

STATE OF MINNESOTA

BEFORE JOHN P. SOPSIC

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

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

STATEMENT OF NEED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

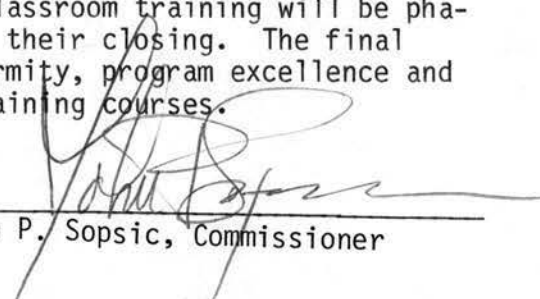
11 MCAR 1.4037 H,9-13. These additional sections institute penalties for failure to comply with the enumerated requirements. Failing to comply with the rules, failure to keep appointments, delaying the start or the completion of training, removing a student from school for training during school hours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

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

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

11-30-81

Date



John P. Sopsic, Commissioner