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

In the matter of the proposed rules of
the Department of Public Safety governing
driver training programs and instructors.

STATEMENT OF NEED
AND REASONABLENESS

General Statement

The education and training of persons to drive motor vehicles is an important task that relates directly to public safety. Teaching the rules of the road and safe driving habits to the next generation of drivers will reduce the likelihood of motor vehicle accidents and the accompanying injuries, deaths, and property damage. Because of the importance of ensuring that tomorrow's drivers receive quality driver training, the State of Minnesota regulates schools and persons that provide driver training.

The department of public safety and the department of education have been given statutory authority to regulate all driver training programs in Minnesota that offer courses to the public. The department of education's authority is limited to driver training programs offered to young drivers by public schools. The department of public safety's authority extends to all other driver training programs including those at commercial driver training schools and at private and parochial high schools and other nonpublic schools.

The department of public safety has promulgated rules to govern the licensing and regulation of commercial driver training schools and instructors. The department has also promulgated rules regulating motorcycle safety courses offered to young drivers. These rules are contained in Minnesota Rules, chapter 7411.

The department of public safety has no rules concerning driver education courses offered to young drivers by private and parochial high schools and other nonpublic schools. The department's procedures and standards for regulating these driver training programs are presently set by policy, not formally promulgated rules. The department is required by statute to adopt rules setting forth the procedures for regulating these programs because the procedures directly affect the public.

The department of public safety sets requirements for instructors at driver training programs regulated by the department. Instructors at public school driver training programs must be licensed by the state board of teaching. The department of education and board of teaching rules concerning driver training programs and instructors contain many requirements that are different from those contained in the department of public safety rules. There are many areas where it would be appropriate to make these sets of rules more similar.

The department of public safety rules governing commercial driver training schools and motorcycle safety courses were first promulgated in the late 1960's and early 1970's. The most recent substantive amendments to these rules were made in 1982. Since the latest amendments, there have been significant changes in the methods recommended for teaching motorcycle safety courses.

Since the 1982 amendments to the rules, the department has gained experience in applying its rules and has found a number of areas in which the rules could be improved. The rules could be changed to better protect the public and to decrease the regulatory burden on driver training programs and instructors. The rules could also be clarified by rewriting and reorganizing several areas.

The subject of this proceeding is the amendment of Minnesota Rules, chapter 7411. The department's main goals in proposing to amend chapter 7411 are:

1. to regulate private and parochial high schools and other nonpublic schools by formally promulgated rule, rather than policy;
2. to make the department of public safety rules and the department of education and board of teaching rules more similar, where appropriate;
3. to update the rules to include advances in motorcycle safety education; and
4. to make improvements to the rules that would better protect the public, decrease the regulatory burden on driver training programs and instructors, and clarify the meaning of the rules.

Statutory Authority

I. Authority To Make Rules For Driver Training Programs At Private and Parochial High Schools and Other Nonpublic Schools.

Minnesota Statutes 1988, section 171.04, states in part:

"The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety"

Minnesota Statutes, section 171.04, is a driver licensing statute that only indirectly deals with driver education. Section 171.04 prohibits a 16 or 17 year old person from getting a driver's license, unless that person has successfully completed an approved driver education course. An approved driver education course can also be used by a 15 year old to obtain an instruction permit.

Private and parochial high schools and other nonpublic schools in Minnesota are generally academic, trade, or reform schools. Some of these schools offer driver education in addition to the main curriculum, because a large number of their students are 15, 16, and 17 years old. The students are taking driver education to be eligible for a driver's license at age 16 or 17 or an instruction permit at age 15.

Section 171.04 gives the department of public safety authority to regulate driver training programs offered to young drivers by private and parochial high schools and other nonpublic schools. The department's authority, however, is not clear on the face of section 171.04. A review of the legislative history of section 171.04 is necessary to show that the department has this authority.

The provision requiring driver education for 16 and 17 year olds prior to getting a driver's license was first inserted in section 171.04 in 1965. In 1965, section 171.04 stated in part that the "course in driver education . . . [was to be] approved by the state department of education" Pursuant to this, the department of education began overseeing all driver education courses offered to young drivers. The department of education oversaw these courses offered by public high schools, private and parochial high schools, nonpublic schools, and commercial schools.

In 1967, the pertinent part of section 171.04 was amended to refer to "a course in driver education . . . approved by either the state department of education or, in the case of a course offered by a private, commercial driver education school or institute employing driver education instructors, by the department of highways"

In 1969, the legislature created the department of public safety and transferred to the department all powers and duties relating to driver's training. Minnesota Laws 1969, chapter 1129, article 1, section 18, subdivision 5, stated:

"All the powers and duties now vested in or imposed upon the department of education and the department of highways relating to drivers' training as prescribed by Minnesota Statutes 1967, Section 171.04, are hereby transferred to, vested in, and imposed upon the commissioner of public safety."

Pursuant to the legislature's 1969 directive, Minnesota Statutes, section 171.04, was rewritten to refer to "a course in driver education . . . approved by the department of public safety or, in the case of a course offered by a private, commercial driver education school or institute employing driver education instructors, by the department of public safety" (sic)

In 1982, the pertinent portion of section 171.04 was changed to its present form when the legislature transferred to the department of education the powers and duties over public school driver education courses for young drivers. Because the 1982 amendment to section 171.04 transferred to the department of education authority only over public school driver education courses for young drivers, the department of public safety retained authority over all such remaining driver education courses, including such courses offered by private and parochial high schools and other nonpublic schools.

Minnesota Statutes, section 14.06, authorizes the department of public safety to promulgate rules governing driver education courses offered to young drivers by private and parochial high schools and other nonpublic schools. Section 14.06 states: "Each agency shall adopt rules . . . setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public."

The analysis of section 171.04 shows that it is an official duty of the department of public safety to regulate driver education courses offered to young drivers by private and parochial high schools and other nonpublic schools. The regulation of these driver education courses by the department directly affects the rights of and procedures available to the driver training programs that offer these courses and to the students of these programs. These driver training programs and their students are members of the public. The department, therefore, has authority under section 14.06 to promulgate rules related to its administration of section 171.04.

II. Authority To Make Rules For Commercial Driver Training Schools And Instructors.

The licensing and fee requirements for commercial driver training schools and instructors are contained in Minnesota Statutes, sections 171.33 to 171.41. A "commercial driver training school" is defined in Minnesota Statutes, section 171.33, subdivision 1, as "a business enterprise conducted by an individual, association, partnership, or corporation, which charges a fee, for the education and training of persons to drive motor vehicles or for the preparation of an applicant for a driver's license examination given by the state."

The authority of the department of public safety to make rules for commercial driver training schools is contained in Minnesota Statutes, section 171.34, which states in part: "No commercial driver training school shall be established or operated . . . unless such school has applied for and obtained a license from the commissioner [of public safety]. The commissioner shall issue or adopt rules governing the requirements for a license"

The department's authority to make rules for instructors at commercial driver training schools is contained in Minnesota Statutes, section 171.35, which states in part: "The commissioner shall issue or adopt rules governing the requirements for an instructor's license"

The department has additional authority to make rules relating to commercial driver training schools pursuant to Minnesota Statutes, section 14.06, because the rules will directly affect the rights of the public to operate or attend a commercial driver training school.

The department's rulemaking authority over commercial driver training schools would include the authority to amend the rules to make them more similar to the department of education and board of teaching rules. The department's rulemaking authority would also include the authority to improve the rules to better protect the public, decrease the regulatory burden on programs and instructors, and clarify the rules.

Note that programs at private, parochial, and other nonpublic schools fit within the definition of commercial driver training schools. These programs are exempt, however, from the licensing and fee requirements applicable to commercial schools. Minnesota Statutes, section 171.39, states in part: "The provisions of sections 171.33 to 171.41 shall not apply . . . to those schools or persons described in section 171.04, clause (1)." Minnesota Statutes, section 171.04, clause (1), describes those schools or persons who offer driver education courses to young drivers for the purpose of obtaining a driver's license or instruction permit. Currently, the driver training programs at private, parochial, and other nonpublic schools offer driver education courses only to young drivers for obtaining a driver's license or instruction permit. As long as these schools continue to offer only this type of driver education course, they will continue to be exempt from the licensing and fee requirements of sections 171.33 to 171.41.

III. Authority To Make Rules For Motorcycle Safety Courses.

The department of public safety has authority to make rules governing motorcycle safety courses pursuant to Minnesota Statutes, section 169.974, subdivision 2. Section 169.974, subdivision 2, requires applicants for a motorcycle endorsement who are under 18 years of age to successfully complete an approved motorcycle safety course. This course must be approved "in accordance with rules promulgated by the state board of education for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a private or commercial school or institute."

Minnesota Statutes, sections 171.33 to 171.41, as discussed earlier, provide additional authority for the department to make rules governing motorcycle safety courses offered by commercial driver training schools.

Minnesota Statutes, section 14.06, provides further authority for the department to make these rules because the rules will directly affect the rights of the public concerning teaching or attending motorcycle safety courses.

Small Business Considerations

Minnesota Statutes, section 14.115, requires the department to consider the effect on small businesses when it adopts rules. The rules as amended will have a direct effect on commercial driver training schools and on driver training programs at private and parochial high schools and other nonpublic schools. All of the commercial schools are small businesses as defined by section 14.115, subdivision 1. All of the private, parochial, and other nonpublic schools are arguably small businesses also.

Section 14.115, subdivision 2, states in part:

"When an agency proposes a new rule, or an amendment to an existing rule, which may affect small businesses . . . , the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule."

The department has considered the specific methods for reducing the impact of the rules on small businesses, as required by section 14.115, subdivision 2. The department has reduced the impact of the rules on small businesses as follows:

- a. less stringent requirements. The department has established less stringent requirements by: extending the number of years a vehicle may be used for driver training; allowing concurrent classroom and laboratory instruction; eliminating the residency requirement for instructors; reducing the number of restrictions on becoming an instructor; reducing the period of ineligibility for persons who have failed the instructor's test; removing or lessening location requirements for driver training programs; and lessening record keeping requirements.

- b. less stringent schedules. The department has established less stringent schedules by eliminating the requirement of annual inspection of driver training vehicles.
- c. consolidation or simplification of requirements. The department has consolidated or simplified requirements by: reorganizing the rules and rewriting certain portions to make the rules more easily understood; combining the set of rules for motorcycle driver training with the set of rules for driver training in other vehicles; and making the rules more similar, where applicable, to department of education rules governing driver education in public schools.
- d. performance standards. The department has established performance standards by requiring that vehicles be maintained in safe operating condition rather than by requiring any set inspection or maintenance schedules.
- e. exemption. The department has exempted private and parochial high schools and other nonpublic schools from certain requirements where there are other safeguards in place to ensure that there is quality instruction and that students' interests are protected. The department has also exempted motorcycle instructors from some of the new requirements where there are objective criteria for showing that the instructors are competent.

The department has increased requirements on small businesses in several instances but each of these increased requirements is justified by an overriding public concern.

The most substantial increased requirement is that a motorcycle instructor will now have to have 68 hours of instruction. Previously, the requirements were that a person had to have the 40 hours of training necessary to teach automobile driver training plus an additional ten hours of motorcycle training. The total hours of instruction for a motorcycle student has also been increased, from 14 hours to 15 hours. These increased requirements in motorcycle instruction are because research has shown that driving a motorcycle is very much different than driving an automobile and is more complicated and more hazardous than driving an automobile.

The other added requirements are relatively minor and relate to physicals for instructors, an instruction methods test for instructors, and certain notification requirements for programs. These other added requirements and the reasons for them are set out in detail in the section titled Rule-By-Rule Analysis.

Fees Imposed By The Rules

Minnesota Statutes, section 16A.128, subdivision 1, does not apply because the proposed amendments do not set or change any fees. Therefore, no approval is required from the commissioner of finance.

Fiscal Impact

The proposed amendments to these rules will not force any local agency or school district to incur costs. A fiscal note, as described by Minnesota Statutes, section 3.982, is therefore not required.

Agricultural Land Impact

Minnesota Statutes, section 14.11, subdivision 2, is inapplicable, because the proposed amendments to these rules will not have any direct or substantial adverse impact on agricultural land.

Other Statutory Requirements

Minnesota Statutes, sections 115.43, subdivision 1, 116.07, subdivision 6, and 144A.29, subdivision 4, do not apply to these rules as amended.

Witnesses

The following individuals may testify at the hearings on behalf of the department of public safety in support of the need for and reasonableness of the rules:

J. Gary Cunningham, Assistant Director, Driver and Vehicle Services Division,
Department of Public Safety, 161 Transportation Building, St. Paul, Minnesota,
55155.

Charles E. Merz, Driver Training Coordinator, Department of Public Safety, 205
Transportation Building, St. Paul, Minnesota, 55155.

David E. Orren, Management Analyst, Department of Public Safety, 208 Transportation
Building, St. Paul, Minnesota, 55155.

Any other employee of the Minnesota Department of Public Safety.

Rule-By-Rule Analysis

Chapter 7411 Driver Training Programs. The title to this chapter has been changed to reflect the fact that it now governs all driver training programs, not just commercial driver training schools.

The terms "driver training program" and "program." The new rules have been written to apply equally to all private or commercial schools or institutes that offer courses in driver education or motorcycle safety. Previously, parts 7411.0100 to 7411.0900 applied only to commercial driver training schools and not to private and parochial high schools and other nonpublic schools that offer driver education to young drivers. The department has been regulating the driver education courses at private, parochial, and other nonpublic schools under Minnesota Statutes, section 171.04, but has been doing so by policy and not by formally adopted rule. As discussed earlier, Minnesota Statutes, section 14.06, requires that the department adopt these rules. The rules governing motorcycle safety courses were previously contained in parts 7411.2100 to 7411.2700. The rules for commercial driver training schools and the rules for motorcycle safety courses have been consolidated in parts 7411.0100 to 7411.0900 because of the similarity in their requirements.

The terms "driver training program" and "program" are defined in the amended rules to refer to any or all of the schools or institutes that teach driver training. Almost all references to "commercial driver training school" or "school" have been changed to "driver training program" or "program." It is necessary to do this to simplify references that

apply to all types of driver training schools or institutes. It is reasonable to use "driver training program" and "program" because these terms describe the entities that they refer to and because they are different enough to set them apart from the terms used for the specific kinds of driver training program.

There are many places in the rules where the terms "commercial driver training school" or "school" have been replaced by "driver training program" or "program." It would be unnecessary to repeat the justification for this change each time it occurs. Instead, only a reference to the change will be made.

Reorganization of the rules. The rules have been reorganized to make them clearer and more easily understood. Many parts and subparts have been moved to different places within the rules, but the substantive requirements of these parts and subparts have remained unchanged. Where this has happened, it will be noted that the part or subpart has been moved and that the requirements remain unchanged. No further statement will be made to justify the need for and reasonableness of the part or subpart, because the substance of the part or subpart is not affected by the proposed amendments. (See Minnesota Rules, part 1400.0500, subpart 1.)

Revision of motorcycle driver training rules. The rules governing motorcycle safety courses have been substantially changed to be in line with Motorcycle Safety Foundation guidelines. The Motorcycle Safety Foundation is a national, non-profit organization sponsored by five leading motorcycle manufacturers: Honda, Yamaha, Kawasaki, Suzuki, and BMW. The Motorcycle Safety Foundation is recognized nationally in the field of motorcycle safety.

In the early 1970's, the Motorcycle Safety Foundation, along with the National Public Services Research Institute of Central Missouri State University, created the Motorcycle Task Analysis, an extensive document which analyzes over 2400 separate tasks needed to be mastered to safely ride a motorcycle. The Motorcycle Safety Foundation created its original Motorcycle Rider Course in 1976 using the Task Analysis. In 1986, the Motorcycle Safety Foundation introduced its new curriculum called the Motorcycle Rider Course: Riding and Street Skills. This course also was based upon the Task Analysis.

Many states and the branches of the U.S. military have adopted Motorcycle Safety Foundation standards and curriculum. The Motorcycle Safety Foundation curriculum is endorsed and supported by the National Highway Traffic Safety Administration. The Minnesota Motorcycle Safety Program, which receives state funds to support its programs, incorporates the Motorcycle Safety Foundation curriculum. The comments received by the department of public safety regarding motorcycle driver training have been unanimous in recommending that the department require driver training programs to use Motorcycle Safety Foundation standards and curriculum in motorcycle safety courses.

Combining motorcycle rules with other driver training rules. Formerly, the set of rules for motorcycle driver training was separate from the set of rules for driver training in other vehicles. In the process of updating, revising, and amending the driver training rules, we realized that there was a great deal of duplication between these two sets of rules. In particular, the parts from both sets of rules dealing with definitions, purpose, scope, vehicle requirements, instructor requirements, program requirements, and licensing and certification requirements were substantially the same. Only in the parts dealing with student and course requirements were there substantial differences between the two sets of rules. These differences have been maintained in the proposed rules. Combining the two sets of rules will consolidate compliance requirements for schools and institutes

that offer both types of driver training, and will thereby reduce the impact of the rules on these schools or institutes that are small businesses.

Department of Education driver training rules. These rules have been amended to parallel, where practical, department of education driver training rules. The driver training rules of the department of education are contained in Minnesota Rules, parts 3500.5000 to 3500.5070. Minnesota Statutes, section 14.115, subdivision 2, clause (c), makes it necessary for the department to consider the consolidation of compliance requirements for small businesses. After consideration of this, the department has decided to make the two sets of driver training rules more similar, thereby consolidating compliance requirements for private, commercial, and public schools that offer driver training. It is reasonable to make the two sets of rules more similar because the department of education wording has proven to be workable and because the change in the wording of the requirements will not greatly change the existing practices of private and commercial driver training programs.

7411.0100 Definitions. This part includes 26 subparts defining terms used in the statutes and throughout the rules. Some of the definitions are taken directly from the statutes. Other definitions pertain to terms that are used throughout the rules but that are not defined in the statutes.

Subpart 1. This subpart sets forth the scope of the definitions. The defined terms apply throughout parts 7411.0100 to 7411.0900, but do not apply to other rules promulgated by the department of public safety or in any other context.

Former subpart 1 contained several definitions for terms used in these rules. The terms "commercial driver training school," "instructor," "commissioner," "motorcycle," "truck-tractor," and "semitrailer" are now set out alphabetically and defined individually in this part. The terms "truck," "school bus," "bus," and "trailer" have been deleted because references in the rules to a type of vehicle are now made by referring to the class of the license needed to operate the vehicle. The terms "driver" and "street or highway" have been deleted because the use of these terms in the rules is only according to their common usage. Deleting unnecessary terms and alphabetizing the remaining terms make part 7411.0100 easier to understand.

Subpart 2. This subpart has been repealed. Formerly, subpart 2 defined "location." The location requirements for a driver training program are set out in part 7411.0700, subpart 2. A definition of "location" is not needed.

Subpart 3. Formerly, subpart 3 defined "lesson." This term has been changed to "instruction" and is now defined in subpart 16.

Subpart 4. This subpart defines the term "certificate." This is necessary because the term is used throughout the rules and is not defined elsewhere. It is reasonable to use the word "certificate" for the written document issued by the commissioner to these schools or institutes because this document fits the dictionary definition of certificate.

Subpart 5. This subpart defines the terms "certified" and "certified program." This is necessary because the terms are used throughout the rules and are not defined elsewhere. It is reasonable to use "certified" and "certified program" because these terms refer to the programs that hold a currently valid certificate.

Subpart 6. This subpart defines the term "class A vehicle." This is necessary because the term is used throughout the rules and is not defined elsewhere. It is reasonable to use this term because it relates directly to the type of license needed to operate the vehicle.

Subpart 7. This subpart defines the term "class B vehicle." This is necessary because the term is used throughout the rules and is not defined elsewhere.

Subpart 8. This subpart defines the term "class C vehicle." This is necessary because the term is used throughout the rules and is not defined elsewhere.

Subpart 9. This subpart adopts the definition of "commercial driver training school" from Minnesota Statutes, section 171.33, subdivision 1.

Subpart 10. This subpart defines the term "commissioner." This definition was adopted from Minnesota Statutes, section 171.01, subdivision 11, but with style and form changes recommended by the Revisor of Statutes.

Subpart 11. This subpart defines the term "department." This definition was adopted from Minnesota Statutes, section 171.01, subdivision 12, but with style and form changes recommended by the Revisor of Statutes.

Subpart 12. This subpart defines the terms "driver training program" and "program." This is necessary to be able to refer to all driver training entities covered by these rules.

Subpart 13. This subpart defines the term "good cause to believe." This is necessary so that there is an objective standard for the grounds upon which the commissioner can act when receiving information adverse to a program or instructor. This standard is reasonable because it is similar to the definition of "good cause to believe" contained in part 7410.2100.

Subpart 14. This subpart adopts the definition of "hazardous material" from Minnesota Statutes, section 221.011, subdivision 29.

Subpart 15. This subpart adopts the definition of "hazardous substance" from Minnesota Statutes, section 221.011, subdivision 30.

Subpart 16. This subpart adopts the definition of "hazardous waste" from Minnesota Statutes, section 221.011, subdivision 31.

Subpart 17. This subpart defines the term "instruction." A similar definition was formerly used for the term "lesson." It was necessary to expand the previous definition to make clear that breaks and time between lessons do not count as instruction time.

Subpart 18. This subpart defines the term "instructor." This definition uses language from Minnesota Statutes, section 171.33, subdivision 2, defining "instructor" for commercial driver training schools. This subpart, however, makes the term "instructor" applicable to all driver training programs covered by parts 7411.0100 to 7411.0900.

Subpart 19. This subpart defines the term "laboratory instruction." This is necessary because the term is used throughout the rules and is not defined elsewhere.

Subpart 20. This subpart defines the term "log book offense." This is necessary because the term is used in defining "traffic violation" and is not defined elsewhere.

Subpart 21. This subpart adopts the definition of "motorcycle" from Minnesota Statutes, section 171.01, subdivision 17.

Subpart 22. This subpart defines the term "parking or motor vehicle equipment offense." This is necessary because the term is used in defining "traffic violation" and is not defined elsewhere.

Subpart 23. This subpart adopts the definition of "semitrailer" from Minnesota Statutes, section 169.01, subdivision 11.

Subpart 24. This subpart defines the term "traffic violation." A person will be disqualified from being an instructor for committing certain violations of traffic laws or ordinances. It is necessary to define "traffic violation" so that only violations serious enough to warrant disqualification from working as an instructor will be considered. See part 7411.0610, subpart 4, which sets out when a person will be disqualified due to traffic violations. It is reasonable to exclude parking, motor vehicle equipment, log book, and nonpayment offenses because these offenses do not directly relate to a person's ability to be an instructor and because they are not serious enough to warrant disqualification from working as an instructor. It is necessary and reasonable to state that violations of Minnesota Statutes, sections 169.09, (a driver must meet certain requirements after being involved in an accident) or 65B.48, (a motor vehicle owner must have insurance) are included as traffic offenses because the argument could otherwise be made that these offenses do not involve the operation of a motor vehicle.

Subpart 25. This subpart adopts the definition of "truck-tractor" from Minnesota Statutes, section 169.01, subdivision 7.

Subpart 26. This subpart adopts the definition of "vehicle" from Minnesota Statutes, section 171.01, subdivision 2.

7411.0200 Purpose. Previously, the purpose of these rules was to carry out the provisions of Minnesota Statutes, sections 171.33 to 171.41, with respect to commercial driver training schools. As discussed earlier in this Statement, parts 7411.0100 to 7411.0900 now deal with motorcycle driver training and with driver training at private, parochial, and other nonpublic schools in addition to driver training at commercial driver training schools. Part 7411.0200 now refers to Minnesota Statutes, sections 169.974, subdivision 2, and 171.04, in addition to sections 171.33 to 171.41 to reflect this change in the scope of parts 7411.0100 to 7411.0900.

"And to effectuate that mandate as set forth" was deleted and "with respect to the regulation" was replaced with "for regulating" as style and form changes recommended by the Revisor of Statutes. The term "commercial driver training schools" has been changed to "driver training programs."

7411.0300 Scope. The scope of parts 7411.0100 to 7411.0900 has been enlarged so that these parts are now also consistent with Minnesota Statutes, sections 169.974, subdivision 2, and 171.04. Section 169.974, subdivision 2, authorizes the department to regulate motorcycle safety courses. Section 171.04 authorizes the department to regulate driver education courses for young drivers.

7411.0400 Vehicle Requirements. The title of this part has been shortened. The words "Driver Training" were redundant and, therefore, unnecessary.

Subpart 1. Formerly, subpart 1 dealt with safety standards and with equipment. These two topics are now contained in separate subparts. Safety standards are now set out in subpart 1 and equipment requirements are in subpart 1a.

This subpart has been amended by adding language to make clear that it is the responsibility of both the instructor and the program to make sure that driver training vehicles are maintained in safe operating condition. The new language requires an instructor to report and a program to correct mechanical problems affecting safety. A program could lose its license or certificate and an instructor could lose the instructor's license for failing to comply with this subpart.

These requirements are necessary to ensure the safety of driver training students and to ensure the safety of the driving public who share the streets with driver training vehicles. These requirements are reasonable because they set performance standards, as encouraged by Minnesota Statutes, section 14.115, subdivision 2, clause (d). The driver training program can determine the best and most cost-effective method for itself of maintaining safe vehicles. Also, the possible loss of the program's or instructor's license is reasonable because the safety of driver training students and the safety of the driving public are of such importance.

Subpart 1a. This subpart sets out the equipment requirements and exemptions for driver training vehicles. The requirements of this subpart were formerly contained in the second half of subpart 1.

The words "class A, class B, and class C vehicle" were added to show that this subpart applies to trucks, buses, and cars, and not to motorcycles.

The requirements concerning dual control brakes, dual control clutch pedals, and parabolic mirrors were rewritten to make the requirements clearer. The substance of the requirements was not changed.

This subpart now states that there must be "seat belts for each occupant of the vehicle as required by law." Minnesota Statutes, section 169.685, requires seat belts, but exempts buses. The last sentence of this subpart, which stated that "buses are exempt from the seat belt requirement," was deleted because it was unnecessary.

Former items D and E were deleted because the equipment that is described is standard equipment and there is no need for it to be required by the rule. The language deleted from item H was deleted because the reason for the exemption does not need to be documented in the rule.

Subpart 2. This subpart has been revised as part of the reorganization and clarification of these rules. This subpart increases the maximum age permitted for class C driver training vehicles from four years to six years. Technology has helped to extend the useful life of vehicles. Extending the age limit for vehicles should result in savings to driver training programs. The measure of a vehicle's age has been changed from model year to years in service. This change will result in a more accurate and fair way to measure the number of years a vehicle has been used. This should also result in savings for programs because they will be able to purchase a vehicle at the end of the model year when prices are low without losing a year's worth of use.

Subpart 2, item A. "A class A or class B vehicle" replaces "buses, trucks, and truck tractors." This designates the type of vehicle by the license needed to operate it.

This item permits a class A or class B vehicle to be exempt from the age limitation under certain circumstances. The vehicle would be exempt if it were used only on the program's driving range and if it were regularly inspected and properly maintained. This exemption is necessary to reduce the impact of the rules on small businesses. A vehicle used by class A and class B driver training programs is very expensive to replace. The use of a class A or class B vehicle on the driving range is mainly for practice in shifting, backing, turning, and other similar maneuvers performed at low speeds. Because of the low speeds, the safety of the students would not be compromised even if the vehicle broke down. The safety of the students is further protected by the requirement that a vehicle older than the age limitation be inspected every 12 months by a mechanic for an authorized diesel truck dealer. To require that driving range vehicles be replaced after ten years of use would require the program to incur an expense that is greater than any corresponding benefit the students might receive. It is reasonable to exempt a class A and class B vehicle from the age limitation under these circumstances because it reduces the burden of the rules without affecting the safety of the students. It is reasonable to require that inspections be performed by a mechanic for a diesel truck dealer because this will ensure that the inspection is performed by a competent person.

Subpart 2, item B. The requirement that semitrailers pass the required vehicle inspection was deleted because the annual inspection is no longer required. (See subpart 5.)

Subpart 2, item C. This item permits motorcycles to be used for more than six years but not more than eight years if certain items of maintenance are performed. This is needed because there are very few standard riding position motorcycles available on the market today in the size range used for the training of beginning riders. Replacement motorcycles would not be nearly as suited to quality training for beginning riders. Motorcycles more than six years old can be maintained in safe operating condition by proper inspection and maintenance. The parts listed are those subject to wearing out and it is, therefore, reasonable to require that they be inspected and, if necessary, replaced. It is reasonable to defer to the operating specifications contained in the factory repair manual because the manufacturer of the motorcycle is in the best position to know what is required to properly maintain the motorcycle.

Subpart 3. "It shall be the responsibility of" was replaced by "shall" and "at all times" was deleted as style and form changes recommended by the Revisor of Statutes. "Program" replaces "commercial driver training school." The requirement that additional or replacement vehicles comply with subpart 5 was deleted because the annual inspection requirement was deleted from subpart 5.

Subpart 4. "Laboratory" replaces "driving." The words "class A, class B, and class C" were inserted to show that this subpart applies to trucks, buses, and cars, and not to motorcycles.

Subpart 5. Subpart 5 no longer requires annual inspections or the filing of inspection forms. The commissioner shall, however, inspect vehicles when there is good cause to believe the vehicle does not meet the requirements of these rules. This change reduces unnecessary paperwork and reduces unnecessary burdens on small businesses.

The main purpose of this subpart is to ensure that driver training vehicles are maintained in safe operating condition. The requirement of an annual inspection was an operational standard which did not necessarily ensure safety. Safety is accomplished

more effectively by regular maintenance of vehicles and by repair of problems when they occur. The timing of maintenance and repair does not relate to the timing of annual inspections. The safety standards for driver training vehicles set out in subpart 1 are performance standards for ensuring safety. This change in the rules is necessary because performance standards are preferred over operational standards by Minnesota Statutes, section 14.115, subdivision 2, clause (d). This change is reasonable because it allows programs and instructors to choose the best and most cost-effective method to maintain a safe vehicle and yet it still takes student safety into account by giving the commissioner the authority to inspect vehicles when needed.

Subpart 6. The lead paragraph and items A and B have been revised to make them more clear. The substance of the requirements contained in this paragraph and these items, however, remains the same. Also, the items of this subpart were put into full sentence format as recommended in the Minnesota Rules Drafting Manual, 1984, page 51. The revision of item A is to make clear that the use of the vehicle for commercial purposes may take place only during students' observation hours. It is a valuable lesson for a student driver to see what the job of a licensed, professional driver is like. The student can get this lesson by riding along with the professional driver on an actual commercial trip. It was necessary to clarify that such commercial use take place only during observation hours to make sure that the student was not driving a commercial load during laboratory hours. Permitting a vehicle to be used for commercial purposes while the student driver is receiving laboratory training would interfere with adequately training the student driver because economic or other noneducational factors are present which might conflict with the needs of the student driver.

Subpart 6, item C. This item has been revised to make it more clear. The definition of hazardous material formerly contained in this item was too general. In its place, the terms "hazardous substances" and "hazardous waste" were added to this item. The definitions of these terms and of the term "hazardous material" were added to part 7411.0100 using the definitions for these terms from Minnesota Statutes, chapter 221. Chapter 221 regulates motor vehicle carriers and the cargo they transport. Chapter 221 very specifically describes hazardous items and the special requirements a carrier must meet to transport hazardous items.

Subpart 6, item D. This item is new and requires an instructor to accompany the student on any commercial trip. This is necessary so that the instructor can explain or interpret any actions of the professional driver which the student does not fully understand and so that the student does not pick up any bad habits from a commercial driver who has not been trained as an instructor.

Subpart 6, item E. This item is new and requires that the student be covered by the program's insurance. This item is specifically stated to bring it to the attention of the program that it must verify that its coverage extends to situations in which the student is in a vehicle that does not belong to the program.

Subpart 7. This subpart makes it clear that any vehicle used for driver training must meet safety, age, equipment, and insurance requirements. This is true whether or not the program supplies the vehicle. This subpart supersedes former item L of part 7411.0600. Former item L dealt with vehicles provided by the instructor. Former item L required, if insurance on an instructor-provided vehicle was canceled for any reason, that the vehicle be removed from driver training and that the instructor's license be terminated. It is unnecessary to terminate the instructor's license in this situation; removal of the vehicle from driver's training is enough to ensure that uninsured vehicles are not used for driver's training. This subpart is necessary to ensure that driver training students and the

driving public are protected from unsafe or uninsured vehicles. It is reasonable to require the program to verify that these requirements are met for vehicles supplied by an instructor or student because the program is ultimately responsible for ensuring that all vehicle requirements are followed. It is also necessary to prohibit programs from circumventing these rules by allowing instructors to provide vehicles that do not meet safety or insurance standards set forth in these rules.

An exemption from the age, dual control brakes, and dual control clutch pedal requirements is made when the vehicle is supplied by the student and the student already has a license or endorsement to operate the vehicle. Usually, a student in this situation is taking additional training in order to increase proficiency at operating the student's own vehicle. This exemption is necessary to make it possible for a student to take additional training in his or her own vehicle. Waiving the dual control brake and clutch pedal requirement does not compromise the student's safety because the student, being already licensed to operate the vehicle, is capable of safely operating the brake and clutch without the instructor's intervention. Waiving the age limitation, on balance, very likely contributes to the student's safety. If a student could not take additional training in the student's own vehicle, the student very likely would not take the additional training at all.

7411.0500 Driver Training Instruction Requirements. The requirements of this part have been extensively revised and reorganized. The extent of the changes was such that the Revisor of Statutes recommended that this part be repealed and the requirements rewritten into a new part. Following is a list of former subparts and items, and their status or location in the amended rules.

- Subpart 1, first paragraph. Superseded by part 7411.0510, subparts 3 and 8, with major changes.
- Subpart 1, item A, first sentence. Now at part 7411.0510, subpart 6, second paragraph, with minor changes.
- Subpart 1, item A, second sentence. Now at part 7411.0510, subpart 12, with minor changes.
- Subpart 1, item B. Now at part 7411.0510, subpart 10, item E, with minor changes.
- Subpart 1, item C. Now at part 7411.0510, subpart 10, item D, with minor changes.
- Subpart 1, item D. Now at part 7411.0510, subpart 4, first paragraph, with minor changes.
- Subpart 1, item E. Now at part 7411.0510, subpart 9, item A, with minor changes.
- Subpart 1, item F. Now at part 7411.0510, subpart 13, with minor changes.
- Subpart 1, item G. Now at part 7411.0510, subpart 2, with minor changes.
- Subpart 2, first paragraph. Now at part 7411.0510, subpart 8, with major changes.
- Subpart 2, item A. Now at part 7411.0510, subpart 9, item D, with minor changes.
- Subpart 2, item B. Now at part 7411.0510, subpart 10, item A, with minor changes.

- Subpart 2, item C. Now at part 7411.0510, subpart 10, item C, with minor changes.
- Subpart 2, item D. Now at part 7411.0510, subpart 10, item B, with minor changes.
- Subpart 2, item E. Now at part 7411.0700, subpart 7, with minor changes.
- Subpart 2, item F. Now at part 7411.0700, subpart 9, with major changes.
- Subpart 2, item G. Now at part 7411.0510, subpart 11, with minor changes.
- Subpart 2, item H. Now at part 7411.0510, subpart 9, item C, with minor changes.
- Subpart 3, first paragraph. Now at part 7411.0510, subpart 4, second paragraph, and subpart 9, item B, with minor changes.
- Subpart 3, item A. Now at part 7411.0510, subpart 7, with minor changes.
- Subpart 3, item B. Now at part 7411.0700, subpart 8, item A, with minor changes.
- Subpart 3, item C. Now at part 7411.0700, subpart 8, item B, with minor changes.

7411.0510 Student And Course Requirements; Class A, B, And C Vehicles. This part supersedes former part 7411.0500. This part sets out student and course requirements for driver training in trucks, buses, and cars. This part does not apply to motorcycle driver training.

Subpart 1. This subpart makes clear that this part applies to trucks, buses, and automobiles, and not to motorcycles.

Subpart 2. Previously, the requirements of this subpart were contained in subpart 1, item G. These requirements, as they apply to driver training students, are unchanged. The requirements, however, are changed in that they now apply to all driver training programs, not just commercial driver training schools.

Subpart 3. Previously, part 7411.0500, subpart 1, contained the requirement that classroom and laboratory (formerly behind-the-wheel) curriculum be submitted to the commissioner for approval. Classroom curriculum requirements are now contained in this subpart. Laboratory curriculum requirements are now in subpart 8.

In addition to the old requirement that classroom curriculum be submitted to the commissioner for approval, the new rules establish goals for the classroom curriculum and require that the curriculum actually be used for classroom instruction. This is necessary so that those creating classroom curriculum understand what it should consist of. This is also necessary to enable the commissioner to monitor the curriculum's content and to have a clearly stated basis for approval or disapproval.

Items A through J of subpart 3 are new and were added to describe the factors to be considered in developing the written classroom curriculum guide. It is reasonable to require curriculum which provides the student with opportunities to evaluate real-life factors which affect driving and upon which the student will be tested under Minnesota Statutes, section 171.13, when applying for a driver's license. It is also reasonable to organize classroom curriculum requirements together in a separate subpart.

The requirements of items A through J are the same as the classroom curriculum requirements of the department of education, contained in part 3500.5010, subpart 1. The wording of items A through J is almost identical to that of the items of part 3500.5010, subpart 1, except where nonsubstantive style and form changes were recommended by the Revisor of Statutes. As discussed earlier, it is reasonable to make these two sets of rules more similar. Also, it is reasonable to use department of education wording because the department of education curriculum requirements have proven to be workable and because adopting these requirements will not greatly change the existing practices of the driver training programs governed by department of public safety rules.

Subpart 4, first paragraph. Previously, this requirement was located in part 7411.0500, subpart 1, item D. The requirement now applies to all driver training programs, not just commercial driver training schools.

Subpart 4, second paragraph. Previously, this requirement was located in part 7411.0500, subpart 3. This requirement now applies to all driver training programs, not just commercial driver training schools.

Subpart 5. This subpart is new and is necessary so that a driver training program does not merely teach a student the few points of information necessary to pass the written portion of the Minnesota driver's examination. This subpart is reasonable because the program's goals should be to produce a safe driver, not just one who can pass the test. This provision is similar to the prohibition against giving laboratory instruction on actual routes used for state driver's license road tests. See subpart 10, item A.

Subpart 6, first paragraph. The requirements of this paragraph are new and provide an alternative to giving laboratory instruction to a student only after the student has completed classroom instruction. Under former part 7411.0500, subpart 3, item A, a student taking driver's training to obtain a class C license had to complete classroom instruction before beginning laboratory instruction. Under the amended rules, classroom instruction and laboratory instruction may be offered either concurrently (this subpart) or consecutively (subpart 7). The department of education permits school districts offering driver education to conduct classroom and laboratory instruction either concurrently or consecutively for those students wishing to obtain a class C license. See part 3500.5010, subparts 6 and 7. This change in the department of public safety driver training rules is to make them more similar to the department of education rules.

Under this item, a student need not complete classroom instruction before starting laboratory instruction. The student must, however, complete a sufficient portion of classroom instruction so as to be minimally qualified to start laboratory instruction. The basic information necessary for beginning the laboratory phase of class C instruction can be learned in five hours. The department of education also requires at least five hours of classroom instruction before starting laboratory instruction. See part 3500.5010, subpart 6.

The provisions regarding the certificate of enrollment were taken from former item A of subpart 3. "Laboratory" replaces "behind-the-wheel." The requirement was added that the certificate must specify concurrent instruction.

Subpart 6, second paragraph. The requirements of this paragraph have been taken from the first sentence of former item A of part 7411.0500, subpart 1. "Driver training programs" replaces "schools." "Laboratory" replaces "behind-the-wheel."

Subpart 7. This subpart is similar to former part 7411.0500, subpart 3, item A. This subpart sets the requirements for a student who completes classroom instruction before

starting laboratory instruction. The main change that this subpart makes in the former requirement is that the time period between the two phases of instruction may not exceed six months, whereas formerly there was no time limit. This is necessary so that the student, while receiving laboratory instruction, will remember what was learned in classroom training. The six month limitation is a reasonable time limit that is the same as the department of education requirement located in part 3500.5010, subpart 7.

Subpart 8. This subpart was previously called "behind-the-wheel instruction" and was located at part 7411.0500, subpart 2. This subpart is now called "laboratory curriculum" and has been extensively revised. The new title is necessary because simulators may be used for some of the training and, therefore, not all of this instruction truly takes place behind-the-wheel.

This subpart requires that a written laboratory guide must be available to and used by instructors conducting laboratory instruction, and that the curriculum be submitted to the commissioner for approval. This is necessary so that those creating laboratory curriculum understand what it should consist of. This is also necessary to enable the commissioner to monitor the content of the curriculum and to have a clearly stated basis for approval or disapproval. The requirements of the first paragraph of this subpart are similar to those of the department of education in part 3500.5010, subpart 2. The department of education rules, however, do not require that the curriculum be submitted for approval. It is reasonable for the department of public safety to require approval so that the program knows in advance if its curriculum meets requirements.

The items in this subpart describe the factors to be considered in developing the written laboratory guide. It is reasonable to require curriculum which enables a student to learn and practice on-the-road skills and strategies. The requirements of items A through H are identical to those of the department of education in part 3500.5010, subpart 2. It is reasonable that department of public safety curriculum requirements are similar to department of education curriculum requirements.

Subpart 9, item A. The requirements of this item are from former part 7411.0500, subpart 1, item E. "Laboratory" replaces "behind-the-wheel." Also, these requirements now apply to all driver training programs, not just commercial driver training schools.

Subpart 9, item B. This item contains the requirement that a driver training student who is less than 18 years old must be provided at least six hours of laboratory instruction. This was one of two main requirements contained in the first paragraph of former part 7411.0500, subpart 3. This requirement now applies to all driver training programs, not just commercial driver training schools. The requirement from former part 7411.0500, subpart 3, of 30 hours of classroom instruction is now contained in part 7411.0510, subpart 4.

Subpart 9, item C. This item was taken from former part 7411.0500, subpart 2, item H. "Laboratory" replaces "behind-the-wheel."

Subpart 9, item D. The provisions of this item were taken from former part 7411.0500, subpart 2, item A. These provisions are reorganized in this item to be more easily understood. Simulation and range driving may still be substituted for laboratory instruction and in the same ratios.

Subpart 10, item A. This item was taken from former part 7411.0500, subpart 2, item B. The restrictions in the old rules have been made more flexible for driver training programs located in areas of Minnesota with few roads. Such a program may now use

state road test routes for instruction, but only where unavoidable due to lack of alternatives. This flexibility is a necessary and reasonable accommodation for less populated portions of Minnesota.

Subpart 10, item B. This item was taken from former part 7411.0500, subpart 2, item D. The word "laboratory" was inserted before "student" to make clear that the student needs an instruction permit or driver's license during laboratory instruction, but not during classroom instruction. This requirement is consistent with Minnesota Statutes, section 171.05, which allows beginning drivers to drive, but which requires them to have an instruction permit in possession and to be accompanied by an adult licensed driver.

Subpart 10, item C. This item was taken from former part 7411.0500, subpart 2, item C.

Subpart 10, item D. The requirement of this item is from former part 7411.0500, subpart 1, item C. The wording of the requirement has been revised to make it more clear.

Subpart 10, item E. The requirement of this item is from former part 7411.0500, subpart 1, item B. The wording of the requirement has been revised to make it more clear.

Subpart 10, item F. This item was taken from part 7411.0700, subpart 2, item D. There are some minor revisions to make this item more clear, but there are no substantive changes.

Subpart 11. This subpart is similar to former part 7411.0500, subpart 2, item G, except that the subpart now requires programs and instructors to encourage students to practice outside the course of instruction. Formerly, programs and instructors were merely prohibited from discouraging outside practice.

In any course of instruction, it is important that the student does "homework" in order to better learn the main points of the instruction. It is necessary that homework be encouraged to ensure that the student learns as much as possible about being a safe driver. It is reasonable that the program and instructor encourage this homework or outside practice because they will be in the best position to tailor outside practice to each student's needs.

Subpart 12. This subpart is taken from the second sentence of former part 7411.0500, subpart 1, item A. The former item specifically permitted a program to provide additional training to class A license holders. This subpart will now permit a program to provide additional training to persons with a class B or class C license. Additional training for these persons was neither expressly prohibited nor expressly permitted under the old rules. It has, however, been department policy to permit such additional training for these persons. Further, there would be no good reason to prohibit such additional training.

Subpart 13, first paragraph. This requirement is new and permits a student receiving class A or class B driver training to receive up to 15 hours per day of observation time. As discussed previously in this Statement in the comments to part 7411.0400, subpart 7, it is valuable for a student driver to ride along with a licensed, professional driver on an actual commercial trip. Federal Motor Carrier Safety Regulations, in the Code of Federal Regulations, title 49, section 395.3, (a) (2), allow a commercial driver to have up to 15 hours of on-duty time per day. It is necessary to allow a student to also have up to 15 hours of observation time per day so that the student is able to ride along on a variety of

commercial trips, not just short hauls. It is reasonable to allow this when the student is near the end of the training program since the student will likely soon be in the job market for a job as a commercial truck driver that may require the student to be on duty for 15 hours in a day. The prohibition against classroom or laboratory instruction after eight or more hours of observation time in a day is necessary and reasonable to prevent fatigue from disrupting a student's studies.

Subpart 13, second paragraph. This requirement was taken from part 7411.0500, subpart 1, item F. The wording has been revised to make the requirement more clear. "Driver training programs" replaces "commercial driver training schools."

7411.0550 Student And Course Requirements; Motorcycles. This part is new. It supersedes part 7411.2600, which has been repealed. As discussed earlier, in the process of revising the driver training rules, we realized that the set of rules for motorcycle driver training was very similar in most places to the set of rules for driver training in other vehicles. The student and course requirements area, however, was the one main area where these two sets of rules were substantially different. This part deals with student and course requirements for driver training on motorcycles. Although its content is different, it is organized very much like part 7411.0510 which deals with student and course requirements for driver training in other vehicles.

Subpart 1. This subpart is necessary to show that part 7411.0550 applies to motorcycles.

Subpart 2. Previously, part 7411.2600, subparts 2 and 3, contained the requirements for the classroom and laboratory curriculum and stated that the curriculum had to be submitted to the commissioner for approval. Classroom curriculum requirements are now contained in this subpart and laboratory curriculum requirements are now in subpart 5.

This subpart expands upon the goals for the classroom curriculum that were formerly covered in part 7411.2600, subpart 2. This is necessary so that those creating classroom curriculum understand what it should consist of. This is also necessary to enable the commissioner to monitor the curriculum's content and to have a clearly stated basis for approval or disapproval.

Items A through K of this subpart are new and were added to describe the factors to be considered in developing the written classroom curriculum guide. It is reasonable to require curriculum which provides the student with opportunities to evaluate real-life factors which affect driving. It is also reasonable to organize classroom curriculum requirements together in a separate subpart.

The requirements of items A through J are the same as the classroom curriculum requirements of the department of education, contained in part 3500.5050, subpart 1. As discussed earlier, it is reasonable to make these two sets of rules more similar where appropriate. It is appropriate to make the rules more similar in this instance, because the department of education curriculum requirements have proven to be workable and adopting these requirements will not greatly change the existing practices of the driver training programs governed by department of public safety rules.

Item K was added because it is important for motorcycle riders to know the danger of operating a motorcycle while under the influence of alcohol or other drugs. Also, under Minnesota Statutes, section 171.13, a driver's license applicant will be tested on knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor

vehicle safely and legally. Item L was added because it is important for driver training students to evaluate how well they have learned the classroom curriculum.

Subpart 3. The requirement of this subpart was formerly contained in part 7411.2600, subpart 1. The total number of required hours of instruction was formerly 14, consisting of eight hours of classroom and six hours of laboratory. This is changed in the new rules to a total of 15 hours, consisting of seven hours of classroom and eight hours of laboratory. These changes were made to put greater emphasis on the laboratory training, because the physical skills needed to operate a motorcycle are difficult and require a greater amount of time to master than do the skills learned in the classroom. This subpart applies to students less than 18 years of age because persons less than 18 years of age must take a two-wheeled vehicle safety course to be issued a two-wheeled vehicle endorsement under Minnesota Statutes, section 169.974, subdivision 2.

Subpart 4. This subpart is new and is necessary so that a driver training program does not merely teach a student the few points of information necessary to pass the written portion of the state permit, license, or endorsement examinations. This provision is similar to the prohibition contained in part 7411.0510, subpart 5.

Subpart 5. This subpart requires that a written laboratory curriculum guide be available to and used by instructors conducting laboratory instruction, and that the curriculum be submitted to the commissioner for approval. This is necessary so that those creating laboratory curriculum understand what it should consist of. This is also necessary to enable the commissioner to monitor the content of the curriculum and to have a clearly stated basis for approval or disapproval.

The requirements of the first paragraph of this subpart are similar to those of the department of education, part 3500.5050, subpart 2. The department of education rules, however, do not require that the curriculum be submitted for approval. It is reasonable for the department of public safety to require approval so that the program knows in advance if its curriculum meets requirements.

The items in this subpart describe the factors to be considered in developing the laboratory curriculum guide. It is reasonable to require curriculum which enables a student to learn and practice on-the-road skills and strategies. Items A through J are very similar to those of the department of education in part 3500.5050, subpart 2, except for style and form changes recommended by the Revisor of Statutes.

Subpart 6, first paragraph. The minimum number of required laboratory hours of instruction was formerly contained in part 7411.2600, subpart 1. This number of hours has been increased from six to eight under the new rules. See the discussion under subpart 3 for the reasons for this increase. This subpart applies to students less than 18 years of age because persons less than 18 years of age must take a two-wheeled vehicle safety course to be issued a two-wheeled vehicle endorsement under Minnesota Statutes, section 169.974, subdivision 2.

Subpart 6, second paragraph. The requirement of this item was formerly contained in part 7411.2600, subpart 1. It is necessary that none of the student's eight hours on the motorcycle be replaced by simulator training because a simulator cannot create a situation where the student can practice the physical skills needed to operate a motorcycle. This is especially true of the balance a rider must maintain while performing many of the maneuvers used to drive a motorcycle.

Subpart 7, item A. This item is new. It limits the student instructor ratio for laboratory instruction. This is necessary to ensure that students get sufficient supervision and instruction. It is necessary to limit an instructor to a small number of students because of the many safety concerns of which the student and instructor must be aware. This provision is identical to the department of education rules part 3500.5050, subpart 8.

Subpart 7, item B. This item is new. It requires that laboratory instruction be conducted on planned practice driving routes and that these routes not include routes used for state driver's license road tests. It is necessary that practice routes be planned so that the instructor and program can identify and eliminate any potential safety hazards before any accidents or injuries occur. It is necessary that these routes not include routes used for the state road tests so that a student is not taught only what is necessary to pass these tests. It is necessary and reasonable, however, that this subpart be flexible to accommodate persons in less populated portions of Minnesota. This provision is similar to the department of education rules part 3500.5050, subpart 3.

Subpart 7, items C and D. The requirements of these items are from former part 7411.2600, subpart 1, which required that a student have a standard driver's license before receiving any laboratory instruction. Driving in traffic, whether it is on a motorcycle or in a car, requires the mastery of many skills before it can be done safely. Riding a motorcycle requires the mastery of many physical skills in addition to the skills required to drive in traffic. It would present an unreasonable risk to the student to have to learn how to operate a motorcycle in traffic before mastering how to drive a car in traffic.

Item C still requires that a student have a driver's license before receiving laboratory instruction on a public street. This is consistent with the requirement under the former rules and is required by Minnesota Statutes, section 169.974, subdivision 2.

Item D allows a 15 year old to receive motorcycle driver training if the training is given on a driving range. This lessens the burden of this requirement while still meeting the concerns over the student's safety. If a student is on a driving range, the student is in a controlled environment and can learn the physical skills to operate a motorcycle without being exposed to the hazards posed by other drivers. There are a number of factors that make item D important. Only 16 and 17 year olds need to take the motorcycle safety course to qualify for a motorcycle endorsement. The motorcycle riding season in Minnesota, and therefore the period of time available for instruction, is short. In many of the small towns and rural areas in outstate Minnesota, there is only one motorcycle instruction course available each summer. This presents a problem for a significant percentage of students who turn 16 and obtain their driver's license shortly after the one course for the year in their area is offered. By taking the motorcycle safety course during the next summer, these students would get only one-half of the period of time for having a motorcycle endorsement as their peers who had birthdays at more propitious times. This provision is consistent with Minnesota Statutes, section 169.974, subdivision 2, which requires a driver's license only when the person is operating the motorcycle on a street or highway.

Subpart 7, item E. This item is new and requires that the instructor ensure that the students wear protective clothing and other safety gear. This item is necessary to ensure the safety of the students. This provision is similar to department of education rules part 3500.5050, subpart 9.

Subpart 7, item F. This item is new. It is based on Motorcycle Safety Foundation standards for the size of a driving range. These standards were set so that the range would be large enough to safely perform the maneuvers required during instruction. It is

necessary to have a level run-out space around the outside of the range that is clear of any obstacle because the students are inexperienced riders and as such are more likely to lose control of the motorcycle while operating it. The run-out space provides an area in which the student can regain control and also is clear of obstacles so that if a student completely loses control of the motorcycle, the consequences are minimized. The waiver is necessary because a paved area with the required dimensions might not be available in some circumstances, for instance in smaller towns and rural areas. If the program can demonstrate that the proposed driving range is adequate to meet the curriculum objectives without compromising the safety of the students, there is no reason to not allow the range to be used for instruction.

Subpart 7, item G. The requirement of this item was taken from the last sentence of former part 7411.2600, subpart 1.

Subpart 8. This item is new. Programs providing motorcycle instruction were allowed by the former rules to give the classroom and laboratory instruction either concurrently or consecutively. It is necessary to require that two hours of classroom be completed before beginning laboratory instruction because the students need to learn about the controls and gauges on the motorcycle and about certain safe driving practices before getting on the motorcycle. The requirements of this subpart are the same as those of the department of education, part 3500.5050, subpart 6.

Subpart 9. This item is new. When the two phases of instruction are consecutive, it is necessary to require successful completion of the classroom phase before beginning the laboratory phase so that students do not take the laboratory phase if they have demonstrated that they are not ready. The requirements of this subpart are the same as those of the department of education, part 3500.5050, subpart 7.

Subpart 10. Former part 7411.0500, subpart 2, item G, prohibited instructors or programs from discouraging outside practice when permissible according to law. This subpart requires programs and instructors to encourage outside practice when permissible. It is necessary that homework be encouraged to ensure that the student learns as much as possible about being a safe driver. The requirement of this subpart is the same as in new part 7411.0510, subpart 11. (See the discussion concerning part 7411.0510, subpart 11.)

Subpart 11. This subpart is new. This subpart will permit a program to provide additional training to persons who are over 18 years of age and to persons with a motorcycle endorsement. Additional training for these persons was neither expressly prohibited nor expressly permitted under the old rules. It has, however, been department policy to permit such additional training for these persons. Further, there would be no good reason to prohibit such additional training. This subpart is similar to part 7411.0510, subpart 12.

Subpart 12. This subpart is new. Formerly, the rules contained no stated limit on the amount of time per day that a student could receive motorcycle driver training. The maximum time limits for other types of driver training are five hours per day (three hours classroom and two hours laboratory) for class C driver training and eight hours per day for class A and class B driver training.

The eight hour time limit is necessary because weekend courses are necessary in isolated communities. Instructors must travel 100 miles or more to reach isolated communities and conduct the course. It is necessary to have eight hours of instruction per day in order to complete the course in one weekend. An eight hour limit makes it feasible for a program to offer motorcycle courses in isolated communities, thereby giving

the residents of these communities access to motorcycle training courses. In other, not-so-isolated communities, weekend courses are conducted to meet the needs of students who work during the week or at night.

The eight hour time limit is reasonable because it has been used by several programs and it has proven to be workable. Student fatigue should not be a factor because the program can easily intersperse classroom and laboratory sessions and can provide break time between sessions. Allowing eight hours of training per day, thereby making weekend courses possible, allows a cost-effective means of providing courses in isolated communities as well as access for students who would not otherwise be able to participate.

7411.0600 Driver Training Instructor Requirements. The requirements of this part have been extensively revised and reorganized. The extent of the changes was such that the Revisor of Statutes recommended that this part be repealed and the requirements rewritten into a new part. Following is a list of former subparts and items, and their status or location in the amended rules.

- Item A. This item, requiring an instructor to be a Minnesota resident, has been deleted. It is important that an instructor knows the traffic laws of the State of Minnesota. An instructor can learn these laws without being a resident of Minnesota. Under part 7411.0610, subparts 9 and 11, the department administers a test for instructors to determine if an instructor has knowledge of "traffic laws, road signs, [and] rules." This test is sufficient to determine the instructor's knowledge. The residency requirement, therefore, is unnecessary.
- Item B. Now at part 7411.0610, subpart 2, item A.
- Item C, first clause. Now at part 7411.0610, subpart 2, item B.
- Item C, second clause. Now at part 7411.0610, subpart 2, item C, with minor changes.
- The remainder of item C. Superseded by part 7411.0610, subparts 3 and 4, with major changes.
- Item D. This item has been deleted. The training requirements for a motorcycle instructor have been greatly expanded and are now set out in part 7411.0610, subpart 10. Further, there was no adequate way to verify compliance with this item.
- Item E. Now at part 7411.0610, subpart 5, with major changes.
- Item F. Now at part 7411.0610, subpart 6, with major changes.
- Items G and H. Now at part 7411.0610, subpart 7, with major changes.
- Item I. Now at part 7411.0610, subpart 2, item D, with minor changes.
- Item J. The training requirements for truck, bus, and automobile instructors are now at part 7411.0610, subpart 8. The training requirements for motorcycle instructors have been greatly revised and are now at part 7411.0610, subpart 10.

- Item K. The testing requirements for truck, bus, and automobile instructors are now at part 7411.0610, subpart 9. There are now separate testing requirements for motorcycle instructors which are at part 7411.0610, subpart 11.
- Item L. Superseded by part 7411.0400, subpart 7, with major changes.

7411.0610 Instructor Requirements. This part supersedes former part 7411.0600.

Subpart 1. The requirement of this subpart is new. The purpose of this subpart is to make clear that an instructor must be licensed and to state the type of license that is required. This subpart is needed now that the rules apply to all driver training programs, not just commercial driver training schools.

It is necessary that driver training instructors be licensed to ensure that they have the training and meet the requirements to adequately teach driver's training. Instructors at commercial driver training schools are required to obtain an instructor's license by Minnesota Statutes, section 171.35. This is true whether the commercial school instructor teaches driver training on motorcycles or in trucks, buses, and automobiles.

Certified programs are conducted by private and parochial high schools and other nonpublic schools. The driver training instructors at certified programs teach other subjects at these schools and have a valid Minnesota teaching license issued by the state board of teaching. These teachers can also be licensed by the board of teaching to teach driver and traffic safety education by meeting the requirements of Minnesota Rules, parts 8700.4901 to 8700.4902. To meet the board of teaching license requirements, a teacher must take the training necessary to be adequately prepared to teach driver's training. It is reasonable for the department to accept board of teaching licensure for driver training instructors at certified programs.

Subpart 2. This subpart contains the prerequisites for someone to become a driver training instructor.

Subpart 2, item A. The requirement of this item was formerly at part 7411.0600, item B. The requirement is unchanged.

Subpart 2, item B. The requirement of this item was formerly contained in the first clause of part 7411.0600, item C. The requirement is unchanged.

Subpart 2, item C. The requirement of this item was formerly contained in the second clause of part 7411.0600, item C. "Minnesota" was deleted from the requirement because there is no longer a residency requirement to be an instructor.

Subpart 2, item D. The requirement of this item was formerly at part 7411.0600, item I. The requirement stays the same although the wording has been revised to make the requirement more clear. "A minimum of" was unnecessary and, therefore, deleted. "Diploma" replaces "education." This is reasonable because the diploma was the means used by the department to verify an instructor's education. It was unnecessary to list examples of equivalents to a high school diploma. These examples were, therefore, deleted.

Subpart 3, item A. The requirements of this item were formerly contained in part 7411.0600, item C. Under the former requirement, the instructor applicant was required to submit a certified driving record copy to the commissioner with the application for an

instructor license. This requirement has been changed so that the instructor applicant must now submit the certified driving record to the program. The former requirement allowed the program to review the instructor applicant's driving record because the driving record was part of the instructor application that had to be reviewed and signed by the program before being submitted to the commissioner. After the program reviewed the driving record, there was no further benefit by submitting it to the commissioner because the commissioner has access to all Minnesota driving records. This requirement was revised to eliminate the unnecessary step of submitting the record to the commissioner.

Subpart 3, item B. The requirement of this item is new. This requirement is for a new instructor at a certified driver training program and is similar to the requirement contained in item A for a new instructor at a commercial driver training school. This requirement is necessary so that the program can review the driving record of each new instructor.

Subpart 3, item C. The requirement of this item is new. An instructor need no longer be a resident of Minnesota, because the residency requirement formerly contained in part 7411.0600, item A, has been deleted. It is necessary that an out-of-state instructor submit a driving record copy so the commissioner can review the driving record of the instructor to ensure that the instructor meets the requirements of these rules. This requirement is reasonable because the instructor has access to this driving record, whereas the commissioner and the program do not.

Subpart 3, item D. The requirement of this item was formerly contained in part 7411.0600, item C. This requirement now applies to instructors at certified programs as well as to instructors at licensed programs for the same reasons as stated in subpart 3, item B, above. The substance of the requirement is unchanged, although the wording has been revised to make it more clear.

Subpart 4. The requirement that an instructor must notify the commissioner of any traffic violations or accidents is taken from the third sentence of the last paragraph of part 7411.0800, subpart 8. This requirement now applies to instructors at certified programs as well as to licensed instructors. The substance of this requirement is unchanged, although the wording has been revised to make it more clear.

This subpart also requires the commissioner to review an instructor's driving record annually. In the past, the commissioner has reviewed the driving records of each instructor at the time of instructor license renewal to verify that the instructor met the requirements of the rules. The former rules, however, did not specifically require the commissioner to do this. This requirement is necessary to make clear that the commissioner must review instructor driving records and to state how often this review must be done.

Subpart 4, items A, B, and C. The requirements of these items replace the driving record requirements located in part 7411.0600, item C. Previously, a person could not obtain an instructor's license if, during the previous five years, the person's driving record had any suspensions, revocations, or cancellations as a result of traffic violations, accidents, failure to show proper insurance, failure to pay fines, or failure to comply with a department request.

The five year period of ineligibility has been shortened to three years because three years is a sufficient period of time to show rehabilitation by having a satisfactory driving record. Shortening the ineligibility period to three years is also a more effective way to

implement Minnesota Statutes, section 364.03, concerning the relationship of convictions to employment or occupation.

In setting out ineligibility periods, these items use the term "traffic violation" to describe the offenses that lead to a person being ineligible. The term "traffic violation" is defined in part 7411.0100, subpart 24. See the discussion at subpart 24 regarding which offenses are included and which are excluded as traffic violations.

Subpart 5. This subpart contains health requirements for an instructor. Previously these requirements were located in part 7411.0600, item E. The old rules required an instructor to submit to the department a statement from a physician licensed to practice in Minnesota. This physician's statement was to be submitted at the time of initial application and thereafter when requested by the commissioner. The new rules now require that the statement must be submitted at application and at least once every three years thereafter. The new rules still require the physician to be licensed to practice medicine, but they no longer require the physician to be licensed in Minnesota. This change was made so that an instructor in a border community may chose to go to a family doctor who is a border state resident. Under the new rules, the department must require statements more often, when it is necessary to monitor a condition of an instructor who has a disability that could interfere with the safe operation of a motor vehicle. The new rules thus provide for a more regular system of updating health records of a licensed instructor.

The old rules did not list what must be contained in the physician's report, but instead merely stated that the report form would be provided by the commissioner. The new rules, in subpart 5, items A, B, and C, list the required contents of the physician's statement. This is reasonable to ensure that everyone is aware of the requirements.

Subpart 5, item A. This item contains the first requirement to be verified on the physician's statement. The statement must indicate that the instructor or applicant has no communicable diseases of the kinds described by the Minnesota Department of Health in parts 4605.7030 to 4605.7300. This requirement already exists on the physical and health certificate for those persons applying for a license to drive a school bus. This requirement is also necessary for driver training instructors. Instructors conduct training in enclosed quarters such as a classroom or vehicle. Students should not have to run an unnecessary risk of acquiring a disease when taking driver training.

Subpart 5, item B. The second requirement to be verified on the physician's statement is that a driver instructor or applicant is able to speak and hear well enough to conduct a normal verbal conversation with another at a distance of five feet, with or without a hearing aid. Previously, the form for an instructor or applicant required hearing equal to or more than 10/20 in the better ear, with or without a hearing aid. This requirement is necessary so that a student and instructor can communicate without taking their eyes off of the road. Setting the distance at five feet is reasonable because that is the approximate width of a motor vehicle.

Subpart 5, item C. The third requirement to be verified on the physician's statement is that a driver instructor or applicant have no physical or mental disability that will interfere with driver training instruction or the safe operation of a motor vehicle. This gives the physician an opportunity to make comments even if the instructor's condition does not fit within the categories listed by the Minnesota Department of Health in parts 4605.7030 to 4605.7300. This is necessary because there are many conditions which may interfere with driver training instruction or the safe operation of a motor vehicle, not all of which will be listed in parts 4605.7030 to 4605.7300.

Subpart 6. This subpart is similar to former part 7411.0600, item F, although the vision requirements now located in this subpart are more relaxed than those which were in item F. Now laboratory instructors are required to have the same type of vision as others who hold a driver's license which contains no vision-related restrictions other than a corrective lens requirement. Also, there are no longer any vision requirements for those teaching classroom driver education only. This subpart will reduce the impact of the rules on driver training programs and instructors and yet still provide adequate measures to safeguard students' safety. There is no safety reason for a vision requirement for an instructor who only teaches the classroom portion of driver training.

Subpart 7. This subpart deals with the criminal history of an instructor. The requirements of the first paragraph of this subpart were formerly contained in part 7411.0600, items G and H.

Subpart 7, items A and B. A person who has been convicted of a gross misdemeanor or felony is ineligible to be an instructor, unless the crime does not relate to the position of instructor or the person has been rehabilitated and is now fit to be an instructor. These items appropriately refer to Minnesota Statutes, section 364.03, for making the determination of whether a prior criminal conviction makes a person ineligible to be an instructor.

Subpart 8. This subpart contains the training requirements for truck, bus, and automobile instructors. These training requirements were previously contained in former part 7411.0600, item J. Former item J also contained training requirements for motorcycle instructors. Motorcycle instructor training requirements are now located in subpart 10. A person applying to be a motorcycle instructor will now be required to take a more comprehensive instructor course.

This subpart makes clear that an instructor licensed by the department may satisfy the instructor training requirements either by completing a 40 hour course approved or supervised by the department or by being licensed as a driver education teacher by the board of teaching. The substance of this requirement is unchanged from former part 7411.0600, item J, although the wording is revised to make the requirement more clear.

This subpart also makes clear that an instructor at a certified program must be licensed as a driver education teacher by the board of teaching to meet the instructor training requirements. This requirement has not been in the rules prior to this, although this requirement has been part of department policy since the department has had statutory authority to approve driver training courses at programs which will now be certified. It is necessary that instructors at certified programs receive sufficient training. It is reasonable to require the same training as that required for driver training instructors at public schools because the driver training students and courses are so similar at public schools and at private, parochial, and other nonpublic schools.

The continuing education and simulator training requirements for instructors were contained in former part 7411.0600, item J. The substance of these requirements is unchanged, although the wording has been revised to make them more clear.

Subpart 9. This subpart contains many requirements which were previously located in part 7411.0600, item K. The first sentence of this subpart provides that these test requirements apply to truck, bus, and automobile instructors, and not to motorcycle instructors.

Subpart 9, item A. This item has the same substantive requirements as the first two sentences of former part 7411.0600, item K, although the organization and wording of the requirements have been revised to make them more clear.

Subpart 9, item B. This item has the same substantive requirements as a clause in the first sentence of former part 7411.0600, item K, although the organization and wording of the requirements have been revised to make them more clear and to remove gender based references.

Subpart 9, item C. Item C requires an instructor applicant who fails the road test to undergo a driver evaluation interview. Formerly, part 7411.0600, item K, gave the department the discretion to require the unsuccessful instructor applicant to pass the regular Minnesota driver's license examination. It is necessary for the department to reevaluate the driver's license of someone who has shown possible deficiencies in driving skill. It is reasonable to require the unsuccessful applicant to undergo a driver evaluation interview rather than automatically require a regular driver's license examination because the evaluation will determine if the applicant's driving skills are such that a driver's examination is warranted.

Subpart 9, item D. Former part 7411.0600, item K, required that instructors be tested on methods of teaching. Item D makes clear what this test requirement consists of. The wording of item D is similar to the last sentence of former part 7411.0600, item K.

Subpart 9, item E. Under former part 7411.0600, item K, an applicant who failed the instructor test twice within one year would not be able to retest for one year. Item E reduces both of these time periods to six months. When an applicant fails the instructor test twice, it is necessary to prohibit the applicant from retesting for a period of time so that the applicant can study the material necessary to pass the test. The department feels, however, that six months is a sufficient period of time for an instructor to study the necessary material. Reducing the time periods from one year to six months will reduce the impact of the rules on small businesses.

Subpart 9, item F. The requirements of this item are similar to the requirements of the last sentence of former part 7411.0600, item K. Formerly, the commissioner had discretion to require an instructor to submit to a reexamination. Under item F, the commissioner may only require reexamination when there is reason to believe that the instructor is no longer able to properly teach driver training or safely operate a vehicle. This change was necessary to limit the discretion of the commissioner so that instructors will be treated in a consistent and reasonable manner.

Subpart 9, item G. This item is new and is necessary so that an instructor does not merely learn the few points of information necessary to pass the instructor's license test. This item is reasonable because the instructor's goals should be to be competent to teach driver training, not just to pass the instructor's license test. This provision is similar to subpart 11, item E. This provision is also similar to the prohibitions against using state driver's license materials or routes to teach students in part 7411.0510, subpart 5 and subpart 10, item A, and part 7411.0550, subpart 4 and subpart 7, item B.

Subpart 10. This subpart sets out the training requirements for motorcycle instructors. Previously, these requirements were contained in former part 7411.0600, item J. Former item J required a motorcycle instructor to have ten hours of motorcycle training in addition to the 40 hours of training necessary to be an automobile instructor. This subpart greatly changes these training requirements. A motorcycle instructor no longer

has to take the training to be an automobile instructor. Under the new rules, a motorcycle instructor must take an entirely separate course of instruction.

The training requirements for motorcycle instructors have been greatly increased. It requires more tasks to operate a motorcycle than an automobile. Further, it requires more physical skill to operate a motorcycle than a car. In addition to the larger number of skills required to operate a motorcycle, a motorcycle rider is more exposed to physical injury in the event of an accident. All these factors dictate that it is necessary to greatly increase the training requirements for motorcycle instructors. For a detailed and comprehensive analysis of motorcycle operator tasks, see the Motorcycle Task Analysis. The Motorcycle Task Analysis is distributed by the Motorcycle Safety Foundation and lists literally thousands of tasks. The analysis was performed by the National Public Services Research Institute of Central Missouri State University, under contract to the Motorcycle Safety Foundation.

Subpart 11. This subpart is new and applies to the test requirements for motorcycle instructors. Previously, there were no separate test requirements for motorcycle instructors. It is necessary that the instructor pass a test before teaching motorcycle safety courses so that the department can verify that the instructor is qualified. It is reasonable to have a separate motorcycle test, given the differences between the operation of a motorcycle and the operation of other vehicles.

Subpart 11, item A. This item requires that a motorcycle instructor pass a written test covering knowledge of motor vehicle operation, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching. These requirements were formerly contained in the first two sentences of part 7411.0600, item K, although the organization and wording of the requirements have been revised to make them more clear.

Subpart 11, item B. This item has the same substantive requirements as a clause in the first sentence of former part 7411.0600, item K, although the organization and wording of the requirements have been revised to make them more clear and to remove gender based references.

Subpart 11, item C. Under former part 7411.0600, item K, an applicant who failed the instructor test twice within one year would not be able to retest for one year. Item C reduces both of these time periods to six months. When an applicant fails the instructor test twice, it is necessary to prohibit the applicant from retesting for a period of time so that the applicant can study the material necessary to pass the test. The department feels, however, that six months is a sufficient period of time for an instructor to study the necessary material. Reducing the time periods from one year to six months will reduce the impact of the rules on small businesses.

Subpart 11, item D. The requirements of this item are similar to the requirements of the last sentence of former part 7411.0600, item K. Formerly, the commissioner had discretion to require an instructor to submit to a reexamination. Under item D, the commissioner may only require reexamination when there is reason to believe that the instructor is no longer able to properly teach driver training or safely operate a vehicle. This change was necessary to limit the discretion of the commissioner so that instructors will be treated in a consistent and reasonable manner.

Subpart 11, item E. This item is new and is necessary so that an instructor does not merely learn the few points of information necessary to pass the instructor's license test. This item is reasonable because the instructor's goals should be to be competent to teach

driver training, not just to pass the instructor's license test. This provision is similar to subpart 9, item G. This provision is also similar to the prohibitions against using state driver's license materials or routes to teach students in part 7411.0510, subpart 5 and subpart 10, item A, and part 7411.0550, subpart 4 and subpart 7, item B.

Subpart 12. The requirement contained in the first sentence of this subpart was previously contained in part 7411.2400, subpart 3.

The requirement that a motorcycle instructor teach at least three courses every three years is new. This requirement is necessary so that the instructor's teaching skills do not deteriorate from lack of use. This requirement is reasonable because it is sufficient to ensure that an instructor's teaching skills are maintained and yet this requirement does not impose a burden on active instructors.

Subpart 13. This subpart is added to exempt experienced instructors from certain training or testing requirements that are being imposed for the first time by the amended rules.

Subpart 13, item A. The motorcycle instructor training requirements imposed by the amended rules are necessary and reasonable to ensure that instructors are adequately trained. As with any change in the status quo, it is necessary to have a phase-in or transition period. Motorcycle instructors who qualified under the old rules have met minimum training requirements. With experience in teaching motorcycle training, these instructors are very likely to be qualified to continue to teach. Further, if there is any doubt as to an instructor's competence, the commissioner has the authority under subpart 11 to reexamine the instructor. It is, therefore, reasonable to allow instructors who have qualified under the old rules to continue to instruct. Thus, motorcycle instructors who qualified under the old rules will be phased out through attrition, but will be protected until they are no longer instructors.

Subpart 13, item B. There is a motorcycle safety program presently in existence in Minnesota which has received the department's approval by virtue of department policy, but which is not licensed pursuant to the rules. Likewise, there are approximately 100 instructors for this program who have been approved by the department, but who are not licensed. The purpose of the test is to ensure that the instructors are qualified. These instructors have proven to be qualified by the quality of their instruction. To give the test would, therefore, waste time and resources. Further, testing takes time and will delay the licensing of some of these instructors. Any delay in licensing instructors could cause some motorcycle courses to not be offered due to a lack of licensed instructors. This would unfairly burden prospective motorcycle students and would increase the risk of untrained riders. If there is any doubt as to an instructor's competence, the commissioner has the authority to reexamine the instructor. Because of the above, it is necessary and reasonable to exempt from testing the instructors described in this item.

7411.0700 Program Requirements. This part has been renamed to show that it pertains to all driver training programs, not just commercial driver training schools.

Subpart 1, item A. "Program" replaces "licensee" because these rules now apply to certified programs in addition to licensed programs. "The state of" was deleted at the recommendation of the Revisor of Statutes.

Subpart 1, item B. "Program" replaces "licensee." "Such" was deleted and "the" was inserted at the recommendation of the Revisor.

Subpart 1, item C. "Program" replaces "school" throughout this item. References in this item to "license" now refer to "license or certificate." There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 1, item D. This item requires that a commercial driver training school obtain a \$10,000 bond to protect the contractual rights of the students. This item was not changed. This means that this bond requirement is not being extended to certified programs. Certified programs are conducted at private, parochial, and other nonpublic schools which have a primary purpose other than driver training. The cost for driver training is often only a very small percentage of what the student pays for the normal course of study at these schools. A bond requirement at these schools would offer the student little, if any, extra protection from what the student already has by virtue of being a student at the school. Requiring a certified program to secure a bond would make the school expend time and money and would impose a burden on the school that is greater than the corresponding benefit conferred on the student. Requiring a certified program to secure a bond is, therefore, unwarranted.

There were several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 2. This subpart has been renamed to show that these location requirements apply to all driver training programs. This subpart has been reorganized and the wording has been revised so that the items appear in order of importance and so that the requirements are more clear.

Subpart 2, item A. Former item A is now at item G. The requirements of the new item A are from former items B and G. As before, a program must still have a permanent location with adequate office facilities and equipment and 300 square feet of classroom. The rules have been made more explicit as to the program's ownership or lease of the location. It is necessary that the program have a sufficient investment or commitment to its business location so that the public will be dealing with a stable business or school. The one year period of time is reasonable to ensure that the program will not be here today and gone tomorrow. It is necessary that program records be stored in Minnesota so that the department can inspect records without leaving the state. If records are stored at a location other than a licensed or certified location, it is necessary that the program inform the commissioner of the record's location so that the commissioner can inspect the records.

Subpart 2, item B. Former item B has been superseded by new items A, B, and C. New item B has been added to the rules to require an additional license or certificate when a program has an additional permanent or semipermanent location. Presently, it is department policy to interpret the former location requirements to require an additional license when a program has an additional permanent or semipermanent location. This item is added to make this requirement more explicit. If a program is permanently in a location, the program should be licensed for that location and should have a sign identifying the location.

It is necessary to set a time period to separate the temporary locations permitted by item C from the more permanent locations. Ninety days is a reasonable period of time because a program can conduct several courses on a temporary basis well within this limit and because a program that stays for this period of time has made a sufficient investment or commitment to this location.

Subpart 2, item C. This item is new and has been added so that a program may have temporary locations in addition to its permanent location. A program is not required to license a temporary location, but it must notify the department of a temporary location. Also, in any advertisement about a temporary location, the program must state that the location is temporary and must give the address of the permanent location. (See subpart 4, item G.)

Allowing temporary locations is needed because many public school districts are discontinuing their driver education programs and are allowing commercial driver training schools to use district facilities to provide this service for district students. In many districts, the commercial school will need to conduct only one or two classes to serve all the students wishing to take driver's training. There is no need for the commercial school to obtain a separate license for this situation. The students are protected because the program must have a permanent location in the state and the students are informed of its address. The department can adequately supervise and regulate the program because it must be notified of the temporary location and it can inspect program records.

Subpart 2, item D. This item was formerly item C. The requirement of this item that driver training be conducted in a nonresidential building is unchanged. The wording of this item has been revised so that it applies to all driver training programs and all types of locations. Also, there were many nonsubstantive style and form changes made at the recommendation of the Revisor.

Former item D is now at part 7411.0510, subpart 10, item F.

Subpart 2, item E. "Commercial driver training school" has been changed to "program." "Licensed or certified" has been added to modify "location" to show that this requirement applies only to licensed or certified locations and not to temporary locations. This item does not need to apply to temporary locations because item F requires that the commissioner be notified of temporary locations. "Prior" was deleted and "previous" was inserted at the recommendation of the Revisor.

Subpart 2, item F. "Commercial driver training school" is now "program." "Licensed or certified" has been added to modify "location" so that permanent signs are required only at permanent locations. "On" replaced "upon" at the recommendation of the Revisor.

Subpart 2, item G. The requirements of former item G are now in item A. New item G was taken from former item A. Previously, program locations could not be within 600 feet of buildings where any part of the driver's license examination is administered. The distance has been reduced to 150 feet under the new rules. The purpose of having this separation between state facilities and program locations is to ensure that the public does not mistakenly believe that the program is operated by the state. The department feels that 150 feet of separation is sufficient to accomplish this purpose. By lessening this distance, the department is making compliance requirements less stringent for driver training programs.

Subpart 3. "Business" was deleted because it was unnecessary. The wording of each item has been revised so that the requirements are stated in complete sentences and to show that it is the responsibility of the program to maintain these records.

Subpart 3, item A. This item no longer requires that instruction information be kept in a permanently bound book or that it be recorded in ink. This is because many programs now use computers for recording and storing information. This item now requires that additional information be recorded for students who have completed a phase of driver

training instruction. This information about students is the same as that required in department of education rules, part 3500.5010, subpart 13. This information includes such items as the full name of the student, the completion date of instruction, and the name of the instructor. It is necessary and reasonable to require the student's first, middle, and last names so that the department can cross-reference to the student's driver's license. It is necessary that the completion date be recorded so that the department has a means of ensuring that a student begins the laboratory instruction within the required time period after completing classroom instruction. (See parts 7411.0510, subpart 7, and 7411.0550, subpart 9.) It is necessary that the name of the student's instructor be recorded so that any questions concerning the course or the instructor can be directed to the right person.

Subpart 3, item B. "Program" replaces "school." The other changes are nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 3, item C. Formerly, the inspection records required by this item included only the date and location of the most recent inspection. Now the program will be required to keep all inspection and maintenance records for each vehicle. This requirement is necessary so that the department can verify that the program has maintained its vehicles in a safe condition as required by part 7411.0400, subpart 1. This requirement is reasonable because it puts very little additional burden on the program. This item does not require that the program perform any additional inspection or maintenance, only that it keep on file the records of the inspections and maintenance that are done.

Subpart 3, last paragraph. This paragraph describes how records should be kept. The requirement that errors be corrected by drawing a line through them was deleted because it does not apply to records kept by computer. The reference to retaining the records for three years was deleted from this paragraph because it is now contained in the first paragraph of this subpart. The reference to the commissioner's representative was deleted because it was unnecessary. The definition of commissioner in part 7411.0100 includes authorized representatives. "Program" replaces "school." "Herein" was deleted because it was unnecessary. There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 4. "A driver training program" replaces "commercial driver training schools." Throughout the items of this subpart, there were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 4, item A. The only change to this item is that the prohibition against advertising free lessons has been moved to a separate item.

Subpart 4, item B. This prohibition against advertising free lessons was formerly part of item A. It was placed in a separate item because it is a separate and distinct requirement.

Subpart 4, item C. This was formerly item B. "Instruction" was deleted because this subpart deals with advertising, not instruction. The last part of this item was revised to simplify and shorten it.

Subpart 4, item D. This was formerly item C.

Subpart 4, item E. This was formerly item D. This item was revised to include all programs, not just commercial schools.

Subpart 4, item F. This was formerly item E. The substance of this requirement remains unchanged. Essentially, this item permits the advertising of only those locations of which

the commissioner has been notified. The wording of this item was revised to include certified and temporary locations which will be permitted under the new rules.

Subpart 4, item G. This item is new. It requires a program to indicate its permanent location when it advertises a temporary location. This is necessary so that the public will know how to contact the program after it has moved from a temporary location.

Subpart 4, item H. This item was formerly item F. The prohibition against distributing advertising near a high school has been deleted. Many public high schools no longer have a teacher-run driver training program, but instead contract with commercial driver training schools to conduct driver training on the high school premises. Also, these rules will now apply to programs at private high schools. The high school has the authority to control advertising by the program conducting driver training on the high school premises.

This item still prohibits a program from distributing advertising near a driver's license examination station. The distance restriction on this, however, has been reduced from 600 feet to 150 feet. This is in line with the same reduction in distance restriction for the program location contained in subpart 2, item G.

The words "except as permitted in this part" were added as a more clear way of saying that exceptions apply. These words replace the words "this restriction shall not be construed to prohibit" from the next paragraph of this subpart.

Subpart 4, third last paragraph. This paragraph permits a driver training instructor to appear at driver test locations in a program vehicle with students who are scheduled to be tested. This paragraph was rephrased to permit this using a single positive statement rather than a double negative. "Program" replaces "commercial driver training school." "State of Minnesota" replaces "Department of Public Safety, Driver and Vehicle Services Division."

Subpart 4, second last paragraph. "A licensed program" replaces "licensed commercial driver training schools" and "program" replaces "school."

Subpart 4, last paragraph. This paragraph is the same as the preceding paragraph except that "certified" replaces "licensed."

Subpart 5, item A. "A program" replaces "schools." The requirement was put in the singular as a style and form change made at the recommendation of the Revisor.

Subpart 5, item B. This item was rewritten to show that it is the responsibility of the commercial driver training school to ensure that a written contract is executed with the student. This requirement has not been extended to certified programs, which are at private, parochial, or other nonpublic schools, although these programs may choose to have contracts with their students. This requirement was not extended to certified programs because the schools that offer these programs have a primary purpose other than driver training. A contract requirement for driver training at these programs would offer the student little, if any, protection and is unwarranted.

Subpart 5, item C. "Program" replaces "school." There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 5, item D. "Program" replaces "school." "Or license endorsement" was added because the rules apply not only to the training leading to a license but also the training

leading to a license endorsement. There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 5, item E. "Laboratory" replaces "behind-the-wheel." "Truck" was deleted because it was unnecessary. There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 5, item F. "Laboratory" replaces "behind-the-wheel." "Program" replaces "school." "Class B" was added in two places because it was inexplicably left out of the old rules. Students who take complete training in a class B vehicle must have 40 hours of classroom, 60 hours of laboratory, and 60 hours of observation. There is no reason that a contract for a class B course should not state this. "Must" replaces "shall" as a nonsubstantive style and form change made at the recommendation of the Revisor.

Subpart 5, item G. "Must" replaces "shall" as a nonsubstantive style and form change made at the recommendation of the Revisor.

Subpart 6. "Program" replaces "school" and "licensee." "Issuing a license or endorsement" replaces "the licensing" to make clear that it is impermissible to attempt to influence a state employee with respect to either of these decisions. "The program or instructor" replaces "he" to remove a gender based reference and to make clear that this restriction applies to both the program and the instructor. There were also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 7. This subpart was previously contained in part 7411.0500, subpart 2, item E. The requirement of this subpart is more appropriately in part 7411.0700 because it is a requirement that the program is responsible to follow.

Subpart 8. This subpart is new and is a list of duties that the authorized official must perform. Previously, the duties were scattered throughout the rules. The paragraphs that follow discuss the authorized official's duties and where these duties were located in the old rules. The requirement that an authorized official be designated also exists in the department of education rules part 3500.5010, subpart 12, items A and B.

Subpart 8, item A. This requirements of this item are similar to requirements contained in former items A and B of part 7411.0500, subpart 3. This item contains the requirements that the authorized official furnish the student a certificate of course completion within 15 calendar days of completing the course and a verification of completion of classroom instruction within 15 calendar days of completing classroom instruction. This is necessary so that programs will issue certificates and verifications in a timely manner. The 15 day limit is also contained in department of education rules part 3500.5010, subpart 12, items A and B.

Subpart 8, item B. This item requires a program to notify the department when a student who is 15 years of age fails to continue or successfully complete the driver training course. The requirement of this item is the same as the requirement contained in former item C of part 7411.0500, subpart 3. Under Minnesota Statutes, section 171.05, subdivision 2, the department cancels the instruction permit of a 15 year old student when that student fails to continue or successfully complete the driver training course. It is necessary that the department be notified so that the department can cancel the student's instruction permit. When a student drops out of or fails the driver training course, the program and the student are the only two in every case who know about this. It is reasonable to require the program to notify the department because the program is the most reliable of these two and because this requirement places only a very small burden

on the program. The department of education rules in part 3500.5010, subpart 12, item C, contain this requirement.

Subpart 8, item C. The requirements of this item were formerly contained in part 7411.2700. The wording of the requirements was revised to make the requirements more clear and as part of style and form changes made to this subpart at the recommendation of the Revisor. The only substantive change made to the former requirements is that certificates of enrollment and completion must be issued within 15 days of completion. This is now required, in order to be consistent with the requirements of item A of this subpart.

Subpart 9. Item A of this subpart was formerly part 7411.0500, subpart 2, item F. Item B of this subpart is new. These items are being placed in part 7411.0700 to make clear that it is the program's responsibility to make sure that these instruction requirements are met.

Subpart 9, item A. This item was formerly part 7411.0500, subpart 2, item F. "Minnesota" was deleted before "driver's license" because the new rules will not have a residency requirement. "Minnesota" was added before "instructor's license" to clarify that even though an instructor does not need a Minnesota driver's license, the instructor does need a Minnesota instructor's license. "Or a Minnesota teaching license" was added because instructors at certified programs must have a Minnesota teaching license.

Subpart 9, item B. Part 7411.0800, subpart 3, requires that an instructor license application be signed by the program that employs the instructor. Part 7411.0800, subpart 2 requires that a certified program identify in its program application all instructors. This item makes clear that the program may not employ an instructor unless the program has met its responsibility to inform the department, on either the instructor's or program's application, that the instructor will teach for the program.

Subpart 10. This subpart is new. This subpart makes it the program's responsibility to employ only those instructors who have met all instructor requirements. It is necessary to make this the responsibility of the program because the program controls which instructors it employs. This requirement is reasonable because it is only imposed on a program that has notice or should have notice of an instructor's failure to meet requirements. Also, if the failure to meet requirements can be promptly cured, the program is not required to fire the instructor, but only to suspend the instructor until the requirements are met.

This subpart requires that the department notify a program if an instructor does not meet all instructor requirements. This is necessary because the department reviews instructor driving records and may learn before the program does that an instructor has committed serious traffic violations. Reference is made to Minnesota Statutes, section 13.03, because the department cannot release data unless it is public data.

Subpart 11, first paragraph. This requirement is new. Part 7411.0610, subpart 1, requires an instructor for a certified program to fulfill the licensure requirements of parts 8700.4901 to 8700.4902. This paragraph prohibits a certified program from employing an instructor who has not met these licensure requirements. This requirement is necessary to ensure that a certified program employs only qualified instructors.

Subpart 11, second paragraph. This requirement is new. Driver training programs must be licensed pursuant to Minnesota Statutes, sections 171.33 to 171.41. However, section 171.39 exempts programs described in Minnesota Statutes, section 171.04, clause (1), from being licensed. Section 171.04, clause (1), describes programs approved by the department

for students from 15 to 18 years of age who are taking driver education to qualify for a class C instruction permit or driver's license. The department's approval is indicated by a certificate. If the program provides instruction for a class A or class B license or a motorcycle endorsement, the program would need a license instead of a certificate. Likewise, if a program provides instruction to students over age 18, the program would need a license. This requirement is necessary to make clear which courses may be offered and which students may be served by a certified program. This requirement is reasonable because it is required by statute.

Subpart 12. This subpart is new and requires a program to report to the department the number of students served and the number of courses offered by the program. Even though this subpart is new, the department has collected this information in the past. An annual report is necessary so that the department can monitor a program's performance. If a program is keeping adequate records of its students and classes, an annual report is a reasonable requirement since it places very little burden on the program.

Subpart 13, first paragraph. The requirements of this paragraph were formerly contained in the third sentence of the last paragraph of part 7411.0800, subpart 8.

Subpart 13, second paragraph. This requirement is new. It is necessary that a program notify the department if one of the program's students is in an accident so that the department can determine if the training was being conducted in a safe manner.

The driver of a vehicle involved in an accident is required by Minnesota Statutes, section 169.09, to submit an accident report to the department. It is necessary that a program inform a student of this requirement because the student might not yet know this. There was a recent incident in which a student in this situation mistakenly believed the program would submit the required accident report. This requirement should prevent such a mistake from happening again.

The program is in almost all cases the owner or lessee of the vehicle used for driver training. As such, the program would have the information concerning the vehicle and insurance that is required to be on an accident report. It is necessary that the program provide this information to the student so that the student can complete and file the accident report as required by Minnesota Statutes, section 169.09. It is reasonable to require the program to provide this information because it is not a burden for the program to do so and it would be almost impossible for the student to get this information from any other source.

Subpart 13, third paragraph. This requirement is new. If a program learns that one of its instructors is unfit to be an instructor, it is likely that the program will fire the instructor. This requirement is necessary so that the department can ensure that an unfit instructor will not be licensed and able to be an instructor with another program. The department's concerns are with an instructor who teaches laboratory training in a way that would endanger the safety of the students or with an instructor who has acted improperly with a student in a way that is harmful to the student.

Subpart 13, fourth paragraph. This paragraph was added to make clear when a program has to give the notices required by this subpart. It is necessary to require a program to notify the commissioner when it should have notice of a violation, accident, or act so that the program cannot escape its responsibilities just by looking the other way or burying its head in the sand. Also, it is necessary to define which mishaps constitute accidents so that a program understands which accidents must be reported.

Subpart 14. The requirement of this subpart was taken from the first paragraph of former part 7411.0500, subpart 3, which stated that students under 18 years of age must be provided 30 hours of classroom instruction and 6 hours of laboratory instruction. The 30 and 6 hour requirements were put in the Student and Course part of these rules because these relate to the instruction that students receive. The requirement that a program must offer both types of instruction was put in this subpart because it is a requirement the program must fulfill.

7411.0800 Licensing and Certification Provisions. The title of this part was revised because certified programs are now included under this chapter.

Subpart 1. "A license or certificate" replaced "all licenses" and "171.04" was added because certified programs are now covered by these rules. "169.974" was added because the portion of the rules covering motorcycle driver training programs and instructors is now combined with this portion of the rules.

Subpart 2. There are many minor changes to this subpart. The changes and their respective justifications are as follows:

- "New or renewal" was added to modify "license or certificate." This was done to clarify that a complete application must be submitted each time a license or certificate is renewed, not just at the time of the first application.
- "Driver training program" or "program" replace "commercial driver training school" or "school" throughout this subpart.
- "Or instructor" was deleted. This requirement for instructor applications was out of place in a subpart dealing with program applications. This requirement is now in subpart 3 which deals with instructor applications.
- "Or certificate" was added (with one exception) each time a reference to "license" appears. This was added because the rules now apply to certified programs in addition to licensed programs. The one exception where "or certificate" was not added was in the last sentence which set a fee for issuing a duplicate license. Setting a fee for a duplicate certificate would be inappropriate since there is no statutory fee for the original certificate.
- "And" replaces "or" in the reference to "owners, partners, corporate directors, and officers." All of these persons need to be named, not just all of one subgroup, so that the department can verify the fitness of all persons who control the operation of the program.
- "Signed by one of the owners, partners, directors, or officers" replaces "signed by one of the corporate officers." This change was necessary because some programs are not corporations and, therefore, do not have corporate officers. This change allows the application to be signed by any one of the persons in control of the program's operation.
- A sentence was added to require that the authorized official, be identified in the program application and that the application include a sample of the official's signature. Part 7411.0700, subpart 8, requires that the official's signature be on certain forms submitted to the department by young persons who wish to qualify for an instruction permit, driver's license, or motorcycle endorsement. The

requirement of this subpart is necessary so that the department can verify that the statements or certificates of enrollment or completion are signed by the proper person and that the signature is authentic.

- Two sentences were added to require that certified programs identify all instructors and send in information and documents concerning the instructors. Instructors at certified programs are licensed by the board of teaching, not the department of public safety. It is necessary that the department get the information concerning the instructors so that the department can monitor the competency and fitness of these instructors. It is reasonable to require that the program submit this information because the program must obtain a certificate from the department in order to operate. The department can ensure that information concerning instructors is submitted by making this a condition of the program receiving a certificate.
- "Year of issuance" replaces "licensing year" because this subpart now deals with certificates in addition to licenses.

Subpart 2a. This subpart was formerly subpart 4 and states that a program license or certificate is not transferable. This subpart is more appropriately located after the subpart dealing with program applications. "Or certificate" was added each time there was a reference to "license." "Program" replaces "commercial driver training school." There are also several nonsubstantive style and form changes made at the recommendation of the Revisor.

Subpart 3. There are a number of minor changes to this subpart which are as follows:

- The requirement of the first sentence was formerly located in subpart 2. This requirement belonged more appropriately in this subpart because the requirement and this subpart both deal with an instructor license application.
- "Program" replaces "commercial driver training school" or "school" throughout the subpart.
- "The instructor" replaces "he" to eliminate a gender based reference.
- The two sentences added near the end of this subpart were formerly subpart 6. These sentences govern the issuance of a duplicate instructor license and are more appropriately located in subpart 4 where other provisions concerning a duplicate instructor license are located. The wording, but not the meaning, of the sentences was slightly changed to better fit the context of where they are now located.
- The wording, but not the meaning, of the last sentence was revised.

Subpart 4. This subpart was repealed. The requirements of this subpart are now at subpart 2a.

Subpart 5, first paragraph. "A license or certificate" replaces "licenses."

Subpart 5, item A.

- "Or certificate" was added after "license."
- "Program" replaces "commercial driver training school."

- "A conspicuous place at each licensed or certified location" replaces "a conspicuous location in the licensee's principal place of business and each branch office." This change was made because licenses and certificates are issued to a program for specific locations. The purpose of this item is to have the license or certificate displayed at the location for which it was issued.

Subpart 5, item B. This item was changed so that the instructor will not have to display the instructor's license in the vehicle while giving laboratory instruction, but will only have to have the license in possession. The purpose for requiring the instructor's license to be in the vehicle is so that a peace officer or the commissioner can verify that a person giving laboratory instruction is licensed as an instructor. It is not necessary that the license be displayed to accomplish this purpose. The requirement was therefore changed.

"The commissioner" replaces "an authorized representative of the Department of Public Safety." Also, several nonsubstantive style and form changes were made at the recommendation of the Revisor.

Subpart 6. This subpart was repealed. The requirements of this subpart are now at subpart 3.

Subpart 7. All licenses expire one year from the date of issuance pursuant to Minnesota Statutes, section 171.36. It is necessary that certificates expire and be renewed on a periodic basis so that the department can have current information regarding certified programs. A one year period for a certificate is reasonable because it is the same as the period for which a license is valid.

"Before" replaces "prior to" as a style and form change made at the recommendation of the Revisor.

Subpart 8. This subpart deals with the suspension or revocation of a license or certificate. "Or certificate" was added in reference to a program and "program" replaces "commercial driver training school" because the new rules will apply to both licensed and certified programs. The items of this subpart were revised to be complete sentences instead of phrases. Also, there were many nonsubstantive style and form changes made throughout this subpart at the recommendation of the Revisor.

Subpart 8, item A. "Or certificate holder" was added after "licensee" and "or certificate" was added after "license" because the rules now apply to both licensed and certified programs. "His" was deleted in this item to remove gender based references. "Program" replaces "school."

Subpart 8, item B. "Program" replaces "commercial driver training school."

Subpart 8, former item C. This item was deleted. The conduct described by this item is prohibited by part 7411.0700, subpart 4, item A. Subpart 8, item I, of this part makes prohibited conduct punishable. Former item C was redundant and, therefore, unnecessary.

Subpart 8, former item D. This item was deleted. The conduct described by this item is prohibited by part 7411.0610, subpart 4. Subpart 8, item I, of this part makes prohibited conduct punishable. Former item D was redundant and, therefore, unnecessary.

Subpart 8, former item E. This item was deleted. The conduct described by this item is prohibited by part 7411.0510, subpart 10, item B, and by part 7411.0550, subpart 7, items C

and D. Subpart 8, item I, of this part makes prohibited conduct punishable. Former item E was redundant and, therefore, unnecessary.

Subpart 8, item C. This item was formerly item F. "The authorized official of the program" replaced "an authorized school operator or instructor" because "authorized official" is the correct term used for the person who signs certificates. The words "the official knows or should, after reasonable investigation, know that" were inserted to make clear that the program license or the official's instructor's license would not be in jeopardy if the official did not know or could not know that information on the certificate of enrollment was false.

Subpart 8, item D. This item was formerly item G. "Program" replaces "school."

Subpart 8, former item H. The requirement of this item is now at item I.

Subpart 8, item E. This item was formerly item I. "Program" replaces "school."

Subpart 8, item F. This item was formerly item J. "Program" replaces "school." "Without good reason" was added because a program should not be sanctioned for delaying training when there is a good reason for the delay.

Subpart 8, former item K. This item was deleted. It is responsibility of the student, and not the responsibility of the program or instructor, to see that the student gets school approval for absences from school. No other professional that we know of is responsible to see that a student has school approval for being absent due to an appointment. There is no reason a driver training program should be any different.

Subpart 8, item G. This item was formerly item L. "Program" replaces "school."

Subpart 8, item H. This item was formerly item M. "The program or instructor has encouraged" was inserted to show that the program and instructor are the ones prohibited from engaging in the behavior described in this item. Reference to "overcharge" was deleted because the intent of this item was to prevent indefinite instruction; the intent was not for the department to review the fairness of the fees charged by a program. "Or motorcycle endorsement" was added because the rules now also apply to motorcycle driver training.

Subpart 8, former last paragraph. This paragraph contained a potpourri of program and instructor requirements. The requirements of this paragraph dealing with programs are now more appropriately located in the part on program requirements. Likewise, requirements for instructors are now located in the part on instructor requirements.

Subpart 8, item I. The requirement of this item was formerly at item H. "Program" replaces "commercial driver training school." The phrase "any of the rules established for the operation of commercial driver training schools and the training of students" was replaced with a citation to the specific statutes and rules governing driver training.

Subpart 8a. This subpart is new. A driver training program and instructor have a right to dispute the department's determination to revoke, suspend, or refuse to renew. This subpart is reasonable because it provides the program and instructor with a forum that is less expensive and more expedient than the court system.

Subpart 9. "All" was deleted and "shall" was replaced with "must" as style and form changes recommended by the Revisor of Statutes.

Parts 7411.2100 to 7411.2700 Driver Training for Motorcycles. In the process of updating and revising the rules governing driver training programs, we found that the revisions to parts 7411.2100 to 7411.2700 duplicated much of what was contained in parts 7411.0100 to 7411.0900. For this reason, the requirements of parts 7411.2100 to 7411.2700 were incorporated into parts 7411.0100 to 7411.0900. Parts 7411.2100 to 7411.2700 were then deleted. The new locations of the requirements of parts 7411.2100 to 7411.2700 are indicated below.

7411.2100 Definitions. This part is replaced by part 7411.0100.

7411.2200 Purpose. This part is replaced by part 7411.0200.

7411.2300 Scope. This part is replaced by part 7411.0300.

7411.2400 Instructor Requirements. This part is replaced by part 7411.0610.
Requirements for motorcycle instructors have been greatly revised.

7411.2500 Driver Training Vehicle Requirements. This part is replaced by part 7411.0400.
Vehicle age and inspection requirements have been made less stringent.

7411.2600 Driver's Training Course Requirements. This part is replaced by part 7411.0550.
Student and course requirements for driver training on motorcycles have been greatly revised.

7411.2700 Certificate of Course Completion. This part is now at part 7411.0700, subpart 8, item C.

12/12/89

