503.0300 SUSPENSION PERIODS.

Subpart 1. ~~**Suspension period imposed**~~ **For revocable offenses.** The commissioner shall suspend the driver's license or driving privilege of a person who commits an offense for which mandatory revocation of a driver's license is required upon conviction for the revocation period that is imposed for conviction of the offense in Minnesota, up to a maximum period of one year. Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction.

However, if the suspension is based on a criminal charge and the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

Subp. 2. ~~**Suspension period imposed**~~ **For failure to complete ~~an alcohol problem~~ assessment.** The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete an alcohol problem assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

Except ~~in the case of the issuance of a limited license~~ as stated in part 7503.1800, the commissioner shall not reinstate the driver's license or driving privilege of ~~any~~ a person whose license or privilege was suspended under *Minnesota Statutes*, section 169.121, subdivision 8, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless ~~the following requirements have been satisfied~~:

A. the suspension period ~~must expire~~ has expired or the person ~~must satisfy all~~ has satisfied the conditions of suspension; ~~and~~

B. the conditions of the person's outstanding license withdrawals have been satisfied; and

C. the person ~~must pay~~ has paid a reinstatement fee as required by *Minnesota Statutes*.

7503.0800 REVOCATION PERIODS.

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

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of ~~any~~ a person convicted under *Minnesota Statutes*, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2) ~~or~~, (3), or (4), for a period of five years from the date the record of conviction is ~~reported to the commissioner~~ received. The commissioner shall revoke the driver's license or driving privilege of ~~any~~ a person convicted under *Minnesota Statutes*, section 609.21, subdivision 2, clause (2), (3), or (4), or subdivision 4, clause (2) ~~or~~, (3), or (4), for a period of three years from the date the record of conviction is ~~reported to the commissioner~~ received.

Subp. 3. ~~**Driving after revocation**~~ **For aggravated violations.** Upon receiving a record of conviction of a person under *Minnesota Statutes*, section 169.129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of ~~any~~ that person ~~convicted under *Minnesota Statutes*, section 169.129~~ for a period of 30 days, 90 days, or one year~~, depending~~. The length of the revocation period depends on the number of previous convictions for violations of *Minnesota Statutes*, section 169.129 or 171.24, or a statute of another state in conformity with either of them, on the person's driving record during the ~~one-year~~ three-year period preceding the date of the ~~incident~~ latest conviction. The revocation ~~shall~~ period must be:

A. 30 days, if there are no previous convictions ~~for driving after withdrawal during the preceding year. The revocation period shall be~~;

B. 90 days, if there is one previous conviction ~~for driving after withdrawal during the preceding year. The revocation period shall be~~; or

C. one year, if there are two or more previous convictions ~~for driving after withdrawal in the preceding year~~.

A revocation ordered for a conviction under *Minnesota Statutes*, section 169.129 ~~shall not run concurrently~~, runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under *Minnesota Statutes*, section 169.129, is based.

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

Subp. 5. **For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under *Minnesota Statutes*, section 169.121, subdivision 4, is based, the period of revocation ~~shall~~ must be increased as follows:

A. for a personal injury, the additional period of revocation ~~shall~~ must be ~~90~~ 180 days;

B. for a fatality, the additional period of revocation ~~shall~~ must be ~~six months~~ one year.

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

Subp. 7. **Terminating revocation ~~periods following completion of alcohol problem~~ after assessment action completed.** The commissioner shall terminate a revocation period in accordance with *Minnesota Statutes*, section 169.123, subdivision 10. The amount of the termination ~~shall~~ must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under *Minnesota Statutes*, section 169.123, subdivision 10, ~~shall~~ does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements, such as completion of a special review or conditions of licensure imposed by the commissioner following a special review. Termination of the revocation period applies only in the following circumstances.

A. When notified that a driver has undergone an alcohol problem assessment and that the driver is not required by the court to complete ~~any~~ a driver improvement course, alcohol awareness program, or treatment for chemical dependency and that the driver has no identifiable chemical abuse problem, the commissioner shall terminate the revocation period. The person ~~is not required to make an application to~~ may inform the commissioner ~~under this circumstance, unless the court fails to notify the commissioner of the results of the alcohol problem assessment~~ of the court's decision by telephone to the department's driver evaluation office in Saint Paul.

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

7503.0900 NOTICE OF REVOCATION ~~AND ISSUANCE OF~~, ISSUING TEMPORARY ~~DRIVER'S~~ LICENSES.

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

Subp. 2. **Notice served by ~~the~~ court.** Notice of license revocation is served by the court when a person is convicted of violating *Minnesota Statutes*, section 169.121. The commissioner shall provide forms to the court for serving the notice of revocation and ~~the issuance of~~ issuing a temporary license. These forms must contain space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

E. the minimum length of the revocation period;

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

H. a statement advising the person that all driving privileges are revoked ~~after seven days or~~ upon expiration of the temporary license period;

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

Subp. 3. **Notice served by a peace officer.** Notice of license revocation is served by a peace officer when a person is ~~found to be in violation of~~ subject to revocation under *Minnesota Statutes*, section 169.123. The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of revocation together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of revocation and ~~issuance of~~ issuing temporary licenses. These forms must contain space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

G. the minimum length of the revocation period;

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

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L. a statement indicating that the driver's license cannot be surrendered ~~because~~ if the license is lost, stolen, already surrendered, or otherwise unavailable;

[For text of items M to O, see M.R.]

Subp. 4. **Notice served by ~~the~~ commissioner.** Notice of license revocation may be served by the commissioner when a person is ~~found in violation of~~ subject to revocation under *Minnesota Statutes*, section 169.123, and notice is not served by a peace officer; when a person is convicted of violating *Minnesota Statutes*, section 169.121, and notice is not served by a court; when an additional revocation period is imposed ~~pursuant to~~ under *Minnesota Statutes*, section 169.121, subdivision 4, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied. The commissioner shall establish a form for serving notice of revocation, ~~which must contain~~ that contains space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

E. the minimum length of the revocation period;

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

H. if the person is subject to revocation under *Minnesota Statutes*, section 169.123, a statement informing the person that the person has a right to administrative and judicial review of the revocation order under *Minnesota Statutes*, section 169.123;

I. if the person is subject to revocation under *Minnesota Statutes*, section 169.123, information explaining that an administrative review of the revocation order issued under *Minnesota Statutes*, section 169.123, may be obtained by submitting a written request for review in accordance with *Minnesota Statutes*, section 169.123, subdivision 5b, and this chapter, and that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with *Minnesota Statutes*, section 169.123, subdivision 5c;

J. if the person is subject to revocation under *Minnesota Statutes*, section 169.123, a statement informing the person that failing to petition for judicial review in compliance with *Minnesota Statutes*, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 5. **Notice of revocation to other states.** If the driving privilege of a nonresident is revoked ~~for a violation of~~ under *Minnesota Statutes*, section 169.121, 169.123, 169.129, or 609.21, the commissioner, pursuant to *Minnesota Statutes*, sections 169.123, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

7503.1000 ~~WRITTEN~~ ADMINISTRATIVE REVIEW OF ~~LICENSE~~ REVOCATION ~~FOR IMPLIED CONSENT VIOLATION~~ OR DISQUALIFICATION.

Subpart 1. **Right to ~~a written~~ administrative review.** ~~Every~~ A person whose driver's license is revoked under *Minnesota Statutes*, section 169.123, or disqualified under *Minnesota Statutes*, section 171.165, subdivision 2, has the right to an administrative review of the revocation or disqualification order under the procedure outlined in this chapter. The review is final and no subsequent administrative review will be granted on the order of revocation or disqualification.

Subp. 2. **~~Procedure for~~ Requesting ~~a~~ written administrative review.** A written administrative review of an order of revocation under *Minnesota Statutes*, section 169.123, or disqualification under *Minnesota Statutes*, section 171.165, subdivision 2, is initiated by filing a written request for review with the commissioner at ~~a~~ one of the department's driver evaluation ~~office of the Department of Public Safety~~ offices. The driver evaluation offices shall provide forms for requesting administrative review~~, and~~. The request for review must contain the following information:

A. the person's full name, date of birth, ~~and~~ driver's license number, and the date of the incident for which review is being requested; and

B. a written statement of the factual basis upon which the person seeks to have the revocation rescinded.

Subp. 3. **Performance of administrative review.** Upon receipt of a request for an administrative review, the commissioner shall review the submitted statement together with ~~all~~ the information upon which the order of revocation or disqualification was based. The commissioner may seek additional written information from the person requesting the review or from ~~any~~ an agency or person believed to ~~possess~~ have information relating to the facts underlying the order of revocation or disqualification. Written findings will be reported to the person by first class mail within 15 days after the commissioner received the request for administrative review.

Subp. 4. **~~Personal appearance~~ Appearances.** A person requesting administrative review of a revocation order under *Minnesota Statutes*, section 169.123, or a disqualification order under *Minnesota Statutes*, section 171.165, subdivision 2, shall ~~also be granted a personal appearance~~ file a written request with the commissioner. The person ~~must request a personal appearance by filing a written request within five business days after the commissioner received the request for a written review, or by personally appearing~~ may present additional information to the commissioner before the date the administrative review is completed. Additional information may be presented at ~~a~~ the department's driver evaluation office in Saint Paul by personal or telephone appearance. Personal appearances

are held without appointment during regular business hours at the department's driver evaluation office ~~of the Minnesota Department of Public Safety~~ in Saint Paul and may also be scheduled at other offices throughout the state. Telephone appearances may be made by calling the driver evaluation office in Saint Paul during regular business hours. The commissioner shall provide a person electing to make a personal or telephone appearance ~~shall have~~ a report of the results of the administrative review ~~reported~~ within 15 days following the date the personal or telephone appearance was held or scheduled.

Subp. 5. **Scope and standard of review.** The scope of an administrative review ~~of a revocation order under *Minnesota Statutes*, section 169.123,~~ is limited to the issue of the validity of the order of revocation or disqualification. Upon reviewing the evidence, the commissioner shall sustain the order if there is sufficient cause to believe that the revocation or disqualification is authorized by law. ~~If the commissioner finds~~ On finding that there is not sufficient cause to believe the revocation or disqualification is authorized by law, the commissioner shall rescind the order ~~shall be rescinded~~.

Subp. 6. ~~Written~~ **Administrative review distinguished.** Administrative review of a revocation order under *Minnesota Statutes*, section 169.123, or disqualification order under *Minnesota Statutes*, section 171.165, subdivision 2, is separate and distinct from review by the chemical abuse review panel or review by the commissioner in an informal hearing procedure.

7503.1200 REINSTATEMENT FOLLOWING ~~LICENSE~~ REVOCATION.

Subpart 1. ~~Reinstatement~~ **Conditions.** Except ~~in the case of the issuance of a limited license~~ as stated in part 7503.1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under *Minnesota Statutes*, section 169.121, 169.123, or 171.17, unless ~~all of the following conditions have been satisfied~~:

A. the revocation period ~~must expire.~~ has expired;

B. the person ~~must pay~~ has paid a reinstatement fee as required by *Minnesota Statutes*~~.~~;

C. the person ~~must apply~~ has applied for a new license and ~~pay~~ paid the application fee for the class of license involved~~.~~;

D. the person ~~must pass~~ has passed the driver's license examination required for issuance of an original license~~.~~; and

E. if the incident is a second conviction under *Minnesota Statutes*, section 169.121 or 169.129, the person ~~must submit~~ has submitted a certification that the court-ordered treatment or rehabilitation has been completed.

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

7503.1300 LICENSE CANCELLATION AND DENIAL ~~FOLLOWING ALCOHOL- OR CONTROLLED-SUBSTANCE-RELATED INCIDENTS~~.

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

Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of ~~any~~ a person who (1) has incurred three alcohol- or controlled-substance-related incidents within the past five years ~~or who~~, (2) has incurred three ~~such~~ of these incidents and a special review ~~had~~ has been conducted ~~prior to~~ within ten years of the third incident, or ~~who~~ (3) has four or more ~~such~~ of these incidents on record.

Subp. 3. **Consumption of alcohol or controlled substance after completing rehabilitation.** The commissioner shall cancel and deny the driver's license or driving privilege of ~~any~~ a person whose license or privilege has been reinstated after completion of rehabilitation when the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the documented date of ~~reinstatement~~ abstinence.

7503.1600 REINSTATEMENT FOLLOWING ~~LICENSE~~ CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to ~~any~~ a person whose license has been canceled, unless ~~the following conditions have been satisfied~~:

A. no revocation or suspension of the person's driver's license or driving privilege is outstanding~~.~~;

B. the person ~~must complete~~ has completed a special review and any special review action ~~that is~~ required~~.~~; and

C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third ~~such~~ incident on record and a special review was conducted ~~after~~ within ten years of the ~~second~~ third incident, or if the person has four or more ~~such~~ of these incidents on record, the person ~~must complete~~ has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

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7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation when (1) the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years, ~~when~~ (2) a special review has been ~~previously~~ conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record, or ~~when~~ (3) there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** ~~The person must meet the following requirements in order~~ To complete rehabilitation, a person must:

A. ~~The person must~~ successfully complete treatment for chemical dependency following the last documented date of the use of alcohol or controlled substance and submit evidence of chemical dependency treatment to the commissioner~~.~~;

B. ~~The person must~~ participate in a generally recognized, ongoing ~~chemical awareness program~~ abstinence-based support group and submit evidence of attendance to the commissioner~~.~~ showing regular participation for a minimum of three months immediately before submission;

C. ~~The person must~~ abstain from the use of alcohol and the use of controlled substances, attest to ~~such~~ the abstinence for a period ~~of time~~ prescribed in ~~this chapter~~ subpart 5, and furnish evidence of abstinence for the required period to the commissioner~~.~~; and

D. ~~The person must~~ appear for a rehabilitation interview at ~~a~~ one of the department's driver evaluation ~~office of the Minnesota Department of Public Safety~~ offices.

[For text of subps 3 and 4, see M.R.]

Subp. 4a. **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and driving record after the following requirements are met:

A. a minimum of five years has elapsed since the completion of rehabilitation;

B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

C. the person completes an application and pays a duplicate fee as required by *Minnesota Statutes*, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter~~, and~~. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The ~~following periods~~ required period of documented abstinence ~~shall apply~~ is:

A. for a person who has not previously undergone rehabilitation, one year; ~~or~~

B. for a person who has once completed rehabilitation, three years;

C. for a person who has twice completed rehabilitation, six years; or

D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions ~~shall count~~ counts as half-time towards completion of the abstinence periods required ~~above~~ in items A to D.

Subp. 6. ~~**Consequences of using alcohol or a controlled substance after completing**~~ **Failure to abstain following rehabilitation.** The commissioner shall cancel and deny the driver's license and driving privilege of ~~any~~ a person ~~when there is~~ on sufficient cause to believe that the person has consumed alcohol or a controlled substance after ~~completing rehabilitation~~ the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of ~~any~~ a person ~~who has been reinstated following a second rehabilitation if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the date that the second rehabilitation was~~ until the rehabilitation requirements of this chapter have been completed. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Subp. 7. **Rehabilitation interview.** A person seeking reinstatement following rehabilitation shall appear in person for an interview at ~~a~~ one of the department's driver evaluation ~~office of the Minnesota Department of Public Safety for the purpose of discussing~~ offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with ~~all~~ the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

7503.1750 RESTRICTED LICENSES.

Subpart 1. **Authority.** Pursuant to *Minnesota Statutes*, section 171.09, the commissioner shall issue a restricted license to a person

who has successfully completed the elements of a third or subsequent rehabilitation as required by part 7503.1700.

Subp. 2. **Issuing restricted license.** In addition to the rehabilitation requirements and before the commissioner may issue a restricted license, the applicant must:

A. apply for a new license and pay the application fee for the class of license involved;

B. pass the driver's license examination required for issuance of the class of license for which applied;

C. pay the reinstatement fee as required by *Minnesota Statutes;*

D. appear personally at one of the department's driver evaluation offices to request a restricted license;

E. satisfy the requirements of any previous license withdrawals; and

F. demonstrate a need for a restricted license. The commissioner shall issue a restricted license as needed for employment, or attendance at chemical dependency treatment, counseling programs, or postsecondary education. The commissioner shall also issue a restricted license as needed for homemaker responsibilities if necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household.

The commissioner shall prescribe constraints on the time and use of the restricted license.

Subp. 3. **Length of restricted license period.** A person is eligible for restricted driving privileges only after completing a third or subsequent rehabilitation. The period of restricted driving privileges is:

A. for a person who has successfully completed a third rehabilitation and documented abstinence period, three years; or

B. for a person who has successfully completed a fourth or subsequent rehabilitation and documented abstinence period, double the period required after the latest rehabilitation.

Subp. 4. **Informal hearing following denial of restricted license application.** The commissioner shall grant an applicant an informal hearing to review a decision to deny the application for a restricted license.

7503.1800 ~~ISSUANCE OF~~ LIMITED LICENSES.

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

Subp. 2. **Persons not eligible ~~for a limited license~~.** The commissioner shall not issue a limited license to ~~any~~ a person whose driver's license or driving privilege ~~has been~~ is canceled ~~under *Minnesota Statutes,* section 171.14~~ or denied ~~under *Minnesota Statutes,* section 171.04, subdivision~~ 8. No limited license ~~shall~~ may be issued to ~~any~~ a person incurring a second alcohol- or controlled-substance-related incident within five years or to ~~any~~ a person with three alcohol- or controlled-substance-related incidents on record, unless one-half of the revocation period has expired~~, except that licenses shall~~. However, a license must be issued as required by *Minnesota Statutes*, section 171.30, subdivision 3~~, to class A or class B license holders authorizing the person to drive vehicles whose operation is permitted only under a class A or class B license when such a license has been suspended under *Minnesota Statutes,* section 171.18, or revoked under *Minnesota Statutes,* section 171.17, for a violation of the Highway Traffic Regulation Act committed in a private passenger vehicle~~.

Subp. 3. **Conditions of issuance ~~of a limited license~~.** Before a limited license may be issued under *Minnesota Statutes,* section 171.30, subdivision 1, the ~~following conditions~~ person must ~~be satisfied~~:

A. ~~The person must~~ apply for a new license and pay the application fee for the class of license involved~~.~~;

B. ~~The person must~~ pass the ~~driver~~ driver's license examination required for issuance of an original license~~.~~;

C. ~~The person must~~ pay a reinstatement fee as required by *Minnesota Statutes*~~.~~;

D. ~~The person must~~ appear personally, by telephone, or by mail at ~~a~~ one of the department's driver evaluation ~~office of the Department of Public Safety~~ offices to request a limited license, except that a person who has two alcohol- or controlled-substance-related incidents within five years, or three ~~such~~ of these incidents on record must appear personally to request a limited license~~.~~; and

E. ~~The person must~~ demonstrate a need for a limited license~~. A limited license must be issued as needed~~ for employment ~~or~~; attendance at chemical dependency treatment, counseling programs, or postsecondary education; or, as a homemaker, to prevent the substantial disruption of the educational, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household. A person ~~requesting a limited license~~ may demonstrate the need for a limited license using letters from the person's employer, proof of attendance at a chemical dependency treatment or counseling program, or proof of attendance at a

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postsecondary institution of education. The commissioner shall consider the particular circumstances and needs of the individual before issuing a limited license.

The commissioner shall waive items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met ~~prior to~~ before reinstatement of driving privileges.

If a limited license is issued, the conditions need not be repeated when seeking reinstatement, but any additional conditions must be satisfied.

Subp. 4. **Restrictions and limitations.** The commissioner shall prescribe restrictions on the time and use of a limited license as provided in *Minnesota Statutes*, section 171.30, ~~subdivisions~~ subdivision 1 ~~and 3~~.

Subp. 5. **Informal hearing following denial ~~of limited license application~~.** The commissioner shall grant ~~any~~ a person an informal hearing ~~for the purpose of reviewing~~ to review a decision not to issue a limited license to that person.

7503.2000 ~~ALCOHOL PROBLEM~~ ASSESSMENTS REQUIRED BY ~~THE~~ COMMISSIONER.

Subpart 1. ~~Alcohol problem~~ **Assessment required after 0.07 test.** When an evidentiary test administered under authority of *Minnesota Statutes*, section 169.123, discloses an alcohol concentration of 0.07 percent or more, the result must be reported to the commissioner. If a second test of 0.07 percent or more occurs within two years, the commissioner shall require the person to appear for an ~~alcohol problem~~ assessment. The commissioner shall notify the person by first class mail that the assessment is required.

Subp. 2. **By whom conducted.** An alcohol problem assessment conducted under *Minnesota Statutes*, section 169.121, subdivision 8, must be conducted by an agency approved by the county or municipal court as outlined in *Minnesota Statutes*, section 169.126~~, or conducted by the Saint Paul driver evaluation office of the Minnesota Department of Public Safety or by another driver evaluation office at a scheduled time~~.

[For text of subps 3 and 4, see M.R.]

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or a diagnosis of chemical abuse accepted by the commissioner arising from ~~an alcohol problem assessment,~~ a special review~~,~~ or rehabilitation. Members of the panel ~~shall~~ must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and ~~shall be~~ selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel ~~will be~~ are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing ~~within 30 days from the date of the special review or alcohol problem assessment that is the subject of the person's complaint or within 30 days of the receipt of the order of cancellation and denial giving rise to rehabilitation~~ together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall ~~arrange for a "review date,"~~ submit the person's requests and materials to the chemical abuse review panel not ~~less than ten nor~~ more than 30 days from receipt of the request for review~~, and shall inform the person by first class mail of the review date~~.

C. ~~Four copies of any written material the person wishes to have considered by the chemical abuse review panel must be submitted to the commissioner not less than ten days before the review date.~~

~~D.~~ The commissioner may submit written materials in addition to the record of the special review or alcohol problem assessment for consideration by the chemical abuse review panel ~~not less than ten days before the review date, provided that copies of any additional materials are sent to the person requesting the review~~. These materials will be supplied to the applicant, if the person requested copies of the commissioner's materials when requesting a special review.

~~E.~~ D. Both parties ~~shall~~ have the right to submit additional written material for ~~purposes of~~ rebuttal until the review date.

~~F.~~ E. On the review date, ~~all~~ the written material submitted by both parties will be ~~transmitted~~ sent to the chemical abuse review panel.

~~G.~~ F. After receiving ~~all~~ the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment or recommend acceptance of a different diagnosis to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment not be changed or that a diagnosis other than the contested diagnosis ~~which is contested~~ not be accepted, if the person does not establish that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case.

~~H.~~ G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

~~I.~~ H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision ~~shall~~ must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

Subpart 1. **Driving under influence of alcohol or controlled substance.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under *Minnesota Statutes*, section 169.121, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 2. **Alcohol-related driving.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under *Minnesota Statutes*, section 169.1211.

Subp. 3. **Implied consent revocation.** The commissioner shall disqualify a person from holding a commercial driver's license when the person's license has been revoked under *Minnesota Statutes*, section 169.123, or a statute or ordinance from another state in conformity with it and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 4. **Out-of-state incidents.** Upon receiving a record of conviction or revocation from another state, the commissioner shall disqualify a person from holding a commercial driver's license if the conviction or revocation would be grounds for disqualification under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2.

7503.2400 DISQUALIFICATION PERIODS.

Subpart 1. **One-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for one year for a first conviction or revocation under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2. The one-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 2. **Three-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for three years if the person was transporting hazardous materials at the time of the incident forming the basis for a conviction or revocation under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2. The three-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 3. **Not less than ten-year disqualification.** The commissioner shall disqualify a person from holding a commercial driver's license for life if the person is disqualified a second or subsequent time in 55 years under *Minnesota Statutes*, section 171.165, subdivision 1 or 2. The lifetime disqualification period begins on the date the record of conviction or revocation is received by the commissioner. The lifetime disqualification period will be reduced to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in *Minnesota Statutes*, section 171.165, subdivision 1, and if the person's license is not revoked under *Minnesota Statutes*, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

7503.2500 NOTICE OF DISQUALIFICATION.

Subpart 1. **Notice served by peace officer.** Notice of disqualification is served by a peace officer when a person is subject to disqualification under *Minnesota Statutes*, section 171.165, subdivision 2.

The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of disqualification together with the license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of disqualification and issuing temporary licenses.

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.

These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, height and weight, and current residential address, including street number, city, state, and zip code;

B. the date that notice is served;

C. the date of the incident;

D. the traffic citation number;

E. the type of vehicle being operated at the time of the incident;

F. the name, signature, and business telephone number of the peace officer serving the notice;

G. the reason for the disqualification;

H. the minimum length of the disqualification period;

I. a statement that the person must surrender to the peace officer the driver's license certificates in the person's possession, unless the person is not a resident of Minnesota;

J. a statement advising the person that the person is under an out-of-service order required under *Minnesota Statutes*, section 169.1215, for 24 hours;

K. a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period;

L. a statement informing the person that failing to surrender all driver's licenses may subject the person to criminal prosecution under *Minnesota Statutes*, sections 171.22 and 171.241, and suspension of the driver's license under *Minnesota Statutes*, section 171.18, clause (8);

M. a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

N. a statement that the driver's license cannot be surrendered, if the license is lost, stolen, already surrendered, or otherwise unavailable;

O. a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

P. information explaining that an administrative review of the disqualification order may be obtained by submitting a written request for review to the commissioner under *Minnesota Statutes*, section 169.123, subdivision 5b, and this chapter;

Q. information explaining that judicial review may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification and otherwise in accordance with *Minnesota Statutes*, section 169.123, subdivision 5c; and

R. a statement informing the person that failing to petition for judicial review in compliance with *Minnesota Statutes*, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 2. **Notice by commissioner.** Notice of disqualification may be served by the commissioner when a person is subject to disqualification under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), and notice is not served by a court; a person is subject to disqualification under *Minnesota Statutes*, section 171.165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied. The commissioner shall establish a form for serving notice of disqualification. The form must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code;

B. the type of vehicle being operated at the time of the disqualifying incident;

C. the date the notice of disqualification is issued;

D. the effective date of the disqualification order;

E. the reason for the disqualification;

F. the length of the disqualification period;

G. reinstatement requirements;

H. a demand for surrender of the license certificates issued to the person or submission of a sworn statement from the person that an outstanding certificate was lost, stolen, or destroyed;

I. if the person is disqualified under *Minnesota Statutes*, section 171.165, subdivision 2, a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

J. if the person is disqualified under *Minnesota Statutes*, section 171.165, subdivision 2, information explaining:

(1) that an administrative review of the disqualification order issued under *Minnesota Statutes*, section 171.165, subdivision 2, may be obtained by submitting a written request for review in accordance with *Minnesota Statutes*, section 169.123, subdivision 5b, and this chapter; and

(2) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification and otherwise in accordance with *Minnesota Statutes*, section 169.123, subdivision 5c;

K. if the person is disqualified under *Minnesota Statutes*, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with *Minnesota Statutes*, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a disqualification order under *Minnesota Statutes*, section 171.165, subdivision 2; and

L. a statement informing the person that the person has a right to an informal hearing to review a disqualification order under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1).

Subp. 3. **Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating *Minnesota Statutes*, section 169.1211, the commissioner shall report that conviction to the driver's state of residence.

7503.2600 ISSUING CLASS C LICENSES.

Subpart 1. **Class C license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 1, will be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver license examination station where a paper record of examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class C vehicles only. If the period of disqualification exceeds 90 days, a paper class C license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class C license card.** A person who would prefer a class C license card must apply for a duplicate class C license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 4. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

The commissioner shall grant an informal hearing to a person who has been disqualified from operating commercial motor vehicles as a result of a conviction under *Minnesota Statutes*, section 169.121 or 169.1211. No informal hearing may be granted to review the validity of an order of disqualification under *Minnesota Statutes*, section 169.123, but administrative review of the disqualification is set out in part 7503.1000.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subpart 1. **Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied:

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.

A. the disqualification period has been served and expired;

B. the person has paid the reinstatement fee as required by *Minnesota Statutes;*

C. the requirements imposed during this or any previous disqualification period have been satisfied; and

D. if issued, the class C license card has been returned to the department.

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will mail notification of reinstatement to the person. The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.

Secretary of State

Proposed Permanent Rules Relating to Presidential Primary

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authorities to adopt the rules is *Minnesota Statutes* 201.091, subdivision 4; 201.221, subdivisions 1 and 3; and 207A.09.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules are attached to this notice.

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 Secretary of State upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Secretary of State.

Dated: 15 January 1991

Joseph Mansky
Director, Election Division

Rules as Proposed

8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.

The public information list provided by the secretary of state must contain the following items from the statewide registration system: voter's name, voter's address, voter's telephone number (if provided by the voter), voter's party choice in the preceding presidential primary election, and the voter's record of voting in elections during the previous five calendar years. The public

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Adoption of Amendments to Rules of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

AFFIDAVIT OF MAILING THE NOTICE OF PUBLIC HEARING

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

Brenda Klecker, being sworn says:

I hereby certify that on this 24th day of January, 1991, at the City of St. Paul, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the Department of Public Safety mailing list, and to all persons and associations that have expressed, to the agency, interest in the agency's rulemaking procedures.

Brenda J Klecker

Subscribed and sworn to before me this 24th day of January, 1991.

Patricia I Harris
Notary Public

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1996

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Adoption of Amendments to Rules of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

CERTIFICATE OF THE MAILING LIST

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

Katherine Burke Moore, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, that their names be placed on the State Department of Public Safety rule making mailing list is accurate, complete, and current as of this 24th day of January, 1991, at the City of St. Paul, State of Minnesota.

Katherine Burke Moore

Subscribed and sworn to before me on this 24th day of January, 1991.

Patricia I Harris
Notary Public

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1996

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Adoption of Amendments to Rules of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances	AFFIDAVIT OF MAILING THE RULE AND STATEMENT OF NEED AND REASONABLENESS TO THE LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

Brenda Klecker, being sworn says:

I hereby declare that the above-captioned rule and its corresponding statement of need and reasonableness were mailed to the Legislative Commission to Review Administrative Rules in compliance with Minnesota Statutes, section 14.23, on this 24th day of January, 1991. The mailing was done through the interoffice mail of the State of Minnesota.

Brenda J Klecker

Subscribed and sworn to before me this 24th day of January, 1991.

Patricia I Harris
Notary Public

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 7, 1996

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Adoption of Amendments to the Rule of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT RULE WITH A PUBLIC HEARING IF TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

(1) NOTICE IS HEREBY GIVEN that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes, sections 14.06 and 171.165, subdivision 5.

(2) Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON MONDAY, MARCH 25, 1991, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Department of Public Safety between 8 a.m. and 4:30 p.m. at (612) 297-5755.

(5) People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
(612) 297-5755

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on Wednesday, February 27, 1991.

(8) The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

(11) A free copy of this rule is available for your review on request from Katherine Burke Moore at the address and telephone number listed above.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied on to support the proposed rule has been prepared and is available on request from Katherine Burke Moore at the address and telephone number listed above.

(14) You are hereby advised, pursuant to Minnesota Statutes, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

(13) Adoption of these rules will not result in additional spending by local public bodies in the excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

(9) If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155.

Ralph Church, Commissioner
Department of Public Safety

In the Matter of the Proposed Adoption of Amendments to the Rules of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances	NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, on Monday, March 25, 1991, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Department of Public Safety from February 28, 1991, through March 22, 1991, between 8 a.m. and 4:30 p.m. at (612) 297-5755.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to: Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rule making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, sections 14.15 to 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge at the address listed above or by calling (612) 349-2544.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, sections 14.06 and 171.165, subdivision 5.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to or calling: Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155, (612) 297-5755.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Katherine Burke Moore at the address or telephone number listed above.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11, 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 travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than $250, not including his own traveling 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612)296-5148.

Ralph Church, Commissioner
Department of Public Safety

Department of Public Safety

Proposed Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

Rules as Proposed

7503.0100 DEFINITIONS.

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

Subp. 3. **Alcohol- or controlled-substance-related incident.** An "alcohol- or controlled-substance-related incident" is a violation ~~of~~ or license revocation under Minnesota Statutes, section 169.121~~, subdivision 1~~; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 171.245; or 609.21, subdivision 1, clauses (2) ~~and~~, (3), and (4), subdivision 2, clauses (2) ~~and~~, (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4); ~~Minnesota Statutes 1984, sections 169.127 and 171.245,~~ or ~~a violation of~~ a statute from another state in conformity with one of these provisions.

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

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, ~~or~~ treatment in a hospital-based treatment program, or alternative treatment program approved by the commissioner of public safety. All programs must include a requirement of abstinence.

Subp. 5a. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of Minnesota

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Statutes, section 171.02, subdivision 2, paragraph (a).

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

Subp. 6a. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6b. **Disqualification.** "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

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

Subp. 8. **Personal injury.** A "personal injury" is ~~an incapacitating injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing activities which he or she was capable of performing just before the accident~~ substantial bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 7a, or great bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 8.

Subp. 9. **Revocation.** "Revocation" is the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific minimum period ~~of time~~ under Minnesota Statutes, section 169.121, 169.123, or 171.17.

[For text of subps 10 to 12, see M.R.]

7503.0300 SUSPENSION PERIODS.

Subpart 1. **~~Suspension period imposed~~ For revocable offenses.** The commissioner shall suspend the driver's license or driving privilege of a person who commits an offense for which mandatory revocation of a driver's license is required upon conviction for the revocation period that is imposed for conviction of the offense in Minnesota, up to a maximum period of one year. Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction.

However, if the suspension is based on a criminal charge and the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

Subp. 2. **~~Suspension period imposed~~ For failure to complete**

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~~an alcohol problem~~ assessment. The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete an alcohol problem assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

Except ~~in the case of the issuance of a limited license~~ as stated in part 7503.1800, the commissioner shall not reinstate the driver's license or driving privilege of ~~any~~ a person whose license or privilege was suspended under Minnesota Statutes, section 169.121, subdivision 8, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless ~~the following requirements have been satisfied:~~

A. the suspension period ~~must expire~~ has expired or the person ~~must satisfy all~~ has satisfied the conditions of suspension; ~~and~~

B. the conditions of the person's outstanding license withdrawals have been satisfied; and

C. the person ~~must pay~~ has paid a reinstatement fee as required by Minnesota Statutes.

7503.0800 REVOCATION PERIODS.

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

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of ~~any~~ a person convicted under Minnesota Statutes, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2) ~~or~~, (3), or (4), for a period of five years from the date the record of conviction is ~~reported to the commissioner~~ received. The commissioner shall revoke the driver's license or driving privilege of ~~any~~ a person convicted under Minnesota Statutes, section 609.21, subdivision 2, clause (2), (3), or (4), or subdivision 4, clause (2) ~~or~~, (3), or (4), for a period of three years from the date the record of conviction is ~~reported to the commissioner~~ received.

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Subp. 3. ~~**Driving-after-revocation**~~ **For aggravated violations.** Upon receiving a record of conviction of a person under Minnesota Statutes, section 169.129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of ~~any~~ that person ~~convicted-under-Minnesota-Statutes,-section-169.129~~ for a period of 30 days, 90 days, or one year~~,-depending~~. The length of the revocation period depends on the number of previous convictions for violations of Minnesota Statutes, section 169.129 or 171.24, or a statute of another state in conformity with either of them, on the person's driving record during the ~~one-year~~ three-year period preceding the date of the ~~incident~~ latest conviction. The revocation ~~shall~~ period must be:

A. 30 days, if there are no previous convictions ~~for driving-after-withdrawal-during-the-preceding-year.--The revocation-period-shall-be~~;

B. 90 days, if there is one previous conviction ~~for driving-after-withdrawal-during-the-preceding-year.--The revocation-period-shall-be; or~~

C. one year, if there are two or more previous convictions ~~for-driving-after-withdrawal-in-the-preceding-year~~.

A revocation ordered for a conviction under Minnesota Statutes, section 169.129 ~~shall-not-run-concurrently~~, runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under Minnesota Statutes, section 169.129, is based.

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

Subp. 5. **For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under Minnesota Statutes, section 169.121, subdivision 4, is based, the period of revocation ~~shall~~ must be increased as follows:

A. for a personal injury, the additional period of revocation ~~shall~~ must be ~~90~~ 180 days;

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B. for a fatality, the additional period of revocation ~~shall~~ must be ~~six months~~ one year.

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

Subp. 7. **Terminating revocation ~~periods following completion of alcohol problem~~ after assessment action completed.** The commissioner shall terminate a revocation period in accordance with Minnesota Statutes, section 169.123, subdivision 10. The amount of the termination ~~shall~~ must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under Minnesota Statutes, section 169.123, subdivision 10, ~~shall~~ does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements, such as completion of a special review or conditions of licensure imposed by the commissioner following a special review. Termination of the revocation period applies only in the following circumstances.

A. When notified that a driver has undergone an alcohol problem assessment and that the driver is not required by the court to complete ~~any~~ a driver improvement course, alcohol awareness program, or treatment for chemical dependency and that the driver has no identifiable chemical abuse problem, the commissioner shall terminate the revocation period. The person ~~is not required to make an application to~~ may inform the commissioner ~~under this circumstance, unless the court fails to notify the commissioner of the results of the alcohol problem assessment~~ of the court's decision by telephone to the department's driver evaluation office in Saint Paul.

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

7503.0900 NOTICE OF REVOCATION ~~AND ISSUANCE OF~~, ISSUING TEMPORARY ~~DRIVER'S~~ LICENSES.

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

Subp. 2. **Notice served by the court.** Notice of license revocation is served by the court when a person is convicted of violating Minnesota Statutes, section 169.121. The commissioner

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shall provide forms to the court for serving the notice of revocation and ~~the issuance of~~ issuing a temporary license. These forms must contain space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

E. the minimum length of the revocation period;

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

H. a statement advising the person that all driving privileges are revoked ~~after seven days or~~ upon expiration of the temporary license period;

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

Subp. 3. **Notice served by a peace officer.** Notice of license revocation is served by a peace officer when a person is ~~found to be in violation of~~ subject to revocation under Minnesota Statutes, section 169.123. The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of revocation together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of revocation and ~~issuance of~~ issuing temporary licenses. These forms must contain space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

G. the minimum length of the revocation period;

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

L. a statement indicating that the driver's license cannot be surrendered ~~because~~ if the license is lost, stolen, already surrendered, or otherwise unavailable;

[For text of items M to O, see M.R.]

Subp. 4. **Notice served by the commissioner.** Notice of license revocation may be served by the commissioner when a person is ~~found in violation of~~ subject to revocation under Minnesota Statutes, section 169.123, and notice is not served by

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a peace officer; when a person is convicted of violating Minnesota Statutes, section 169.121, and notice is not served by a court; when an additional revocation period is imposed ~~pursuant to~~ under Minnesota Statutes, section 169.121, subdivision 4, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied. The commissioner shall establish a form for serving notice of revocation, ~~which must contain~~ that contains space for the following information and may contain other information ~~as~~ that the commissioner ~~deems~~ considers appropriate:

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

E. the minimum length of the revocation period;

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

H. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that the person has a right to administrative and judicial review of the revocation order under Minnesota Statutes, section 169.123;

I. if the person is subject to revocation under Minnesota Statutes, section 169.123, information explaining that an administrative review of the revocation order issued under Minnesota Statutes, section 169.123, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter, and that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

J. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 5. **Notice of revocation to other states.** If the

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driving privilege of a nonresident is revoked ~~for a violation of~~ under Minnesota Statutes, section 169.121, 169.123, 169.129, or 609.21, the commissioner, pursuant to Minnesota Statutes, sections 169.123, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

7503.1000 ~~WRITTEN~~ ADMINISTRATIVE REVIEW OF ~~LICENSE~~ REVOCATION ~~FOR IMPLIED CONSENT VIOLATION~~ OR DISQUALIFICATION.

Subpart 1. **Right to ~~a written~~ administrative review.** ~~Every~~ A person whose driver's license is revoked under Minnesota Statutes, section 169.123, or disqualified under Minnesota Statutes, section 171.165, subdivision 2, has the right to an administrative review of the revocation or disqualification order under the procedure outlined in this chapter. The review is final and no subsequent administrative review will be granted on the order of revocation or disqualification.

Subp. 2. **~~Procedure for~~ Requesting a written administrative review.** A written administrative review of an order of revocation under Minnesota Statutes, section 169.123, or disqualification under Minnesota Statutes, section 171.165, subdivision 2, is initiated by filing a written request for review with the commissioner at ~~a~~ one of the department's driver evaluation ~~office of the Department of Public Safety~~ offices. The driver evaluation offices shall provide forms for requesting administrative review~~, and~~. The request for review must contain the following information:

A. the person's full name, date of birth, ~~and~~ driver's license number, and the date of the incident for which review is being requested; and

B. a written statement of the factual basis upon which the person seeks to have the revocation rescinded.

Subp. 3. **Performance of administrative review.** Upon receipt of a request for an administrative review, the commissioner shall review the submitted statement together with

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all the information upon which the order of revocation or disqualification was based. The commissioner may seek additional written information from the person requesting the review or from any an agency or person believed to possess have information relating to the facts underlying the order of revocation or disqualification. Written findings will be reported to the person by first class mail within 15 days after the commissioner received the request for administrative review.

Subp. 4. **Personal appearance Appearances.** A person requesting administrative review of a revocation order under Minnesota Statutes, section 169.123, or a disqualification order under Minnesota Statutes, section 171.165, subdivision 2, shall also be granted a personal appearance file a written request with the commissioner. The person must request a personal appearance by filing a written request within five business days after the commissioner received the request for a written review, or by personally appearing may present additional information to the commissioner before the date the administrative review is completed. Additional information may be presented at a the department's driver evaluation office in Saint Paul by personal or telephone appearance. Personal appearances are held without appointment during regular business hours at the department's driver evaluation office of the Minnesota Department of Public Safety in Saint Paul and may also be scheduled at other offices throughout the state. Telephone appearances may be made by calling the driver evaluation office in Saint Paul during regular business hours. The commissioner shall provide a person electing to make a personal or telephone appearance shall have a report of the results of the administrative review reported within 15 days following the date the personal or telephone appearance was held or scheduled.

Subp. 5. **Scope and standard of review.** The scope of an administrative review of a revocation order under Minnesota Statutes, section 169.123, is limited to the issue of the validity of the order of revocation or disqualification. Upon reviewing the evidence, the commissioner shall sustain the order

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if there is sufficient cause to believe that the revocation or disqualification is authorized by law. ~~If the commissioner finds~~ On finding that there is not sufficient cause to believe the revocation or disqualification is authorized by law, the commissioner shall rescind the order ~~shall be rescinded~~.

Subp. 6. **~~Written~~ Administrative review distinguished.** Administrative review of a revocation order under Minnesota Statutes, section 169.123, or disqualification order under Minnesota Statutes, section 171.165, subdivision 2, is separate and distinct from review by the chemical abuse review panel or review by the commissioner in an informal hearing procedure.

7503.1200 REINSTATEMENT FOLLOWING ~~LICENSE~~ REVOCATION.

Subpart 1. **Reinstatement Conditions.** Except ~~in the case of the issuance of a limited license~~ as stated in part 7503.1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under Minnesota Statutes, section 169.121, 169.123, or 171.17, unless ~~all of the following conditions have been satisfied~~:

A. the revocation period ~~must expire.~~ has expired;

B. the person ~~must pay~~ has paid a reinstatement fee as required by Minnesota Statutes~~.~~;

C. the person ~~must apply~~ has applied for a new license and ~~pay~~ paid the application fee for the class of license involved~~.~~;

D. the person ~~must pass~~ has passed the driver's license examination required for issuance of an original license~~.~~; and

E. if the incident is a second conviction under Minnesota Statutes, section 169.121 or 169.129, the person ~~must submit~~ has submitted a certification that the court-ordered treatment or rehabilitation has been completed.

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

7503.1300 LICENSE CANCELLATION AND DENIAL ~~FOLLOWING ALCOHOL OR CONTROLLED SUBSTANCE RELATED INCIDENTS~~.

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

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Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of ~~any~~ a person who (1) has incurred three alcohol- or controlled-substance-related incidents within the past five years ~~or who~~, (2) has incurred three ~~such~~ of these incidents and a special review ~~had~~ has been conducted ~~prior to~~ within ten years of the third incident, or ~~who~~ (3) has four or more ~~such~~ of these incidents on record.

Subp. 3. **Consumption of alcohol or controlled substance after completing rehabilitation.** The commissioner shall cancel and deny the driver's license or driving privilege of ~~any~~ a person whose license or privilege has been reinstated after completion of rehabilitation when the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the documented date of ~~reinstatement~~ abstinence.

7503.1600 REINSTATEMENT FOLLOWING ~~LICENSE~~ CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to ~~any~~ a person whose license has been canceled, unless ~~the following conditions have been satisfied~~:

A. no revocation or suspension of the person's driver's license or driving privilege is outstanding~~.~~;

B. the person ~~must complete~~ has completed a special review and any special review action ~~that is~~ required~~.~~; and

C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third ~~such~~ incident on record and a special review was conducted ~~after~~ within ten years of the ~~second~~ third incident, or if the person has four or more ~~such~~ of these incidents on record, the person ~~must complete~~ has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

7503.1700 REHABILITATION.

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Subpart 1. **When applicable.** A person must complete rehabilitation when (1) the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years, ~~when~~ (2) a special review has been ~~previously~~ conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record, or ~~when~~ (3) there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** ~~The-person-must meet-the-following-requirements-in-order~~ To complete rehabilitation, a person must:

A. ~~The-person-must~~ successfully complete treatment for chemical dependency following the last documented date of the use of alcohol or controlled substance and submit evidence of chemical dependency treatment to the commissioner~~.~~;

B. ~~The-person-must~~ participate in a generally recognized, ongoing ~~chemical-awareness-program~~ abstinence-based support group and submit evidence of attendance to the commissioner~~.~~ showing regular participation for a minimum of three months immediately before submission;

C. ~~The-person-must~~ abstain from the use of alcohol and the use of controlled substances, attest to ~~such~~ the abstinence for a period ~~of-time~~ prescribed in ~~this-chapter~~ subpart 5, and furnish evidence of abstinence for the required period to the commissioner~~.~~; and

D. ~~The-person-must~~ appear for a rehabilitation interview at ~~a~~ one of the department's driver evaluation ~~office of-the-Minnesota-Department-of-Public-Safety~~ offices.

[For text of subps 3 and 4, see M.R.]

Subp. 4a. **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and driving record after the following requirements are met:

A. a minimum of five years has elapsed since the

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completion of rehabilitation;

B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

C. the person completes an application and pays a duplicate fee as required by Minnesota Statutes, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter~~,-and~~. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The ~~following-periods~~ required period of documented abstinence ~~shall-apply~~ is:

A. for a person who has not previously undergone rehabilitation, one year; ~~or~~

B. for a person who has once completed rehabilitation, three years;

C. for a person who has twice completed rehabilitation, six years; or

D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions ~~shall-count~~ counts as half-time towards completion of the abstinence periods required ~~above~~ in items A to D.

Subp. 6. ~~Consequences-of-using-alcohol-or-a-controlled substance-after-completing~~ Failure to abstain following **rehabilitation.** The commissioner shall cancel and deny the driver's license and driving privilege of ~~any~~ a person ~~when there-is~~ on sufficient cause to believe that the person has

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consumed alcohol or a controlled substance after ~~completing rehabilitation~~ the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of ~~any~~ a person ~~who has been reinstated following a second rehabilitation if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the date that the second rehabilitation was~~ until the rehabilitation requirements of this chapter have been completed. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Subp. 7. **Rehabilitation interview.** A person seeking reinstatement following rehabilitation shall appear in person for an interview at ~~a~~ one of the department's driver evaluation ~~office of the Minnesota Department of Public Safety for the purpose of discussing~~ offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with ~~all~~ the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

7503.1750 RESTRICTED LICENSES.

Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.09, the commissioner shall issue a restricted license to a person who has successfully completed the elements of a third or subsequent rehabilitation as required by part 7503.1700.

Subp. 2. **Issuing restricted license.** In addition to the rehabilitation requirements and before the commissioner may issue a restricted license, the applicant must:

A. apply for a new license and pay the application fee for the class of license involved;

B. pass the driver's license examination required for issuance of the class of license for which applied;

C. pay the reinstatement fee as required by Minnesota

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Statutes;

D. appear personally at one of the department's driver evaluation offices to request a restricted license;

E. satisfy the requirements of any previous license withdrawals; and

F. demonstrate a need for a restricted license. The commissioner shall issue a restricted license as needed for employment, or attendance at chemical dependency treatment, counseling programs, or postsecondary education. The commissioner shall also issue a restricted license as needed for homemaker responsibilities if necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household.

The commissioner shall prescribe constraints on the time and use of the restricted license.

Subp. 3. **Length of restricted license period.** A person is eligible for restricted driving privileges only after completing a third or subsequent rehabilitation. The period of restricted driving privileges is:

A. for a person who has successfully completed a third rehabilitation and documented abstinence period, three years; or

B. for a person who has successfully completed a fourth or subsequent rehabilitation and documented abstinence period, double the period required after the latest rehabilitation.

Subp. 4. **Informal hearing following denial of restricted license application.** The commissioner shall grant an applicant an informal hearing to review a decision to deny the application for a restricted license.

7503.1800 ~~ISSUANCE OF~~ LIMITED LICENSES.

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

Subp. 2. **Persons not eligible ~~for a limited license~~.** The commissioner shall not issue a limited license to ~~any~~ a person

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whose driver's license or driving privilege ~~has been~~ is canceled ~~under Minnesota Statutes, section 171.14~~ or denied ~~under Minnesota Statutes, section 171.04, subdivision 8~~. No limited license ~~shall~~ may be issued to ~~any~~ a person incurring a second alcohol- or controlled-substance-related incident within five years or to ~~any~~ a person with three alcohol- or controlled-substance-related incidents on record, unless one-half of the revocation period has expired~~, except that licenses shall~~. However, a license must be issued as required by Minnesota Statutes, section 171.30, subdivision 3~~, to class A or class B license holders authorizing the person to drive vehicles whose operation is permitted only under a class A or class B license when such a license has been suspended under Minnesota Statutes, section 171.18, or revoked under Minnesota Statutes, section 171.17, for a violation of the Highway Traffic Regulation Act committed in a private passenger vehicle~~.

Subp. 3. **Conditions of issuance ~~of a limited license~~.** Before a limited license may be issued under Minnesota Statutes, section 171.30, subdivision 1, the ~~following conditions~~ person must ~~be satisfied~~:

A. ~~The person must~~ apply for a new license and pay the application fee for the class of license involved~~.~~;

B. ~~The person must~~ pass the ~~driver~~ driver's license examination required for issuance of an original license~~.~~;

C. ~~The person must~~ pay a reinstatement fee as required by Minnesota Statutes~~.~~;

D. ~~The person must~~ appear personally, by telephone, or by mail at ~~a~~ one of the department's driver evaluation ~~office of the Department of Public Safety~~ offices to request a limited license, except that a person who has two alcohol- or controlled-substance-related incidents within five years, or three ~~such~~ of these incidents on record must appear personally to request a limited license~~.~~; and

E. ~~The person must~~ demonstrate a need for a limited license~~.--A limited license must be issued as needed~~ for employment ~~or~~; attendance at chemical dependency treatment,

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counseling programs, or postsecondary education; or, as a homemaker, to prevent the substantial disruption of the educational, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household. A person ~~requesting a limited license~~ may demonstrate the need for a limited license using letters from the person's employer, proof of attendance at a chemical dependency treatment or counseling program, or proof of attendance at a postsecondary institution of education. The commissioner shall consider the particular circumstances and needs of the individual before issuing a limited license.

The commissioner shall waive items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met ~~prior to~~ before reinstatement of driving privileges.

If a limited license is issued, the conditions need not be repeated when seeking reinstatement, but any additional conditions must be satisfied.

Subp. 4. **Restrictions and limitations.** The commissioner shall prescribe restrictions on the time and use of a limited license as provided in Minnesota Statutes, section 171.30, ~~subdivisions~~ subdivision 1 ~~and 3~~.

Subp. 5. **Informal hearing following denial ~~of limited license application~~.** The commissioner shall grant ~~any~~ a person an informal hearing ~~for the purpose of reviewing~~ to review a decision not to issue a limited license to that person.

7503.2000 ~~ALCOHOL PROBLEM~~ ASSESSMENTS REQUIRED BY ~~THE~~ COMMISSIONER.

Subpart 1. **~~Alcohol problem~~ Assessment required after 0.07 test.** When an evidentiary test administered under authority of Minnesota Statutes, section 169.123, discloses an alcohol concentration of 0.07 percent or more, the result must be reported to the commissioner. If a second test of 0.07 percent

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or more occurs within two years, the commissioner shall require the person to appear for an ~~alcohol problem~~ assessment. The commissioner shall notify the person by first class mail that the assessment is required.

Subp. 2. **By whom conducted.** An alcohol problem assessment conducted under Minnesota Statutes, section 169.121, subdivision 8, must be conducted by an agency approved by the county or municipal court as outlined in Minnesota Statutes, section 169.126~~, or conducted by the Saint Paul driver evaluation office of the Minnesota Department of Public Safety or by another driver evaluation office at a scheduled time~~.

[For text of subps 3 and 4, see M.R.]

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or a diagnosis of chemical abuse accepted by the commissioner arising from ~~an alcohol problem assessment~~, a special review, or rehabilitation. Members of the panel ~~shall~~ must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and ~~shall be~~ selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel ~~will be~~ are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing ~~within 30 days from the date of the special review or alcohol problem assessment that is the subject of the person's complaint or within 30 days of the receipt of the order of cancellation and denial giving rise to rehabilitation~~ together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No

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personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall ~~arrange-for-a-"review date,"~~ submit the person's requests and materials to the chemical abuse review panel not ~~less-than-ten-nor~~ more than 30 days from receipt of the request for review~~,-and-shall-inform the-person-by-first-class-mail-of-the-review-date~~.

~~C. Four-copies-of-any-written-material-the-person wishes-to-have-considered-by-the-chemical-abuse-review-panel must-be-submitted-to-the-commissioner-not-less-than-ten-days before-the-review-date.~~

~~D.~~ The commissioner may submit written materials in addition to the record of the special review or alcohol problem assessment for consideration by the chemical abuse review panel ~~not-less-than-ten-days-before-the-review-date,-provided-that copies-of-any-additional-materials-are-sent-to-the-person requesting-the-review~~. These materials will be supplied to the applicant, if the person requested copies of the commissioner's materials when requesting a special review.

~~E.~~ D. Both parties ~~shall~~ have the right to submit additional written material for ~~purposes-of~~ rebuttal until the review date.

~~F.~~ E. On the review date, ~~all~~ the written material submitted by both parties will be ~~transmitted~~ sent to the chemical abuse review panel.

~~G.~~ F. After receiving ~~all~~ the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment or recommend acceptance of a different diagnosis to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment not be changed or that a diagnosis other than the contested diagnosis ~~which-is-contested~~ not be accepted, if the person does not establish that the type of treatment or diagnosis is not

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appropriate or correct under the individual circumstances of that person's case.

~~H.~~ G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

~~I.~~ H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision ~~shall~~ must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

Subpart 1. **Driving under influence of alcohol or controlled substance.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.121, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 2. **Alcohol-related driving.** The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.1211.

Subp. 3. **Implied consent revocation.** The commissioner shall disqualify a person from holding a commercial driver's license when the person's license has been revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 4. **Out-of-state incidents.** Upon receiving a record

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of conviction or revocation from another state, the commissioner shall disqualify a person from holding a commercial driver's license if the conviction or revocation would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

7503.2400 DISQUALIFICATION PERIODS.

Subpart 1. **One-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for one year for a first conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The one-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 2. **Three-year disqualification.** Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for three years if the person was transporting hazardous materials at the time of the incident forming the basis for a conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The three-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 3. **Not less than ten-year disqualification.** The commissioner shall disqualify a person from holding a commercial driver's license for life if the person is disqualified a second or subsequent time in 55 years under Minnesota Statutes, section 171.165, subdivision 1 or 2. The lifetime disqualification period begins on the date the record of conviction or revocation is received by the commissioner. The lifetime disqualification period will be reduced to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no

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revocation or conviction resulting from the operation of any type of vehicle for an offense listed in Minnesota Statutes, section 171.165, subdivision 1, and if the person's license is not revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

7503.2500 NOTICE OF DISQUALIFICATION.

Subpart 1. **Notice served by peace officer.** Notice of disqualification is served by a peace officer when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2.

The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of disqualification together with the license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of disqualification and issuing temporary licenses. These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, height and weight, and current residential address, including street number, city, state, and zip code;

B. the date that notice is served;

C. the date of the incident;

D. the traffic citation number;

E. the type of vehicle being operated at the time of the incident;

F. the name, signature, and business telephone number of the peace officer serving the notice;

G. the reason for the disqualification;

H. the minimum length of the disqualification period;

I. a statement that the person must surrender to the

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peace officer the driver's license certificates in the person's possession, unless the person is not a resident of Minnesota;

J. a statement advising the person that the person is under an out-of-service order required under Minnesota Statutes, section 169.1215, for 24 hours;

K. a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period;

L. a statement informing the person that failing to surrender all driver's licenses may subject the person to criminal prosecution under Minnesota Statutes, sections 171.22 and 171.241, and suspension of the driver's license under Minnesota Statutes, section 171.18, clause (8);

M. a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

N. a statement that the driver's license cannot be surrendered, if the license is lost, stolen, already surrendered, or otherwise unavailable;

O. a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

P. information explaining that an administrative review of the disqualification order may be obtained by submitting a written request for review to the commissioner under Minnesota Statutes, section 169.123, subdivision 5b, and this chapter;

Q. information explaining that judicial review may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c; and

R. a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that

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section.

Subp. 2. **Notice by commissioner.** Notice of disqualification may be served by the commissioner when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), and notice is not served by a court; a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied. The commissioner shall establish a form for serving notice of disqualification. The form must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code;

B. the type of vehicle being operated at the time of the disqualifying incident;

C. the date the notice of disqualification is issued;

D. the effective date of the disqualification order;

E. the reason for the disqualification;

F. the length of the disqualification period;

G. reinstatement requirements;

H. a demand for surrender of the license certificates issued to the person or submission of a sworn statement from the person that an outstanding certificate was lost, stolen, or destroyed;

I. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

J. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, information explaining:

(1) that an administrative review of the disqualification order issued under Minnesota Statutes, section

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171.165, subdivision 2, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter; and

(2) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

K. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a disqualification order under Minnesota Statutes, section 171.165, subdivision 2; and

L. a statement informing the person that the person has a right to an informal hearing to review a disqualification order under Minnesota Statutes, section 171.165, subdivision 1, clause (1).

Subp. 3. **Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating Minnesota Statutes, section 169.1211, the commissioner shall report that conviction to the driver's state of residence.

7503.2600 ISSUING CLASS C LICENSES.

Subpart 1. **Class C license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must

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not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 1, will be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver license examination station where a paper record of examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class C vehicles only. If the period of disqualification exceeds 90 days, a paper class C license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class C license card.** A person who would prefer a class C license card must apply for a duplicate class C license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 4. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

The commissioner shall grant an informal hearing to a person who has been disqualified from operating commercial motor

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vehicles as a result of a conviction under Minnesota Statutes, section 169.121 or 169.1211. No informal hearing may be granted to review the validity of an order of disqualification under Minnesota Statutes, section 169.123, but administrative review of the disqualification is set out in part 7503.1000.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subpart 1. **Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied:

A. the disqualification period has been served and expired;

B. the person has paid the reinstatement fee as required by Minnesota Statutes;

C. the requirements imposed during this or any previous disqualification period have been satisfied; and

D. if issued, the class C license card has been returned to the department.

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will mail notification of reinstatement to the person. The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7503

The attached rules are approved for publication in the State Register

Ron Ray
Senior Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the Matter of the Proposed Amendment to Rules of the State Department of Public Safety Governing Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Department of Public Safety. The captioned rules were adopted in December, 1985.

The department has considered the requirements of Minnesota Statutes, section 14.115, and determined that the rule as amend will have additional effect on small businesses.

SMALL BUSINESS CONSIDERATIONS

The amended rules governing the disqualification of commercial motor vehicle drivers will have an indirect effect on small businesses. A significant part of the motor carrier industries covered by the Commercial Motor Vehicle Act of 1986 and subject to disqualification under Minnesota Statutes, section 171.165, are made up of small businesses. These businesses range from one-person, one-truck operators to small fleet operators. An example of an adverse indirect effect on small business is when an employee is disqualified from operating commercial motor vehicles in compliance with section 171.165, under part 7409.0200. Even if the person is eligible for a class C license under part 7409.0400, the licensee would be prohibited from operating commercial motor vehicles. Under these circumstances, the trucking company would have to replace the disqualified person for the duration of the disqualification period.

Unsafe drivers pose the same threat whether they are employed by a large or small business. Therefore, the rules are equally applicable to the small business component of the industry. Exempting small businesses or proposing less stringent compliance with these rules would be contrary to the statutory objective of disqualifying commercial motor vehicle drivers who pose a threat to the safety of the general public. Since the rule parallels legislative mandate of section 171.165, the department has not placed any undue burden on small businesses. The department is merely implementing legislative requirements.

Rule by Rule Analysis

7503.0100 DEFINITIONS

Subpart 3. Alcohol- or controlled-substance-related incident. Although the current definition intends to include "license revocations under Minnesota Statutes, section 169.123," it is not legally correct to refer to those revocations as "violations" because these revocations are the result of administrative action, not convictions. Therefore it is necessary to change the wording of the definition to reflect that difference. In addition to that change, Minnesota Statutes, section 169.1211, has been included as an alcohol-related incident. It is necessary and reasonable to include violations of 169.1211 as alcohol-related incidents. The National Academy of Science established a committee to produce the study mandated by the Commercial Motor Vehicle Safety Act of 1986 (Title XII, Public Law 99-570) to determine the appropriateness of reducing the blood alcohol concentration level for persons driving commercial motor vehicles to be deemed driving while under the influence. The Committee on the Benefits and Costs of Alternate Federal Blood Alcohol Concentration Standards for Commercial Vehicle Operators conducted the study and determined the alcohol concentration level at which a person becomes impaired when driving a commercial motor vehicle. The result of that study set .04 alcohol concentration as the national standard for commercial motor vehicle drivers. See Federal Register (1988), volume 53, page 16,656. The Minnesota Legislature adopted that national standard during the 1989 session when it adopted the Commercial Drivers License Act which contained section 169.1211, and which added language to Minnesota Statutes, section 169.123, to include the .04 alcohol concentration standard applicable to commercial motor vehicle drivers when applying administrative revocations.

Minnesota Statutes, sections 169.127 and 171.245 have been deleted and those sections added to the list of sections falling under this definition. This change is reasonable as it clarifies in one area of the definition the applicable statutory section.

Additional statutory citations have been added to this definition to coincide with Minnesota Statutes, sections 169.121, subdivisions 1a and 3, and 169.129. All three of those subdivisions include the citation to Minnesota Statutes, section 609.21, subdivision 3, clauses (2) and (3) and subdivision 4, clauses (2) and (3) which refer to convictions resulting in death or injury to an unborn child while the driver was under the influence of alcohol or controlled substance, or with an illegal alcohol concentration level. Clause (4), which was added to section 609.21 by the 1990 legislature has also been added to all

the applicable subdivisions to coincide with the statute change. See Laws of Minnesota, 1990, chapter 602, article 4, section 1. It is reasonable to add these convictions to this definition when the legislature has seen fit to specifically categorize this negligence involving the use of alcohol and controlled substances as "Criminal Vehicular Homicide and Injury". See Minnesota Statutes, section 609.21.

Subp. 5. Chemical Dependency Treatment. The definition of Chemical Dependency Treatment has been broadened by the additional language. This change is necessary because chemical dependency is an individual problem with individual causes and solutions. Allowing an alternative treatment which contains the requirement of abstinence and the approval of the commissioner of public safety, allows the individual to be considered and the most successful treatment for that particular individual to be identified. It is reasonable to believe that if the individual is considered, the treatment is more likely to be successful and the driving habits of that individual to be improved. Additionally, it is necessary to require any program that the commissioner approves to include an abstinence requirement. This is reasonable because the treatment program must comply with the standards set out in part 7503.1700.

Subp. 5a. Commercial Motor Vehicle. This reference to the definition of commercial motor vehicle is both necessary and reasonable to include. The new sanctions which were created by the Commercial Driver License Act during the 1989 Minnesota Legislative session are applicable only when the driver is operating a commercial motor vehicle. These rules will only be comprehensible if it is clear what a commercial motor vehicle is.

The final paragraph of this definition is necessary to exempt some specific vehicles from the definition and therefore the license sanctions that are imposed against persons driving commercial motor vehicles. These vehicles were exempted by the legislature when it specified that they could be operated in Minnesota with a class C driver's license by the language set out in Minnesota Statutes, section 171.02, subd. 2, paragraph (a), clauses (1), (2), and (3). Without this exemption, the vehicles specified in those clauses could fall within the definition found under Minnesota Statutes, section 171.01, subd. 22, which would be adverse to the directive of the legislature.

Subp. 6a. Department. This definition is necessary to specifically identify the department of public safety as it is referred to throughout the rule.

Subp. 6b. **Disqualification.** It is necessary to define the new driver sanction designated disqualification under Minnesota Statutes, section 171.165. This definition is necessary because it differs from the other types of sanctions. It is imposed against the driver, not his or her license and is only levied when the driver was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident. The periods of disqualification differ from other driver license sanctions and a disqualification also only affects the person's privilege to operate commercial motor vehicles.

Subp. 8. Personal injury. The amendments to this subpart are necessary to clarify and simplify the language of this definition. The current rule definition, which was taken from the Police Traffic Accident Report Instruction Manual, was published by the agency in 1985. By using the definitions set out by the legislature, the agency adds consistency to the determination of what constitutes a personal injury. A close look at the language in those statutory sections reveals that the statutory definitions are not substantially different from the rule. However, since the legislature has chosen to define personal injury, the agency will defer to that definition. The decision not to include the definition of "bodily injury" within Minnesota Statutes, section 609.01, subdivision 7, has been made because an injury within that definition could be a minor injury and not one which the agency intended to utilize when imposing additional revocation periods. That intention is clearly stated in the Statement of Need and Reasonableness prepared for the original rule in Chapter 7503.

Subp. 11. Revocation. Minnesota Statutes, section 169.121, 169.123, or 171.17 authorizes the commissioner of public safety to revoke drivers' licenses. However, the revocation originally applied to a person's license is only a minimum period. That revocation period can be longer if the person does not fulfill the requirements set out in the rules for reinstatement of a license which has been revoked. It is reasonable and necessary to add the word "minimum" for clarity.

7503.0300 SUSPENSION PERIODS.

Subp. 1. For revocable offenses. The additional language added to this subpart is necessary to state exactly how this suspension period relates to the revocation period which is imposed upon conviction. Because the basic effect of a revocation or suspension is virtually identical, the person is prohibited from driving. It is reasonable that the time served under the initial suspension is credited toward the revocation period.

Subp. 2. For failure to complete assessment. The amendments made are to clarify and simplify the language within this subpart.

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION

The introductory clause to this part of the rule has been reworded. This change is necessary to accurately state the exception within the reinstatement requirements. The current language makes a broad exception of the issuance of the limited license. In reality, the reinstatement fee is not excepted but must be paid before a limited license will be issued. See part 7503.1800, subpart 3, item C.

In addition a new item B. has been included within the requirements. Item A. states that all conditions of suspension must be satisfied, however, it is possible that the person seeking reinstatement has other withdrawals on record. If the person satisfies the reinstatement requirements for only one suspension, the license will not be reinstated. All conditions of all license withdrawals must be satisfied before a person can legally drive again. Item B. reasonably states that requirement.

All remaining changes have been made to clarify and simplify the language within this subpart.

7503.0800 REVOCATION PERIODS

Subp. 2. For criminal vehicular operation. Four major changes have been made within this subpart. The first amendment adds language to specify when the commissioner shall revoke which is left to interpretation in the present rule. Such ambiguity could result in inconsistent treatment of the offender. The new phrases referring to the commissioner receiving a record of conviction is necessary to clarify when the commissioner shall revoke and to assure consistency.

A second change deletes the language "is reported to the commissioner" in two sentences, and substitutes "the date the record of conviction is received." The current language is ambiguous, since a report of a conviction could be given to the commissioner before the record of conviction is received. The new language is necessary to clarify when the conviction under this subpart becomes effective and to assure consistency in the imposition of revocation periods.

The third change adds subdivisions 3 and 4 of section 609.21, which refer to the death or injury of an unborn child to this subpart. This addition is necessary to set out the revocation for convictions under those subdivisions, since license revocation is mandatory under Minnesota Statutes, section 171.17 (1), yet the statute is silent on the period of revocation. These subdivisions were added to

the criminal vehicular operations statute by the 1986 legislature. See Laws of Minnesota for 1986, chapter 388, sections 3 and 4. Since the legislature decided to classify such offenses under criminal vehicular operation and treat such convictions the same as those under subdivisions 1 and 2 of the statute, it is necessary and reasonable that the agency do as well.

Furthermore, reference to clause (4) has been added to the citation to each subdivision. Clause (4) was added to each subdivision of section 609.21 by the 1990 legislature. Minnesota Statutes, section 171.17 (1) requires revocation for a conviction under any subdivision and clause of section 609.21. Therefore it is necessary and reasonable to add clause (4) to the rule.

Subp. 3. For aggravated violations. The title of this subpart has been changed so the affect of this rule is truly represented. The revocation periods spelled out in subpart 3 apply to violations of Minnesota Statutes, section 169.129. Such violations are aggravated violations of Minnesota Statutes, section 169.121. Such aggravated violations also are often violations of the driving after withdrawal statute set out in Minnesota Statutes, section 171.24, but not always. Therefore the old subpart title, "Driving after withdrawal" does not fit all violations which have fallen under this subpart. That phrase has been deleted throughout subpart 3 and the correct application of the rule referring to violations of sections 169.129 or 171.24 has been inserted in its place.

Another change within this subpart is the substitution of the phrase "Upon receiving a record of conviction" for the word "convicted." This change reflects the true administration of revocation periods. The commissioner cannot revoke any license immediately upon conviction unless he or she knows of the conviction. Adopting the new phrase makes it clear that the revocation period is not measured from the day the conviction is handed down, but from the day that the commissioner receives it.

It is also necessary to add the phrase "or under a statute from another state in conformity with it" following the citations to sections 169.129 and 171.24. A Minnesota driver who is convicted of an aggravated violation in another state should also have his or her license revoked. The revocation must be the result of the illegal driving behavior, not the location of the driving violation.

In addition the scope of the driving record which will be reviewed to determine the length of the revocation period for aggravated violations has been increased from one to three years. This increase is both reasonable and necessary because the person who repeatedly drives after his or her license has been withdrawn (M.S. 171.24) or who continues to violate Minnesota section 169.121, (M.S. 169.129), must be identified and have his or her license revoked for an appropriate amount of time to make some impact so the

driving behavior will improve. In addition, repeat offenders of the driving laws should be off the road in order to protect the public. Limiting the driving record review to one year can result in repeat offenders receiving the same revocation period as first time offenders. The proposed rule assures that repeat offenders will receive longer revocation periods than first time offenders.

The final change within this subpart is necessary to clarify how a revocation under this subpart affects other revocations resulting from the same driving incident. The negative phrase "shall not run concurrently" has been replaced by the specific phrase "shall run consecutively".

Subp. 5. For personal injury or fatality. Minnesota Statutes, section 169.121, subdivision 4(d), contains the legislative directive that an additional period of revocation be added to a DWI conviction "whenever department records show that the violation involved personal injury or death to any person..." That directive also gives the agency discretion to determine the additional revocation period provided that "not less than 90 additional days shall be added to the base periods..." The proposed rule raises the additional revocation periods from 90 to 180 days in item A and from six months to one year in item B. The additional periods continue to be progressive by imposing a longer revocation for a violation involving a fatality than a violation involving personal injury. Additionally, the proposed revocation period within this subpart continues to be significantly shorter in duration than the three-year revocation period imposed for criminal vehicular operation resulting in personal injury or the five-year revocation period imposed for criminal vehicular operation resulting in fatality.

It is reasonable to increase the revocation periods for these incidents. The person has been convicted under Minnesota Statutes, section 169.121, and the incident which resulted in that conviction involved either a personal injury or a fatality. The additional revocation period is intended as a punishment as well as a deterrence mechanism.

Subp. 7. Terminating revocation periods after assessment action completed. The change made within paragraph A. of this subpart is necessary to explain how the agency can terminate the revocation period if the court does not require any further action by the person. The current language of the rule states that the agency will automatically terminate the revocation upon receiving notification from the court. In actuality, the record received by the court rarely contains sufficient detail for the agency to determine that no action was required. Therefore, the person must notify the commissioner of the results of the alcohol problem assessment. Stating that necessity in the rule is reasonable so that the public will be on notice that the individual must notify the agency so

prompt termination can be accomplished. Allowing the person to notify the agency by telephone is offering the most convenient method to the public as is possible.

The remaining changes have been made to clarify and simplify the language within this subpart.

7503.0900 NOTICE OF REVOCATION AND ISSUING OF TEMPORARY LICENSES.

Subp. 2. Notice served by court. The changes in the introductory paragraph are to clarify and simplify the language within this subpart.

Item E. The word "minimum" has been added to this item so the person understands that the revocation period set out in the notice is only the minimum period. As stated in the definition of revocation, the license remains revoked until all reinstatement requirements are fulfilled. See part .0100, subpart 11 above.

Item H. The wording "after seven days or" has been deleted from this item. This deletion is necessary to follow Minnesota Statutes, section 169.121, subdivision 7, which allows the court to issue a temporary license "effective only for the period during which an appeal from the conviction may be taken." The wording referring to a seven day period is inconsistent with the statutory authority for this portion of the rule.

Subp. 3. Notice served by peace officer. In order to use the correct legal language, the wording "found to be in violation of" has been replaced by "subject to revocation under." This change is necessary because a person cannot be in violation of Minnesota Statutes, section 169.123, as that section is an administrative action. Instead persons are subject to revocation as a result of that administrative action. The remaining changes to the introductory paragraph are for clarification and simplification.

Item G. The need and reasonableness of the change made to this item are based on the argument set out above to substantiate the need and reasonableness of subpart 2, item E.

Item L. It is necessary to replace "because" with the word "if", as a statement is acceptable in lieu of surrender only "if" the license is truly lost, stolen, already surrendered or unavailable.

Subp. 4. Notice served by commissioner. The need and reasonableness of the language change in the introductory paragraph of this subpart is based on the argument set out to substantiate the need and reasonableness of subpart 3 above.

Item E. The need and reasonableness of the change made to this item are based on the argument set out above to substantiate the need and reasonableness of subpart 2, item E.

In addition an introductory phrase has been added to items H, I, and J. This phrase is necessary and reasonable because it clarifies that the review notice served by the commissioner must contain the specified information if the person is subject to revocation under Minnesota Statutes, section 169.123.

All remaining changes within this subpart have been made for the purpose of clarifying and simplifying the language within it.

Subp. 5. Notice of revocation to other states. The change in language is necessary to use correct legal language. A person cannot be in violation of Minnesota Statutes, section 169.123, but is subject to revocation under that section and the other sections listed in this subpart. Therefore it is reasonable to delete the violation language and retain the revocation language.

7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION OR DISQUALIFICATION.

The language changes made in the title of this part are necessary for two reasons. The addition of disqualification to the title comes from the legislative changes made in Minnesota Statutes, section 169.123, during the 1989 legislative session. This change applied the administrative review process laid out in statute for implied consent revocations to disqualifications that result from implied consent revocations in commercial motor vehicles. Adding disqualification to the title is reasonable to truly reflect the contents of this part of the rule.

The other changes have been made to simplify and clarify the language within the title.

Subp. 1. Right to administrative review. It is necessary to add the phrase referring to disqualification under M.S., section 171.165, because this is a new sanction within Minnesota law as of the 1989 legislative session. Since disqualification of a driver will result from an implied consent revocation in a commercial motor vehicle, those who are disqualified are also given the same right to administrative review as is available for any implied consent revocation. This right has been added to the language of Minnesota Statutes, section 169.123, and now must be added to the corresponding rule. See Laws of Minnesota 1989, section, chapter 307, section 11.

Subp. 2. Requesting written administrative review. The need and reasonableness of the additional phrasing referring to disqualification in the subpart is based on the argument set out for subpart 1 above.

Item A. Requiring the request for written administrative review to carry the incident date is

necessary and reasonable. If there is more than one revocation or disqualification on record, the agency may not be able to identify which incident is to be reviewed. Including the date on the request will assure that the agency is considering the correct incident and avoid unnecessary delays in the review.

The remaining changes have been made to clarify and simplify the language within this subpart.

Subp. 3. Performance of administrative review. The need and reasonableness of the amendments within this subpart are based on the argument set out in subpart 1 above.

Subp. 4. Appearances. The need and reasonableness of the addition of the phrasing referring to disqualification is based on the argument set out in subpart 1 above.

Additional changes have been made within this subpart for the purpose of simplifying personal appearances for the person seeking review. The deletions are necessary to remove the requirement that the person make a second written request (besides the original written request for administrative review) for a personal appearance. It is reasonable to remove the written requirement so a person may make a personal appearance more promptly. The promptness of the personal appearance is necessary because written administrative reviews are completed expeditiously by the agency. The addition of the telephone appearance is also necessary to allow for prompt access to the agency. For those persons who are outside the Twin Cities area or unable to get to the driver evaluation office in St. Paul, the telephone is another method for relaying information to the agency.

Subp. 5. Scope and standard of review. The need and reasonableness of the additional phrasing referring to disqualification in the subpart is based on the argument set out for subpart 1 above. The remaining changes have been made to clarify and simplify the language within this subpart.

Subp. 6. Administrative review distinguished. The need and reasonableness of the additional phrasing referring to disqualification in the subpart is based on the argument set out for subpart 1 above. The remaining changes have been made to clarify and simplify the language within this subpart.

7503.1200 REINSTATEMENT FOLLOWING LICENSE REVOCATION.

Subp. 1. Conditions. The majority of changes have been made to clarify and simplify the language within this subpart.

Item E. It is necessary to add the citation to Minnesota Statutes, section 169.129, to this item to correctly state the conditions of reinstatement. Minnesota Statutes, section 169.121, subdivision 3b., requires chemical use treatment for habitual violators convicted under both sections 169.121 and 169.129. Therefore, it is reasonable that violators who complete court-ordered treatment or rehabilitation certify that completion, no matter which statute violation resulted in the treatment requirement. This rule change merely coincides with the statutory requirements.

7503.1300 LICENSE CANCELLATION AND DENIAL FOLLOWING ALCOHOL OR CONTROLLED-SUBSTANCE-RELATED INCIDENTS.

Subp. 2. Multiple alcohol or controlled-substance-related incidents. It is necessary to add a time period to the portion of this provision which deals with a third incident after a special review. A person may have two alcohol- or controlled-substance-related incidents on record, undergone the special review and then kept a driving record free of such incidents for a number of years after that special review. When a third incident is reported, the person would have to be cancelled, whether the special review was completed last month or thirteen years ago. As written, the rule can have a very harsh effect.

The amendment reasonably reduces the possibility of cancellation for a few persons without threatening public safety. Cancellation would occur only if the third incident had occurred within ten years of the special review. If the special review was done over ten years ago, the person's license would be revoked and a second special review completed under part 7503.2100. The ten year period is reasonable because it represents two driver's license record periods. In this situation, two driver's license record periods free of alcohol- or controlled-substance-related incidents. A ten-year period free of such incidents would indicate that rehabilitation had been somewhat successful for this person, but since another incident has occurred, a second special review should be done to evaluate the person's alcohol or substance abuse and driving practices. Because the person will be taken off the road through revocation of his or her license, it is reasonable to do a special review as opposed to cancelling the license.

The remaining changes have been made to clarify and simplify the language within this subpart.

Subp. 3. Consumption of alcohol or controlled substance after completing rehabilitation. This subpart has been amended to correctly state the circumstances upon which the commissioner shall cancel. Part .1700, subpart 2., item C., sets out the requirement that a person must abstain from using alcohol and controlled substances to complete

rehabilitation. Subpart 4, of part .1700, requires the person to acknowledge that abstinence is a condition of licensure and document the last date such substances were consumed. Therefore it is necessary and reasonable to cancel a person's driver's license if the commissioner has sufficient cause to believe that the person has used alcohol or controlled substances at any time after that documented date to correctly implement part .1700.

7503.1600 REINSTATEMENT FOLLOWING LICENSE CANCELLATION

Paragraph C. The need and reasonableness of the amendment to this paragraph is based on the argument set out above to substantiate the need and reasonableness of part .1300, subpart 2.

The addition of a second paragraph to this provision is necessary to clarify the reinstatement conditions following cancellation. A requirement of part 7503.1700, subpart 4, is that people who lose their driving privileges as a result of alcohol or controlled substance use are reinstated only after acknowledging that the reinstatement is conditioned on "abstinence from the use of alcohol and controlled substances", and document the date of last use. It is reasonable that this reinstatement requirement be repeated in this part of the rule so there is no question that abstinence must be maintained.

The remaining changes have been made to clarify and simplify the language within this subpart.

7503.1700 REHABILITATION

Subp. 1. When applicable. The need and reasonableness of the amendment to this subpart is based on the argument set out above to substantiate the need and reasonableness of part .1300, subpart 2.

Subp. 2. Rehabilitation requirements. Item A. is amended by clarifying that the treatment requirement of rehabilitation must be repeated for those persons who are involved in alcohol- or controlled-substance-related driving incidents after completing any previous rehabilitation. This clarification is necessary because the current language can be interpreted to mean that if a person once completes chemical dependency treatment this requirement is fulfilled. However, since the person has incurred another incident, it is evident that the earlier treatment was unsuccessful. Just as with other conditions, if a symptom recurs, another treatment is needed. With chemical dependency if a person uses alcohol or controlled substances again, the treatment must be repeated.

Item B. is amended in two ways. The first amendment is necessary to broaden the language identifying participation

in a "chemical awareness program" by replacing that phrase with "abstinence-based support group." The new language is reasonable because it allows participation in different types of groups to be used to fulfill this requirement. Since alcohol and controlled substance abuse is an individual problem, the support group which will best deter a person from abusing those substances again may also be individual. Broadening the acceptable type of group while continuing to require abstinence as an element of that group, addresses the substance abuse and the individual problem simultaneously.

The second amendment to this item adds an additional sentence which specifies what constitutes participation. The original reason for requiring participation in an on-going program is to act as a means to assure the department that the person is involved in a long-term activity designed to cure the chemical abuse problem. However, the rule as it now reads does not explain what evidence would actually indicate participation. Continued attendance for a minimum of three months is reasonable to indicate that the person is actually participating as opposed to occasionally attending a meeting. Requiring that the three month period be immediately prior to the submission of the evidence is also reasonable so the department can be assured that the person continues to participate. As stated in the original Statement of Need and Reasonableness for this rule: "The department adopts the position set forth at the DWI Colloquium, [sponsored in 1983 by the AAA Foundation for Traffic Safety] that 'treatment of alcoholics must be based on the philosophy that recovery is a lifelong effort with abstinence and use of support systems such as AA as required elements.'"

Item C. is amended by deleting the broad phrase, "in this chapter", and replacing it with the specific reference to the location of abstinence periods in subpart 5. This amendment is necessary and reasonable so that readers of this chapter can easily follow the cross references within it.

Item D. The changes which have been made to this item are to clarify and simplify the language within it.

Subp. 4a. Removing restriction following rehabilitation. This subpart is necessary to implement a change in department policy. Currently, as spelled out in part 7503.1700, subpart 4, a restriction is placed on the person's license when he or she is reinstated after completing rehabilitation. The restriction indicates that licensure is conditioned on abstinence. As the rule is implemented currently, once the restriction is placed on a person's license, it is never removed. A license that is restricted in this way has limited the availability of automobile insurance and significantly raised insurance rates for the licensee. This new subpart provides the opportunity for the removal of the restriction for those

persons who have successfully completed a first rehabilitation and fulfilled the requirements for removal. It is reasonable not to remove the restriction for those persons who are reinstated after a second or subsequent rehabilitation. Those persons have consumed alcohol or controlled substances at least once, despite the abstinence condition of licensure. Retaining the restriction on those licenses follows the consideration set out in the Statement of Need and Reasonableness for the original chapter 7503 which stated, "...persons who have undergone rehabilitation once and failed are less likely to be successfully rehabilitated a second time." With that knowledge, the restriction should remain on the license of such a person despite its effect on automobile insurance.

Item A. is necessary to assure that the rehabilitation was successful. Five years was chosen because it is the length of a driving record period. When five years have elapsed and there are no indications of any consumption of alcohol or controlled substances, it is reasonable to believe that the person's rehabilitation has been successful and therefore should not be penalized by the repercussions of a restriction.

Item B. is necessary to inform the public of the procedure to follow in order to request the removal of the restriction. It is reasonable to require the person to appear at a driver evaluation office so the driving record can be evaluated to determine that the person fulfills the requirements for removal of the restriction.

Item C. is necessary to comply with Minnesota Statutes, section 171.06.

The final sentence in this subpart is necessary to clarify that the abstinence requirement of subpart 4 is not affected by the removal of the license restriction.

Subp. 5. Abstinence periods. The first amendment in this subpart is the addition of the word "documented" preceding abstinence. This addition is necessary to clarify that only the period of abstinence that the person can verify using the means within subpart 4 will be counted by the department.

Item C. has been added to this subpart to specify a period of abstinence that must be demonstrated by a person who has twice completed rehabilitation. When the original periods of abstinence were established, the department did so on its knowledge that the chances of recidivism are smaller the longer the period of abstinence. The Minnesota Court of Appeals decided that the driver who "...is never entitled to reinstatement of his license. ...is deprived of a right to a hearing on the matter." Wangen v. Commissioner of Public Safety, 437 N.W.2nd 120, 124 (Minn. Ct.App. 1989). This decision necessitated an amendment to the present rule because the rule does not contain an opportunity for regaining driving privileges for a person who completes rehabilitation more than once. Providing the person with an

opportunity for reinstatement after the appropriate rehabilitation has been completed, also assures the person of a right to a hearing to petition for reinstatement as allowed under Minnesota Statutes, section 171.19.

Since abstinence is a condition of reinstatement, abstinence periods had to be determined for those persons who complete rehabilitation two or more times. The reasoning behind the establishment of the abstinence periods was explained in the Statement of Need and Reasonableness that accompanied the original rule. The following is an excerpt from the statement justifying abstinence periods set within this subpart:

> Requiring a person in rehabilitation to demonstrate a history of sobriety is more convincing evidence of future sobriety than a person's mere promise to abstain.
>
> The periods prescribed are not sanctions associated with the incident for which a person's license is cancelled or sanctions associated with a person's driving record as a whole, and have no relationship to the legal penalties for intoxicated driving imposed by statute or rule. The periods, like chemical dependency treatment, are medically oriented and are a necessary means of establishing that a person's chemical dependency or chemical abuse problem is brought under control before he or she resumes driving.
>
> The duration of the periods set forth is based on three considerations. First, a longer history of intoxicated driving suggests a chemical abuse problem of progressively greater severity. Second, persons who have undergone rehabilitation once and failed are less likely to be successfully rehabilitated a second time. Finally, a short abstinence period is not an accurate indicator of future success.
>
> Under the [then] existing driver's license rules, Minnesota Rules, chapter 7412, the abstinence period required for rehabilitation is a discretionary period of not less than six months. After initial adoption of chapter 7412 in 1976, the agency began imposing only a six month sobriety period in all but exceptional cases. Unfortunately, the recidivism rate for persons who completed rehabilitation after six months of sobriety was unreasonably high. About half [the number] of persons who were rehabilitated under such programs had reoffended at least once within seven years. As a result, in 1983 the department began imposing one year periods for persons undergoing rehabilitation for the first time. The period was extended further for persons undergoing a second rehabilitation. Imposing the longer period seems to have shown an improvement in the recidivism rate, except among persons with several incidents on record. Because of the short time span

> involved, it is impossible to assess statistically the long term effectiveness of the discretionary periods imposed. It is believed, however, that the longer periods of abstinence have been more effective. ...
>
> ...The abstinence period table set forth in subpart 5 is computed based on the conservative assumption that there is a linear relationship between the number of past incidents and the traffic safety risk index defined by the abstention period.

The agency retains that justification when setting the additional periods of abstinence. Item C requires a six year period of abstinence for those who have twice completed rehabilitation. The six year period is double the period required for those who complete rehabilitation once. Doubling the abstinence period is reasonable because the person would have once completed rehabilitation, maintained abstinence for three years and yet combined alcohol or substance abuse with driving. Six years is progressive and provides that longer abstinence period, so the agency can reinstate the driver's license with substantive knowledge that the person is less likely to abuse the driving privilege again. Item D requires the abstinence period to double each subsequent time the person is required to complete rehabilitation. Again, this is reasonable to base the hope of recovery on progressively longer abstinence periods for each rehabilitation.

The addition of new abstinence periods in items C and D creates the opportunity for petitioning for reinstatement and regaining driving privileges after progressively longer abstinence periods. This reasonably balances the individual privilege to drive and the safety of the public in general.

Subp. 6. Failure to abstain following rehabilitation. The new language within this subpart is needed to correctly state the consequences of using alcohol or controlled substances following rehabilitation. The current rule incorrectly states that cancellation is imposed if the consumption occurs after completing rehabilitation. Although that may be the case, the actual authority to cancel results from consumption after the date of abstinence. The need and reasonableness are based on the argument set out above to substantiate the need and reasonableness of part .1300, subpart 3.

The remaining deletions within this subpart are necessary to comply with the rule change in subpart 5 which sets forth additional periods of abstinence for those persons who complete rehabilitation more than twice. This change is reasonable as it results from the Minnesota Court of Appeals case, Wangen v. Commissioner of Public Safety, 437 N.W.2nd 120, 124 (Minn. Ct.App. 1989) which concluded that subpart 6 as it now reads, "...is in excess of statutory authority and is invalid." The proposed changes to this subpart allow the reinstatement of driver's licenses

to those persons who complete rehabilitation requirements. Providing the person with an opportunity for reinstatement only following rehabilitation implements this part of the rule which is authorized by the legislature through Minnesota Statutes, section 169.121, subdivision 4. In addition this amendment conforms with the Minnesota philosophy regarding chemical abuse as a disease, therefore allowing the person as many treatments as necessary to cure his or her disease.

7503.1750 RESTRICTED LICENSES

This entire part is a new addition to the rule to coincide with the return of driving privileges to those drivers who have completed a third or subsequent rehabilitation, which is now possible under part .1700 above.

Subp. 1. Authority. It is necessary to add a new category of license for those drivers who are repeat offenders and who have completed their third or subsequent rehabilitation. Since these drivers have already twice completed rehabilitation and again been revoked for an alcohol- or controlled-substance-related incident, the department must closely monitor their driving practices as they return to the road. It is reasonable to grant these drivers restricted privileges as the commissioner is given authority to restrict as he or she "determine[s] to be appropriate to assure the safe operation of a motor vehicle by the licensee." See Minnesota Statutes, section 171.09.

Subp. 2. Issuance of restricted license. This subpart is necessary to set out the requirements that must be fulfilled before the restricted license will be issued. It is reasonable to require the person to fulfill item A because a person must apply for a driver license and pay a fee as required by Minnesota Statutes, section 171.06. The person must fulfill item B because Minnesota Statutes, section 171.13, requires the commissioner to examine each applicant for a driver license. Item C is required by Minnesota Statutes, section 171.20, subdivision 4. It is reasonable to require a person to fulfill item D, so the department can review the driver's record and material which indicates he or she is eligible for a restricted license at this time. Only after it is shown that the rehabilitation requirements of part 7503.1700 have been fulfilled can the department allow the person to apply for a license. In addition, the department can fully explain the restrictions on the driving privilege and the consequences of not driving within the restrictions.

Item E is reasonable to clarify that restricted driving privileges can be granted only if all requirements of all prior license withdrawals are satisfied before the restricted license can be issued. No license of any kind

can be issued if reinstatement requirements are not satisfied.

Item F is reasonable so that the driving privilege which is returned is less than full privileges. These drivers may drive to destinations which are identified as necessary. The reasons identified as necessary have been modeled after the conditions specified for issuance of a limited license in Minnesota Statutes, section 171.30, subdivision 1. The legislature has determined that the conditions listed in that subdivision warrant driving privileges for persons who have otherwise been suspended or revoked. Using those same conditions for the restrictions placed on the person who is eligible for a restricted license is reasonable. If the person can demonstrate that he or she can safely and responsibly operate a motor vehicle under these restrictions, the department has good reason to grant full privileges at the time specified in subpart 3.

Subp. 3. **Length of restricted license period.** Because the restricted license is a method for the department to monitor the driving practices of a person who has completed rehabilitation three or more times, it is necessary to set out a duration during which a person's driving privilege will be restricted before full privileges can be reinstated. After completion of a third rehabilitation, the person's driving privileges will be restricted for a period of three years. It is reasonable to require three years of restricted driving because the periods progress with the number of rehabilitations completed. The progression of those periods reasonably follows the progression of the abstinence periods set out in part 7503.1700, subpart 2.

After completion of a fourth or subsequent rehabilitation, the person's driving privileges will be restricted for periods of six years, twelve years, and so on for each additional rehabilitation completed. This is reasonable because the department has two interests to balance; the safety of the general driving public and the need for the offender to regain driving privileges. A person who has repeatedly been convicted of alcohol- or controlled-substance-related incidents, gone through rehabilitation a number of times, and continues to combine driving and substance abuse is a risk when allowed to drive again. Yet since substance abuse is viewed as a disease, all cases are individual; therefore each individual recovers differently. Perhaps the fourth rehabilitation will be the successful one. Allowing persons to drive with restricted privileges for a longer period of time allows the department to balance the risks.

Subp. 4. Informal hearing following denial of restricted license application. This subpart is necessary to inform the reader that an informal hearing is available to review the denial of a restricted license.

7503.1800 ISSUANCE OF LIMITED LICENSES

Subp. 2. Persons not eligible. Two changes have been made within this subpart, one is the correction of statutory authority and the other is the deletion of repetitive statutory language.

The references to Minnesota Statutes, sections 171.14 and 171.04, subdivision 8, have been removed. A person not eligible for a limited license is any person who has been cancelled and denied under any statute. The statutory authority stating this ineligibility is Minnesota Statutes, section 171.04, subdivision 11.

The language at the conclusion of this subpart has been deleted because it is merely a repetition of Minnesota Statutes, section 171.30, subdivision 3. The section is referenced in the rule and there is no purpose in repeating it.

The remaining changes have been made to clarify and simplify the language within this subpart.

Subp. 3. Conditions of issuance of limited license. This subpart has been amended by specifying the statutory subdivision, Minnesota Statutes, section 171.30, subdivision 1, that authorizes the commissioner to impose conditions on limited licenses issued under that subdivision. In addition, the homemaker responsibilities need has been added to the rule to comply with the change in the statute passed during the 1987 legislative session. See Laws of Minnesota, 1987, chapter 171, section 11. The decision has been made to repeat the statutory definition of homemaker responsibilities in the rule because the term is relatively new and leaves itself open to varying interpretations.

All other changes have been made to clarify and simplify the language within this subpart.

Subp. 4. Restrictions and limitations. The amendment within this subpart deletes the reference to Minnesota Statutes, section 171.30, subdivision 3, from the statement referring to restrictions on the time and use of the limited license. Such restrictions are only authorized for the limited licenses issued under subdivision 1 of section 171.30.

Subp. 5. Informal hearing following denial. All changes have been made to clarify and simplify the language within this subpart.

7503.2000 ALCOHOL PROBLEM ASSESSMENTS REQUIRED BY THE COMMISSIONER.

Subp. 1. Assessment required after 0.07 test. The changes have been made to simplify the language within this subpart.

Subp. 2. By whom conducted. The amendment in this subpart is needed to comply with statutory changes which removed the authorization of the agency to do alcohol problem assessments . See Laws of Minnesota, 1987, chapter 315, section 4.

7503.2200 CHEMICAL ABUSE REVIEW PANEL

Subp. 1. Establishment and composition This subpart has been changed by removing "an alcohol problem assessment" from the issues eligible for review by the Chemical Abuse Review Panel. This change is necessary because the results of an alcohol problem assessment are not eligible for review by the panel. The assessments are conducted by the court system and not the Department of Public Safety, therefore the agency has no authority to review court assessments.

Subp. 2. Procedure. The amendments within the chemical abuse review panel procedures have been added to simplify the procedure for both the applicant and the department so the review can be done quickly and thoroughly for everyone involved yet maintain the complete accumulation of evidence necessary for the panel to make a knowledgeable decision.

Item A. This change allows the applicant for review to submit additional materials for consideration by the panel. The materials should be submitted at the time the person makes written request for review. Allowing the materials to be submitted with the request is necessary to expedite the procedure. The current rule requires the person to submit a request and ten days before the scheduled review submit any additional materials. That is an unnecessary added step for both the person and the department. The person must make sure that the additional materials are submitted before the deadline and the department must make sure the panel receives the additional materials and integrates them with the original request. A person who is requesting the review would have already considered what information and materials will be necessary to present before the panel. Having those materials submitted with the request should be no extra burden to the applicant since the time limitation for request is also being amended as discussed in the following paragraph.

This item has also been amended by removing the time limitation for requesting a review. The current rule requires a request within 30 days of special review or order of cancellation. Once that thirty day period has expired,

the person can no longer request a review. Removing this limitation allows a person to compile the materials to be submitted and prepare for the review prior to making a request. It is also necessary and reasonable that a person be given an unlimited amount of time to request a review now that the rule requires that additional materials be submitted at the time of the request.

A third change to this item is to require the person requesting review to include any written request for copies of materials submitted to the panel by the commissioner. Requiring the early request for the agency's materials adds no burden to the person submitting the request. In actuality, requiring all written requests in one letter, without a deadline for submission, simplifies the process.

Item B. The amendment to this item is necessary to require the commissioner to submit the person's request and materials to the chemical review abuse panel within 30 days of receipt of those items. It is reasonable if the person is requested to submit those materials to the commissioner with his or her request for review, that the commissioner be required to promptly forward all materials to the panel. Since no personal appearances are granted and time periods are spelled out both for submission to the panel and for the panel recommendation to the commissioner, it is reasonable to remove the requirement that the person be notified of the review date. This also aids in simplifying the review process.

Item C. The original item C has been deleted. This deletion is necessary to simplify the review process. The amendment to item A, requiring the person to submit additional materials for consideration at the time of request makes this item unnecessary. The deletion of this item also simplifies the process for the person by removing the requirement to submit four copies.

Item D. This item has been relabeled **item C.** The deletion in this item removes the time restriction for the commissioner to submit additional materials to the panel for review. This change is necessary to simplify the review process. As time restrictions are removed for the person requesting review, similar restrictions are removed for the department. Removing this restriction also allows the panel to be fully informed when making its recommendation. The department should not be precluded from submitting evidence to the panel at any time before the review if it is pertinent to the issue being reviewed. A time restriction can result in the panel's making an ill-advised recommendation to the commissioner.

Another change to this item adds language that requires the commissioner to automatically send copies of the department's materials to the person requesting review, if that person requested receipt of those materials. This amendment is necessary to assure that all persons who are interested in receiving the materials are sent them.

Items E, F, G, H,and I, have been relabeled.

Item H. has been amended by adding explanatory language. Rules cannot contradict statute, so the additional language is necessary to clarify the authority of the panel.

Item I is necessary to avoid frivolous requests for review. This limitation is reasonable since the scope of the panel's review encompasses only two issues: the type of chemical dependency treatment imposed and the diagnosis of chemical abuse. Item F. above places the burden of proof regarding the appropriateness of the diagnosis or treatment of the applicant for review, and Item A. above requires the applicant to supply sufficient evidence to meet that burden. This new item allows the person a second chance to present evidence to the panel if his or her first review does not provide the results the person had sought. Requiring a minimum of one year to elapse before the second review is requested will enable a fresh approach by the panel and allow adequate time for the applicant to strengthen his or her evidence. Since the issues for review are limited and the applicant has the burden of proof, to allow more than two reviews during the cancellation period is superfluous.

7503.2300 COMMERCIAL DRIVER LICENSE DISQUALIFICATION FOR ALCOHOL AND CONTROLLED-SUBSTANCE-RELATED INCIDENTS.
The following subparts set out the violations which will result in disqualification. Although these violations are spelled out in statute, it is reasonable to include them in the rules also since all driver and driver license sanctions resulting from alcohol- and controlled-substance-related incidents are included in this chapter and organized in the following arrangement.

Subp. 1. Driving under the influence of alcohol or controlled substance. This subpart implements the disqualification set forth in Minnesota Statutes, section 171.165, subdivision 1, item (1), resulting from a conviction under Minnesota Statutes, section 169.121.

Subp. 2. Alcohol-related driving. This subpart implements the disqualification set forth in Minnesota Statutes, section 171.165, subdivision 1, item (1), resulting from a conviction under Minnesota Statutes, section 169.1211.

Subp. 3. Implied consent revocation. This subpart implements the disqualification set forth in Minnesota Statutes, section 171. 165, subdivision 2, resulting from a revocation under Minnesota Statutes, section 169.123.

Subp. 4. Out-of-state incidents. This subpart implements the disqualification set forth in Minnesota Statutes, section 171.165, subdivision 1, item (4), resulting from the commission of an offense in another state

that would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivisions 1 or 2.

7503.2400 DISQUALIFICATION PERIODS.

The following subparts set out the disqualification periods that are imposed for disqualifications under part 7503.2300 above. Although these disqualification periods are spelled out in statute, it is reasonable to include them in the rules also since all the corresponding withdrawal periods for driver and driver license sanctions resulting from alcohol- and controlled-substance-related incidents are included in this chapter and organized in the following arrangement.

Subp. 1. One year disqualification. This subpart implements the one year disqualification period set out in Minnesota Statutes, section 171.165, subdivisions 1 or 2, for a first conviction or revocation. It is also necessary to spell out in the rules when the disqualification period begins. Starting the disqualification period on the date the record of conviction is received by the agency is reasonable because it ensures consistent imposition of the disqualification period and consistent treatment of disqualified persons.

Subp. 2. Three year disqualification. This subpart implements the three year disqualification period set out in Minnesota Statutes, section 171.165, subdivision 3, clause (1). It is also necessary to spell out in rule when the disqualification period begins. Starting the disqualification period on the date the record of conviction is received by the agency is reasonable because it ensures consistent imposition of the disqualification period and consistent treatment of disqualified persons.

Subp. 3. Lifetime disqualification. This subpart implements and further specifies the disqualification period set out in Minnesota Statutes, section 171.165, subdivision 3, clause (2). That clause calls for a disqualification period of "not less than ten years..." The rule specifies the disqualification period as lifetime. A lifetime disqualification is necessary to comply with the federal regulation found in 49 CFR Ch. III, section 383.51, setting out the disqualification period for subsequent offenders as lifetime. Under the Commercial Motor Vehicle Safety Act of 1986 (Title XII, Public Law 99-570), Minnesota is required to adopt the federal standards regarding commercial vehicles and the persons who drive such vehicles or lose a portion of federal highway funds. Starting the disqualification period on the date the record of conviction is received by the agency is reasonable because it ensures consistent

imposition of the disqualification period and consistent treatment of disqualified persons.

The federal standards allow states to reduce lifetime disqualifications to a minimum of ten years disqualification if the person can demonstrate that he or she is rehabilitated. The department has elected to offer a reduction in the lifetime disqualification. It is necessary to state what constitutes demonstrable rehabilitation allowing the department to consistently reduce the lifetime disqualification. When a person is disqualified, he or she is not eligible to drive commercial motor vehicles; therefore, the operation of a person's private passenger vehicle should be the only conduct the department has to evaluate. Minnesota Statutes, section 171.165, subdivisions 1 and 2, include the following violations and revocations:

1. Driving under the influence, M.S. 169.121;
2. Alcohol-related driving, M.S. 169.1211;
3. Leaving the scene of an accident, M.S. 169.09, subd. 1 and 2;
4. Use of a commercial motor vehicle in the commission of a felony;
5. Implied consent revocation; and
6. Similar violation or revocation in another state.

If during the initial ten years of a person's disqualification period, one of the violations or revocations listed above appears on the driver's record it is evident that that person has not made any changes in his or her driving practices. This is a reasonable conclusion when you look again at the violations and revocations listed above. They are not petty misdemeanors nor violations that are common to the majority of drivers. They are serious offenses. However, if the person has no such violations or revocations on his or her record during that ten year period, it is reasonable for the department to believe that the person has been rehabilitated and that issuing a commercial driver's license to that person no longer poses a threat to public safety.

7503.2500 NOTICE OF DISQUALIFICATION.

Subp. 1. Notice served by peace officer. This subpart is necessary to set out the contents of the notice of disqualification supplied by the department to law enforcement agencies. It is reasonable for the department to supply the forms so that all persons subject to disqualification receive consistent, uniform, and effective notice. Such notice is necessary to inform the persons of their due process rights. This notice would only be served by the peace officer when the person's license has been revoked under Minnesota Statutes, section 169.123, therefore it mirrors the notice given by the peace officer for the administrative revocation which is set out in part 7503.0900, subpart 3, above. Since the person will not be

disqualified unless his or her license has been revoked while operating a commercial motor vehicle, it is reasonable that the same notice be given. The notice will be contained in one form so the person receiving notice has only one document to review to be fully informed of his or her rights and duties arising from the revocation and disqualification.

Item A. is necessary to identify the person upon whom notice is served.

Item B., together with item H., provide the means of computing the date on which the disqualification period expires.

Items C. and D. specify that the form must include the date of the incident and the traffic citation number. This information is necessary to distinguish between revocation/disqualification notices in the case of a person who has been convicted under the DWI statute on more than one occasion.

Item E. is an item listed on a notice of disqualification that is not required on the notice of revocation. The inclusion of this item is necessary to record that the person was driving a commercial motor vehicle at the time of the incident. The type of vehicle being driven is a critical detail to include in the notice of disqualification, because it is a legal element of disqualification. See Minnesota Statutes, section 171.165.

Item F. is necessary so that the agency can contact the peace officer for purposes of investigating the incident, or to obtain the incident reports in the event the officer fails to submit them.

Item G. requires the form to include the reason for the disqualification, and is necessary to invoke disqualification under the applicable subdivision of Minnesota Statutes. See Minnesota Statutes, section 171.165 subdivision 1, clause (1) and subdivision 2.

Items I. and L. are necessary to give the person notice of the statutory requirement to surrender his or her driver's license upon disqualification. See Minnesota Statutes, section 171.20. Including this information on the notice form is a reasonable means of protecting the person from ignorance of the consequences for failing to surrender the license and it encourages persons to surrender their licenses after disqualification.

Item J. is necessary to inform the person that he or she may not drive a commercial motor vehicle for twenty-four hours from the time this notice is served. This portion of the notice implements Minnesota Statutes, section 169.1215.

It is reasonable to contain the out-of-service order within the notice of disqualification because it is the driving incident upon which disqualification is based which results in the issuance of an out-of-service order. Also, because the notice of disqualification includes a seven-day temporary license period, it is necessary to include this item within the notice so it is clear that the out-of-service order precludes the first twenty-four hours of the seven-day temporary license regarding the commercial driving privilege. Those persons who are disqualified may not operate commercial motor vehicles for the first twenty-four hours of that period as set forth in Minnesota Statutes, section 169.1215.

Item K. and M. indicate whether a temporary license is issued and if not issued, the reason for non-issuance. This information is necessary to inform the driver, law enforcement personnel, and the agency whether the notice of disqualification form is also valid as a temporary license for the period specified on the form.

Item N. is necessary to inform the person that the submission of a sworn statement that the person does not have a driver's license is acceptable to fulfill the requirements of Minnesota Statutes, section 171.20, subdivision 1. This item is a reasonable manner to address the situation where a person's license is no longer in his or her possession and cannot be recovered.

Items O., P., Q., and R. require the forms to include information explaining the right to and procedure for administrative and judicial review of an order of disqualification issued pursuant to Minnesota Statutes, section 169.123 and the consequences of failing to request judicial review promptly. This is necessary because the legislature provided the right to administrative and judicial review in Minnesota Statutes, section 169. 123, subdivisions 5b, 5c, 6, and 7. It is also necessary that a person be informed of the availability of and procedures for review.

Subp. 2. Notice served by commissioner. This subpart is necessary to set out the contents of the form required to serve notice of disqualification when the agency serves notice. Included in this subpart are the circumstances under which the agency serves notice.

The need and reasonableness of the majority of the items which comprise this notice are based on the arguments set out above to substantiate the need and reasonableness of the items comprising the form for notice of disqualification in part .2500, subpart 1.

The need and reasonableness of item A. is based on the argument set forth above to substantiate the need and reasonableness of part .2500, subpart 1, item A.

The need and reasonableness of item B. is based on the argument set forth above to substantiate the need and reasonableness of part .2500, subpart 1, item E.

Item C. is necessary for the record-keeping function of the agency.

Items D. and F. are necessary to compute the date when the disqualification period expires. The date is computed by counting the years of the disqualification period (item F.) from the effective date (item D.).

The need and reasonableness of item E. is based on the argument set forth above to substantiate the need and reasonableness of part .2500, subpart 1, item G.

Item G. is necessary to inform a person subject to disqualification of the procedures and substantive requirements for reinstatement of commercial driving privileges. This item is a reasonable means of informing persons of the reinstatement requirements while reducing the agency's cost to do so.

Item H. implements the legislative mandate of Minnesota Statutes, section 171.20, subdivision 1, that demands surrender of the disqualified person's driver's license. Submission of a sworn statement that a persons does not have a driver license is acceptable if the person's license in no longer in his or her possession and cannot be recovered.

The need and reasonableness of items I., J., and K. is based on the argument set forth above to substantiate the need and reasonableness of part .2500, subpart 1, items O., P., Q., and R.

Item L. is necessary to inform the disqualified person of the right to informal review as provided for in part .2700 below.

Subp. 3. Notice to other states. This subpart implements the mandate of Minnesota Statutes, section 171.15, subdivision 1, which authorizes the agency to forward the report of a conviction under Minnesota law to other jurisdictions. Specifically it is necessary for the conviction of a nonresident under Minnesota Statutes, section 169.1211, because no other provision in statute or rule requires the agency to forward a section 169.1211 conviction notice. Furthermore, it is reasonable that this conviction be reported to the person's state of residence, as it is the state of residence that is authorized to take

action against the person's driver's license and/or full driving privileges.

7503.2600 ISSUANCE OF CLASS C LICENSES.

Subp. 1. Class C eligibility. This subpart is necessary to implement the legislative mandate that the agency include in rule the eligibility requirements for a class C license for those persons disqualified. The first sentence of this subpart restates the basic eligibility requirement set out is Minnesota Statute, section 171.165, subdivision 5. Furthermore, disqualification only affects the commercial driving privilege not a person's privilege to drive other vehicles. See the definition of disqualification in part .0100, subpart 8, above. That unique feature of disqualification necessitates a procedure by which the agency can issue the class C license to a person who maintains those driving privileges. Since the class C license is in actuality the driving privilege remaining after disqualification, it is reasonable that license be valid for the earlier of either the period of disqualification or license validity. However, it is imperative that the person realize that although the disqualifying incident may not have invoked a suspension, revocation, or cancellation of the full driving privilege, any license withdrawal during the disqualification period will result in the loss of the class C license.

Additionally, since a disqualification under these rules will result in a disqualification period of 1 year to lifetime, the person's license may expire during the disqualification period. If the license expires, the licensee has to make a decision at renewal. The license fee for the original commercial privilege (class A, B, or CC) may be paid or the person may pay only the class C fee therefore relinquishing the commercial driving privilege. If the choice is made to pay the class A, B, or CC license fee, the fee element of reinstatement has been satisfied, but the person's commercial driving privileges will not be reinstated until all requirements are met. This is necessary to implement and reinforce the reinstatement requirements of part .2800 and the imposed disqualification period. Subpart 3 below further explains the affect of disqualification on the class A, B, or CC license status.

Subp. 2. Obtaining paper class C license. This subpart is necessary to explain how a disqualified person can obtain a paper class C license or a class C license card. It sets out the three methods by which a person may receive a paper class C. If the agency is mailing notice of disqualification to the person, the paper class C will be enclosed with that notice. It is reasonable for the class C to accompany the notice of disqualification for three reasons. First, the person is disqualified upon receipt of

notice, therefore the class A, B, or CC license is no longer valid though class C driving privileges still exist. Secondly, it is more convenient for the licensee to receive the paper class C by mail than to require a trip to a driver license examination station. Thirdly, the cost to the agency is minimized if the notice and paper class C can be mailed simultaneously.

If the person received notice of disqualification from a peace officer, the person most likely received a seven-day temporary license. Either during that seven-day period or after that period has expired, those persons who retain their class C privileges must bring the notice to a driver examination station to receive a record of examination that serves as a 90-day temporary class C license. This requirement is necessary so that a person can obtain a class C license as soon as possible. After the seven-day temporary license has expired, the person will no longer have a valid license though he or she may retain the class C privilege. However, seven days is not an adequate amount of time for the department to be notified of disqualifying incident, process a paper class C license, and mail it to the licensee. Since the record of examination is a valid license for 90 days for all persons who receive one, it is reasonable that the 90-day period be used for those persons who receive the record as a result of being disqualified. If the period of disqualification exceeds 90 days, (which all disqualification imposed under this part will) the department will automatically mail a paper class C to the person disqualified. The paper class C shall be mailed to all retaining class C privileges whether they received a record of examination or not.

Subp. 3. Obtaining class C license card. Due to the fact that a license card serves as a picture identification for its holder, most persons prefer to have a class C card instead of a paper license. This paragraph is necessary to set out the process for obtaining a class C license card. The requirement to make application for the card is reasonable because the information listed on an application is used in the manufacture of the card. Requiring the payment of a duplicate fee is reasonable, because that fee was set to cover the cost of producing the card. Mailing the class C license to the person is convenient for the person and the agency alike. Limiting the issuance of a class C license card to those persons with a minimum of 90 days remaining in the disqualification period is necessary, due to the time factor involved in manufacturing a license card. It would be unreasonable to require the agency to process, manufacture, and distribute a license card and for a person to pay for a license card which will be used only a period of a few weeks or less.

Subp. 4. Class A, B, or CC license status. The first sentence of this subpart is necessary to reinforce the reinstatement requirements of part .2800, while conveniently returning the commercial driver license to the person. Minnesota Statutes, section 171.27, allows for the renewal of an expired license only on or before expiration or within one year after expiration. It is necessary to comply with that statutory section by requiring a person to reapply and retest for a commercial class license if more than one year has elapsed since the expiration date .

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

This part is necessary to inform disqualified drivers that they may have the order of disqualification reviewed by the commissioner in an informal hearing. The opportunity for an informal hearing regarding these disqualifications is reasonable because no other form of agency review of disqualifications is provided in the statutes than for disqualifications which are set out in the implied consent statute. Additionally, Minnesota Rules, part 7503.1100, allows for informal review of revocation resulting from alcohol- or controlled-substance-related incidents other than M.S. 169.123. A similar review process should also be available to those persons disqualified.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subp. 1. Conditions of reinstatement. This subpart is necessary to set out the requirements to be fulfilled by a disqualified driver, before his or her commercial driving privileges can be reinstated. Items A and B set out the requirements which are found in statute. Item C logically requires all disqualification requirements to be satisfied. Item D requires the return of class C license if issued as is necessary to comply with Minnesota Statutes, section 171.02, subpart 1, prohibiting persons from possessing more than one license.

Subp. 2. Notice of reinstatement. This subpart is necessary to inform the public when reinstatement becomes effective. It is reasonable to require the department to mail notification to the person because it is the department that records each requirement as it is fulfilled. Additionally, it is essential that the person not be reinstated until the department has sent the notice verifying that the reinstatement requirements have been met to implement subpart 1.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES

In the Matter of the Adoption of the Rule of the State Department of Public Safety Governing Drivers' Licensure Following Disqualification of Commercial Drivers.

DECLARATION OF COUNSEL

I, NANCY J BODE, ~~Special~~ Assistant Attorney General, do hereby declare that on March 28, 1991 I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code is 0712.

Nancy J Bode

~~Special~~ Assistant Attorney General

OFFICE OF THE COMMISSIONER

211 Transportation Building

Telephone: _____

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

SAINT PAUL 55155

RECEIVED

APR 12 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

April 11, 1991

Ms. Mary Jo Murray
Special Assistant Attorney General
Public Finance Division
Office of the Attorney General
404 Capital Office Building
525 Park Street
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Drivers' Licensure Following Disqualification of Commercial Drivers. Minnesota Rules, Chapter 7409.

Dear Ms. Murray:

Enclosed please find a copy printed from computer disk of the letter dated December 28, 1990, sent to Maryanne V. Hruby of the Legislative Commission To Review Administrative Rules (LCRAR). Copies of the letter were sent to the Governor and the chairs of the Senate and House Transportation Committees. The letter notified the LCRAR of the status of the rules and the planned date of publication.

As we discussed, please disregard my fax and letter to you of April 10, 1991, which were in error about the Department's notification of the LCRAR.

If you have any questions or suggestions regarding the enclosed letter, please let me know. You can reach me at 296-2631.

Yours very truly,

David E. Orren

David E. Orren
Rules Coordinator

enclosures

December 28, 1990

Ms. Maryanne V. Hruby, Executive Director
Legislative Commission to Review Administrative Rules
Room 55, State Office Building
100 Constitution Avenue
St. Paul, MN 55155

Dear Ms. Hruby:

Minnesota Statutes, section 171.165, subdivision 5, effective June 2, 1989, directs the Commissioner of Public Safety to adopt rules to administer the section on disqualification of commercial vehicle drivers and issuance of class C license to disqualified drivers who are so eligible. This rule, which will be adopted in two different chapters, is near completion; but the notice of intent to adopt will not be published in December as anticipated.

One portion of the rule will be amendments to Chapter 7503, Driver's License Revocation for Incidents Involving Alcohol or Controlled Substances. That rule is in the form as approved by the Revisor of Statutes and has a completed Statement of Need and Reasonableness. However, the second portion of the rule will be adopted as all new material. That rule is in the revisor's preliminary draft form. The statement and rule draft are being revised for the final time.

Because both sets of rules contain similar issues regarding Commercial Driver's Licenses, it has been decided to combine the rule hearing, if one is requested. Therefore, the notice of intent to adopt will be published for both sets of rules when the latter is completed. We anticipated publication in February, 1991, if not earlier.

If you have any questions or wish to discuss this matter further, please contact me at your convenience.

Respectfully,

Katherine Burke Moore
Rules Coordinator

CC: Rudy Perpich, Governor
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St. Paul, MN 55155

Senator Clarence M. Purfeerst
Room 303 State Capitol
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