

1.1 **Department of Public Safety**
1.2 **Adopted Exempt Permanent Rules Relating to Ignition Interlock Device Program**

1.3 **7409.3600 LIMITED LICENSE.**

1.4 Subpart 1. **General procedures for obtaining limited license.** In accordance
1.5 with part 7503.1800, except as specified in subparts 2 and 3 of this part ~~7409.3600~~,
1.6 the commissioner shall issue a limited license following a revocation under Minnesota
1.7 Statutes, section 169.792, 169.797, or 171.17, or suspension under Minnesota Statutes,
1.8 section 171.18, only when the person has met the conditions specified in this part:

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

1.10 D. One-half of the revocation or suspension period must be expired if the
1.11 person has had a limited license within the previous 24 months, except that one-half
1.12 of the revocation or suspension period does not apply to a program participant under
1.13 Minnesota Statutes, section 171.306, subdivision 1, paragraph (c), who is subject to part
1.14 7503.1800, subpart 4d.

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

1.16 [For text of subps 2 to 4, see M.R.]

1.17 Subp. 5. **Chemical dependency treatment or counseling.**

1.18 [For text of items A and B, see M.R.]

1.19 C. Driving time to attend the support group in item A, subitem (2), is authorized
1.20 for no more than ~~twice~~ three times a week, or as otherwise ordered by a court.

1.21 [For text of subps 6 to 9, see M.R.]

1.22 Subp. 10. Ignition interlock device program needs. Upon the request of a driver
1.23 who chooses to have an ignition interlock device installed on a vehicle, the commissioner

2.1 shall issue a limited license for the person to drive to a local service provider for periodic
2.2 device calibration and maintenance.

2.3 **7503.0100 DEFINITIONS.**

2.4 [For text of subp 1, see M.R.]

2.5 Subp. 1a. **Alcohol and drug counselor.** "Alcohol and drug counselor" has the
2.6 meaning given in Minnesota Statutes, section 148C.01, subdivision 2.

2.7 Subp. 1b. **Assessor.** "Assessor" has the meaning given in part 9530.6605, subpart 4.

2.8 Subp. 2. **Chemical use assessment.** A "chemical use assessment" is a report
2.9 prepared under part 7503.1725 or Minnesota Statutes, section 169A.54, subdivision 11,
2.10 or 169A.70 or 171.306, to evaluate a person's driving ability in relation to possible
2.11 chemical abuse.

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

2.13 Subp. 4a. **Certificate of insurance.** "Certificate of insurance" means a completed
2.14 insurance certificate from the authorized representative of the insurance carrier authorized
2.15 to do business in the state stating that the vehicle will be covered by a plan of reparation
2.16 security as required by Minnesota Statutes, section 65B.48, that is noncancelable for a
2.17 period of at least 12 months, or an equivalent certification when the insurance policy is
2.18 issued by an authorized insurance carrier for coverage of a vehicle registered in a state
2.19 other than Minnesota or in a Canadian province.

2.20 [For text of subps 5 to 6b, see M.R.]

2.21 Subp. 6c. **Employer-owned motor vehicle.** "Employer-owned motor vehicle"
2.22 means a motor vehicle that is not equipped with an ignition interlock device and is made
2.23 available to a program participant by an employer for the program participant's use in the
2.24 normal course and scope of employment duties.

2.25 Subp. 7. [Repealed, 27 SR 707]

3.1 Subp. 7a. Ignition interlock device or device. "Ignition interlock device" or
 3.2 "device" has the meaning given in Minnesota Statutes, section 171.306, subdivision 1,
 3.3 paragraph (b).

3.4 [For text of subp 8, see M.R.]

3.5 Subp. 8a. Program participant. "Program participant" has the meaning given in
 3.6 Minnesota Statutes, section 171.306, subdivision 1, paragraph (c).

3.7 [For text of subps 9 and 10, see M.R.]

3.8 Subp. 11. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds
 3.9 put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and
 3.10 which make the proposition asserted more likely than not, provided the grounds are based
 3.11 on at least one of the following sources:

3.12 ~~A. written information from an identified person;~~

3.13 ~~B. A.~~ facts or statements supplied by the applicant or driver;

3.14 ~~C. B.~~ driver's license and accident records;

3.15 ~~D. C.~~ court documents and police records;

3.16 ~~E. D.~~ facts of which the commissioner or the commissioner's employees have
 3.17 personal knowledge;

3.18 E. a blood, breath, or urine test indicating the presence of alcohol or a test
 3.19 refusal.

3.20 [For text of subp 12, see M.R.]

3.21 **7503.0800 REVOCATION PERIODS.**

3.22 Subpart 1. **Statutory periods.** The commissioner shall revoke drivers' licenses or
 3.23 nonresident driving privileges for the minimum periods prescribed in current or former
 3.24 Minnesota Statutes, sections 169.121, 169.123, 169A.52, and 169A.54. ~~The revocation~~

4.1 ~~period for a DWI conviction with three or more prior impaired driving incidents is two~~
4.2 ~~years unless the violation involved an alcohol concentration of 0.20 or more in which~~
4.3 ~~case the revocation period is four years.~~

4.4 [For text of subps 2 to 6, see M.R.]

4.5 Subp. 7. [See repealer.]

4.6 **7503.1300 LICENSE CANCELLATION AND DENIAL.**

4.7 [For text of subp 1, see M.R.]

4.8 Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The
4.9 commissioner shall cancel and deny the driver's license or the driving privilege of
4.10 a person who:

4.11 A. has incurred three alcohol- or controlled-substance-related incidents within
4.12 the past ten years;

4.13 B. has incurred three of these incidents and a special review has been completed
4.14 and entered in the driver's record within ten years of the third incident, except that this
4.15 provision does not apply to a cancellation and denial occurring on or after July 1, 2011; or

4.16 C. has four or more of these incidents on record.

4.17 Subp. 3. [Repealed, 27 SR 707]

4.18 **7503.1650 IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.**

4.19 Subpart 1. Ignition interlock device pilot project participant. A person whose
4.20 driving privilege has been revoked under Minnesota Statutes, chapter 169A, for an
4.21 impaired driving incident and is participating in the ignition interlock device pilot project
4.22 under Minnesota Statutes, section 171.306, on or before June 30, 2011, is not subject to
4.23 the ignition interlock device program requirements under Minnesota Statutes, section
4.24 171.306, on or after July 1, 2011.

5.1 Subp. 2. Cancellation and denial prior to July 1, 2011. A person whose driver's
 5.2 license or driving privilege was canceled and denied under part 7503.1300, subpart 2,
 5.3 prior to July 1, 2011, and chooses to participate in the ignition interlock device program
 5.4 shall do so for not less than three years, or for a period of time that is based on the
 5.5 number of qualified impaired driving incidents as specified in Minnesota Statutes, section
 5.6 169A.55, subdivision 4, whichever is longer.

5.7 Subp. 3. Revocation prior to July 1, 2011. A person whose driver's license or
 5.8 driving privilege was revoked under Minnesota Statutes, section 169A.52 or 171.17,
 5.9 subdivision 1, paragraph (a), clause (2), prior to July 1, 2011, and chooses to participate in
 5.10 the ignition interlock device program is subject to the requirements of the program as if
 5.11 the revocation was effective on or after July 1, 2011.

5.12 **7503.1675 IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.**

5.13 Pursuant to Minnesota Statutes, section 171.306, subdivision 5, paragraph (b), the
 5.14 commissioner shall terminate a program participant's participation in the program for a
 5.15 nonprogram violation under Minnesota Statutes, chapter 169, or a departmental action
 5.16 under Minnesota Statutes, chapter 171, that results in the withdrawal of a program
 5.17 participant's driving privilege for more than one year.

5.18 **7503.1700 REHABILITATION.**

5.19 Subpart 1. When applicable. A person whose driving privilege has been canceled
 5.20 and denied prior to July 1, 2011, is subject to the provisions of this part. A person must
 5.21 complete rehabilitation whenever:

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

5.23 [For text of subps 2 to 9, see M.R.]

5.24 **7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.**

6.1 Subpart 1. **When applicable.** A person whose driver's license or driving privilege
6.2 has been revoked or canceled and denied under part 7503.1300; Minnesota Statutes,
6.3 section 169A.52; 169A.54; 171.04, subdivision 1, clause (10); on or after July 1, 2011, is
6.4 subject to the provisions of this part. A person must complete rehabilitation whenever:

6.5 A. the person's driver's license or driving privilege has been canceled and
6.6 denied as a result of incurring three or more alcohol- or controlled-substance-related
6.7 incidents within the past ten years; or

6.8 B. there are four or more alcohol- or controlled-substance-related incidents
6.9 on record.

6.10 Subp. 2. **Issuance of limited license with ignition interlock device installation.**

6.11 The commissioner shall issue a limited license to a person, or a limited driving privilege to
6.12 a nonresident, for one year for participation in the ignition interlock device program when
6.13 the person has met the requirements of this subpart. The person must:

6.14 A. be 18 years of age or older and in possession of a driver's license, as defined
6.15 in Minnesota Statutes, section 171.01, subdivision 37; or

6.16 B. be 18 years of age or older and in possession of a nonresident driver's license
6.17 according to the National Driver Register; and

6.18 C. complete a chemical use assessment after the last documented date of the
6.19 use of alcohol or controlled substance that:

6.20 (1) meets the requirements of part 9530.6422 or 9530.6615; or

6.21 (2) is comparable to the criteria in subitem (1) and demonstrates
6.22 consideration of all controlled substance or alcohol-related violations on the person's
6.23 driving record, if the chemical use assessment is from another state or Canadian province;

6.24 D. provide proof of enrollment in treatment or other programs as recommended
6.25 in the chemical use assessment report. If the report indicates that treatment or other

7.1 programs are not necessary, then the person must provide the commissioner with the
7.2 chemical use assessment report. Proof of the chemical use assessment or proof of
7.3 enrollment in a treatment or other program must be sent or transmitted electronically to
7.4 the commissioner from the treatment center or the assessor or alcohol and drug counselor
7.5 completing the assessment. The commissioner shall verify the chemical use assessment
7.6 for accuracy and validity. If the commissioner has sufficient cause to believe that the
7.7 person provided fraudulent documentation relative to the requirements under this part,
7.8 the commissioner shall not accept the chemical use assessment report and require that the
7.9 person complete a new chemical use assessment. For purposes of this subpart, "fraudulent
7.10 documentation" means the deliberate submission of information that is false or misleading
7.11 and includes falsified assessment or treatment records, falsified records showing incorrect
7.12 abstinence periods, or other altered and incorrect records or documents;

7.13 E. substantiate abstinence by signing a statement, on a form provided by the
7.14 commissioner, attesting to the date on which the person applying for license reinstatement
7.15 last consumed alcohol or a controlled substance. The statement must be notarized or
7.16 completed in the presence of an authorized representative of the commissioner;

7.17 F. provide a certificate of insurance stating that the coverage for the vehicle
7.18 equipped with an ignition interlock device is noncancelable for a period of at least 12
7.19 months;

7.20 G. complete the requirements under Minnesota Statutes, section 171.306,
7.21 subdivision 4;

7.22 H. satisfy the requirements under Minnesota Statutes, section 171.30; and

7.23 I. be eligible for a limited license under parts 7409.3600 and 7503.1800.

7.24 Subp. 3. **Conditional reinstatement of restricted driver's license with ignition**
7.25 **interlock device restriction.** Notwithstanding part 7503.1600, item C, the commissioner
7.26 shall issue a restricted driver's license with an ignition interlock device restriction to a

8.1 person, or issue a restricted driving privilege with an ignition interlock device restriction
8.2 to a nonresident, when the person or nonresident has met the requirements of subpart 2
8.3 and provides the commissioner with the following:

8.4 A. evidence of chemical dependency treatment that has been sent or transmitted
8.5 electronically to the commissioner from the treatment center or the assessor completing
8.6 the assessment that includes:

8.7 (1) the starting and ending dates of primary treatment, relapse treatment, or
8.8 programs;

8.9 (2) verification of successful completion of all treatment or programs,
8.10 including primary treatment or relapse treatment and aftercare if required by the treatment
8.11 program; and

8.12 (3) a discharge summary as outlined in part 9530.6425; and

8.13 B. a certificate of insurance stating that the coverage for the vehicle equipped
8.14 with an ignition interlock device is noncancelable for a period of at least 12 months.

8.15 Subp. 4. **Abstinence documentation.** Every person applying for a restricted driver's
8.16 license after rehabilitation must sign a statement acknowledging the person's awareness
8.17 that abstinence from the use of alcohol and controlled substances is a condition of
8.18 licensure.

8.19 A. The commissioner shall provide the format for the statement to the person
8.20 applying for license reinstatement.

8.21 B. The statement must contain an acknowledgment as well as an advisory that
8.22 the commissioner shall cancel and deny the driver's license and driving privilege of the
8.23 person if the commissioner has sufficient cause to believe that the person has consumed
8.24 alcohol or used a controlled substance, whether or not the circumstances involve the
8.25 operation of a motor vehicle.

9.1 C. The restriction to abstain from the consumption of alcohol and use of
9.2 controlled substances must be placed on the person's driver's license and driving record.

9.3 **Subp. 5. Required abstinence period for removal of ignition interlock device.**

9.4 A. The commissioner shall not remove the ignition interlock device restriction
9.5 from a person's driver's license record whose driving privileges have been canceled and
9.6 denied under Minnesota Statutes, section 169A.52; 169A.54; 171.04, subdivision 1, clause
9.7 (10), or part 7503.1300, until the person has met the requirements under Minnesota
9.8 Statutes, sections 169A.55, subdivision 4, and 171.306, subdivisions 3 and 4.

9.9 B. During the course of the rehabilitation period, the person must demonstrate
9.10 regular and consistent use of the ignition interlock device as evidenced by no fewer than
9.11 30 breath alcohol concentration tests of less than .02 per month.

9.12 **Subp. 6. Failure to abstain following abstinence documentation.**

9.13 A. A person whose driving privilege is canceled and denied under subpart 4
9.14 and who has completed the ignition interlock device program may reenroll in the ignition
9.15 interlock device program under Minnesota Statutes, section 171.306, for a period of
9.16 12 months.

9.17 B. The commissioner shall issue a restricted driver's license or a restricted
9.18 driving privilege with an ignition interlock device restriction to a person upon reenrollment
9.19 in the ignition interlock device program and proof of installation of a device on the
9.20 person's vehicle.

9.21 C. The commissioner shall not remove the ignition interlock device restriction
9.22 from the driver's license or driving privilege of a person under this subpart until:

9.23 (1) the person's ignition interlock device has registered no positive breath
9.24 alcohol concentration tests of .02 or higher for the previous 12 months that is demonstrated

10.1 by the regular and consistent use of the device as evidenced by no fewer than 30 breath
10.2 alcohol concentration tests per month; and

10.3 (2) the person has completed the rehabilitation requirements of subparts
10.4 2 and 3.

10.5 Notwithstanding part 7503.1600, item C, the commissioner shall reinstate a person's
10.6 driver's license or driving privilege under this subpart in accordance with subpart 4.

10.7 D. This subpart does not apply to the consumption of a controlled substance in
10.8 accordance with a medical prescription.

10.9 **7503.1775 EMPLOYMENT EXCEPTION.**

10.10 Subpart 1. **Authority.** Pursuant to Minnesota Statutes, section 171.306, subdivision
10.11 4, paragraph (b), the commissioner shall grant an employment exception variance to a
10.12 program participant when the conditions of variance have been satisfied in order for the
10.13 program participant to drive, operate, or be in physical control of an employer-owned
10.14 motor vehicle.

10.15 Subp. 2. **Persons not eligible.** The commissioner shall not grant an employment
10.16 exception variance to a program participant who is self-employed, or to a person who
10.17 wholly or partially owns an entity that owns an employer-owned motor vehicle.

10.18 Subp. 3. **Restrictions and limitations.** A program participant who is granted an
10.19 employment variance shall not drive, operate, or be in physical control of any of the
10.20 following:

10.21 A. a rental car in the normal course and scope of employment duties;

10.22 B. an employer-owned motor vehicle for personal use; or

10.23 C. a Type III vehicle, within the meaning of Minnesota Statutes, section 169.011,
10.24 where the program participant is transporting children under the age of 18 or vulnerable
10.25 adults within the meaning of Minnesota Statutes, section 626.5572, subdivision 21.

11.1 Subp. 4. **Variance procedure.** The program participant requesting the variance shall
11.2 submit the variance request in writing to the commissioner. The request must include a
11.3 letter from the program participant's employer that:

11.4 A. describes the program participant's need for use of an employer-owned
11.5 motor vehicle;

11.6 B. specifies the normal course and scope of employment duties of the program
11.7 participant;

11.8 C. avers that the employer-owned motor vehicle to be operated by the program
11.9 participant must display special registration plates under Minnesota Statutes, section
11.10 169A.60; and

11.11 D. must be notarized or completed in the presence of an authorized
11.12 representative of the commissioner.

11.13 Subp. 5. **Variance criteria; conditions.** The commissioner shall grant a variance
11.14 request if:

11.15 A. the request was made as prescribed in subpart 4;

11.16 B. the variance will have no potential adverse effect on public safety;

11.17 C. the variance has only future effect; and

11.18 D. the variance does not vary a statutory standard.

11.19 Subp. 6. **Notice of decision.** The commissioner shall notify the program participant
11.20 in writing of the commissioner's decision to grant or deny the variance.

11.21 A. If the variance is granted, the notice must specify the period of time for
11.22 which the variance will be effective.

11.23 B. The commissioner shall deny the variance request if the commissioner
11.24 determines that the criteria in subpart 4 or 5 are not met.

12.1 C. If the variance is denied, the denial notice must specify the reasons
12.2 for the denial and indicate that the program participant may request a review of the
12.3 commissioner's decision. A person who disagrees with a decision of the commissioner
12.4 issued under this part may request a contested case hearing. The request for a contested
12.5 case hearing must be submitted in writing to the commissioner within 15 days of the
12.6 date of the commissioner's decision. The request for a contested case hearing must set
12.7 out in detail the reasons why the person contends the decision of the commissioner
12.8 should be reversed or modified. If the commissioner receives a written request for a
12.9 contested case hearing, the commissioner shall schedule a hearing within 30 days after
12.10 the request is received under the procedures in Minnesota Statutes, sections 14.57 to
12.11 14.62, and the contested case rules of the Office of Administrative Hearings in parts
12.12 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted
12.13 to the commissioner for the commissioner's adoption consideration. The commissioner's
12.14 decision on the issue under appeal is the final decision of the department.

12.15 D. Alternative measures or conditions attached to the variance have the force
12.16 and effect of the applicable rule.

12.17 E. The program participant must have proof of the variance in the program
12.18 participant's possession while driving, operating, or being in physical control of the
12.19 employer-owned motor vehicle.

12.20 F. If the program participant violates the conditions attached to the variance,
12.21 the program participant is subject to the enforcement actions and penalties attached to
12.22 the applicable law or rule.

12.23 G. The program participant to whom a variance has been granted shall notify
12.24 the commissioner in writing within 15 calendar days of a change in the conditions on
12.25 which the variance was granted, or if the program participant is no longer employed by the
12.26 employer under whom the variance is granted.

13.1 **7503.1800 LIMITED LICENSES.**13.2 [For text of subps 1 to 3, see M.R.]

13.3 Subp. 3a. **Judicial review waiver.** The commissioner shall waive subpart 3, items A,
13.4 B, and C if the person has filed a petition for judicial review in the appropriate court and
13.5 has furnished a copy of the petition to the commissioner. If the revocation is sustained on
13.6 judicial review, the requirements must be met before reinstatement of driving privileges.

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

13.8 Subp. 4a. **No limited commercial license.** The commissioner shall not issue a
13.9 limited class A, B, or C license under ~~the provisions of~~ Minnesota Statutes, section 171.30,
13.10 during the period the individual is disqualified from holding a commercial class A, B, or C
13.11 license under Minnesota Statutes, section 171.165.

13.12 Subp. 4b. **Limited class D license issuance exceptions.** The commissioner shall
13.13 not issue a limited class D license under ~~the provisions of~~ Minnesota Statutes, section
13.14 171.30, to an individual:

13.15 [For text of items A to C, see M.R.]13.16 [For text of subp 4c, see M.R.]

13.17 Subp. 4d. **Ignition interlock device exceptions.** The commissioner shall issue a
13.18 limited license to a program participant, subject to Minnesota Statutes, section 171.306,
13.19 subdivision 4, paragraph (c), and part 7503.1725, for the following purposes, except that
13.20 these purposes are not subject to part 7409.3600, subpart 4, item A:

13.21 A. appearing in court for an offense under Minnesota Statutes, sections
13.22 169A.20, and 169A.50 to 169A.53;

13.23 B. meeting with the program participant's probation officer for an alcohol-related
13.24 incident as scheduled or required;

14.1 C. participating in a generally recognized support group based on ongoing
14.2 alcohol abstinence, controlled substance abstinence, or both, no more than three times a
14.3 week or as otherwise ordered by the court;

14.4 D. attending medical or psychological treatment that is ordered by a court as a
14.5 result of a violation of Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53; and

14.6 E. device calibration as required in Minnesota Statutes, section 171.306,
14.7 subdivision 3.

14.8 Subp. 5. **Administrative review following denial of limited license.** The
14.9 commissioner shall grant a person an administrative review according to the procedures
14.10 in part 7409.4600, ~~subparts 1 to 4~~, to review a decision not to issue a limited license
14.11 to that person.

14.12 Subp. 6. **Issuance of limited class D instruction permit.**

14.13 A. The commissioner shall issue a limited class D instruction permit to a
14.14 resident of the state whose driving privilege is canceled and denied under Minnesota
14.15 Statutes, section 171.04, subdivision 1, clause (10), or 171.17, subdivision 1, paragraph
14.16 (a), clause (2), for a period of one year, in order to comply with Minnesota Statutes, section
14.17 171.306. Before a limited class D instruction permit may be issued under Minnesota
14.18 Statutes, section 171.05, subdivision 1, the person must:

14.19 (1) meet the requirements under part 7503.1725, subpart 2, items C to H;

14.20 (2) pass a class D knowledge test under part 7410.4500, subpart 2;

14.21 (3) pass a class D knowledge test on the effects of alcohol and drugs as
14.22 described in part 7410.4520; and

14.23 (4) meet the requirements for a limited license under part 7409.3600,
14.24 subpart 1.

14.25 B. The commissioner shall restrict and limit a limited class D instruction permit:

- 15.1 (1) as provided in part 7409.3600, subpart 4, item A;
15.2 (2) as provided in Minnesota Statutes, section 171.05, subdivision 1a; and
15.3 (3) for the exclusive purpose of receiving instruction in operating a motor
15.4 vehicle.

15.5 C. The commissioner shall not issue a class D license with ignition interlock
15.6 device restriction to a person who has possessed a limited class D instruction permit for
15.7 one year until the person:

- 15.8 (1) passes the class D driver's license road test; and
15.9 (2) meets the requirements under part 7503.1725, subpart 5, and Minnesota
15.10 Statutes, section 171.306.

15.11 D. The commissioner shall not issue a class D limited license with ignition
15.12 interlock device installation to a person who has possessed a limited class D instruction
15.13 permit for less than one year until the person:

- 15.14 (1) passes the class D driver's license road test; and
15.15 (2) meets the requirements under part 7503.1725, subpart 2, and Minnesota
15.16 Statutes, section 171.306.

15.17 **REPEALER.** Minnesota Rules, part 7503.0800, subpart 7, is repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Exempt Permanent Rules Relating to Ignition Interlock Device Program

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapters 7409 and 7503

The attached rules are approved as to form

A handwritten signature in blue ink that reads "Karen L. Lenertz". The signature is written in a cursive style and is positioned above a horizontal line.

Karen L. Lenertz
Assistant Deputy Revisor