

PHW  
KBV

DRIVER AND VEHICLE SERVICES DIVISION  
DRIVER LICENSE OFFICE  
TRANSPORTATION BUILDING  
395 JOHN IRELAND BLVD.  
ST. PAUL, MN 55155-1886  
612-296-6911



STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY

December 14, 1994

Ms. Maryanne V. Hruby, Executive Director  
Legislative Commission to Review Administrative Rules  
55 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Adoption of Rules of the State Department of Public Safety Relating to Public School Driver Training Courses

Dear Ms. Hruby:

The Minnesota Department of Public Safety intends to adopt the above entitled rules. We plan to publish a Notice of Intent to Adopt Rules Without a Public Hearing in the December 27, 1994, State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Department has prepared a Statement of Need and Reasonableness which is now available to the public. Also as required, a copy of this Statement is enclosed with this letter.

For your information, we are also enclosing a copy of the Notice of Intent to Adopt Rules Without a Public Hearing and a copy of the proposed Rules in this matter.

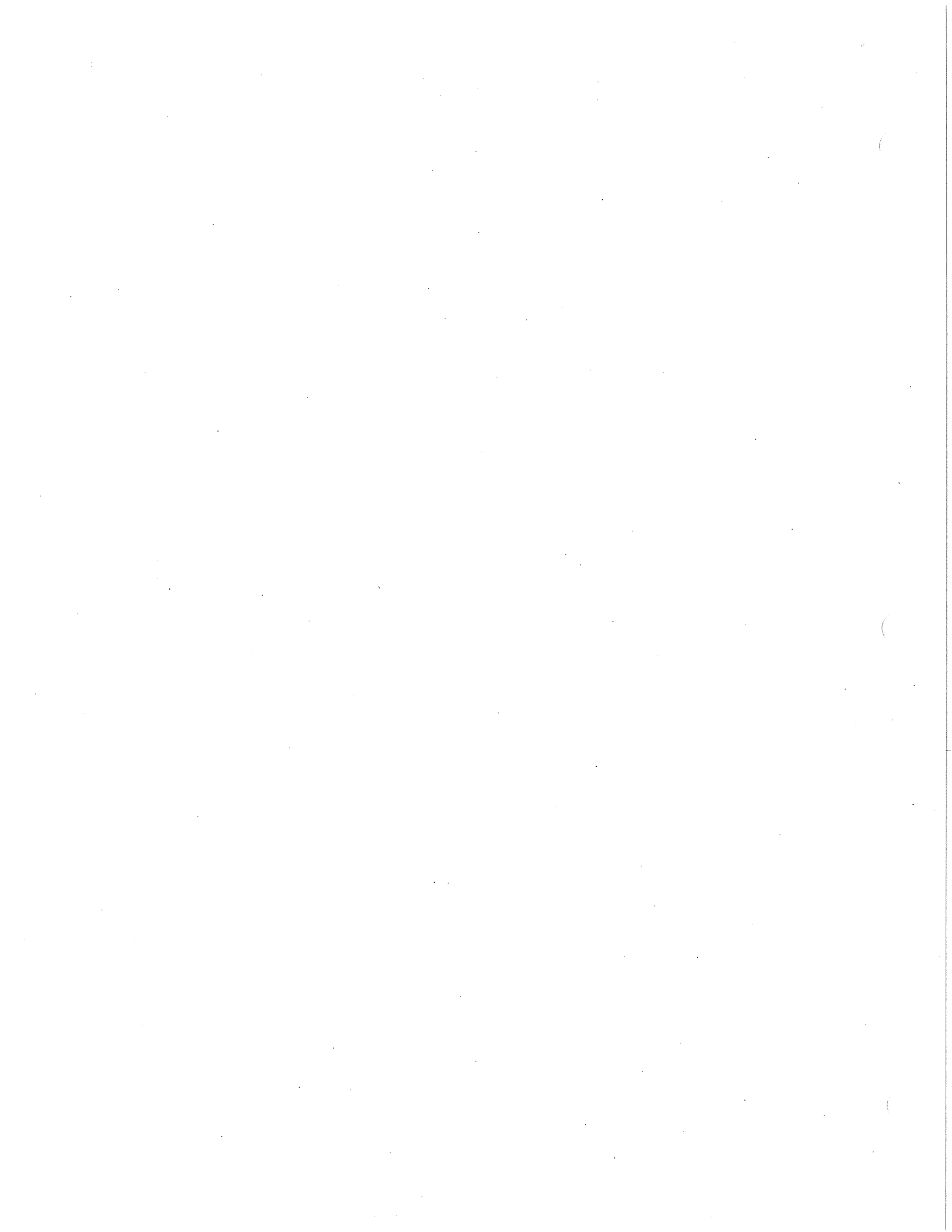
If you have any questions about these rules, please contact me at 296-2608.

Sincerely,

A handwritten signature in cursive script that reads "Laura Nehl-Trueman".

Laura Nehl-Trueman  
DVS Administrative Rulewriter

enclosures: Statement of Need and Reasonableness  
Notice of Intent to Adopt Rules Without a Public Hearing  
Certified copy of Rules



  
**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  
Relating To Public School Driver  
Training Courses**

**STATEMENT OF NEED  
AND REASONABLENESS**

**General Statement**

This Statement of Need and Reasonableness addresses the addition of Minnesota Rules, part 7411.3100 through 7411.3300. These rule parts are being added to Chapter 7411 because of the 1994 legislative mandate under Minnesota Statutes, section 169.446, subdivision 3, requiring the commissioner of public safety to adopt rules requiring public school driver education programs to instruct students on school bus matters. Specifically, as amended, Minnesota Statutes, section 169.446, subdivision 3, provides that:

"The commissioner of public safety shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver education programs offered at public schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

To implement the above legislation, part 7411.3100 through 7411.3300 has been added to chapter 7411. Chapter 7411 already contains rules of the Department of Public Safety (Department) regarding driver training programs provided by Commercial Driver Training Schools. Minnesota Rules, 7411.3100 through 7411.3300 will now contain the provision regarding the school bus training provision for public school driver training programs.

It should be noted that additional rules regarding driver training course requirements at public schools are located in Minnesota Rules, part 3500.5000 through 3500.5070 and are enforced by the State Board of Education.

**Statutory Authority**

The specific statutory authority for the promulgation of rules in this matter is Minnesota Statutes, section, 169.446, subdivision 3, as cited above in the General Statement. General statutory authority for the promulgation of rules by the Department is set forth in Minnesota Statutes, section 299A.01, subdivision 6, and section 14.06.

Minnesota Statutes, section 299A.01, subdivision 6, provides that the commissioner of public safety shall have the power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the purposes of the statute. Minnesota Statutes, section 14.06, of the Minnesota Administrative Procedure Act, gives the Department general rulemaking authority. Under section 14.06, the commissioner of public safety has the authority to promulgate rules that directly affect the rights of and procedures available to the public.

These rule amendments directly affect the public who take driver education courses through the public schools. Therefore, the procedures should be adopted through the formal rulemaking

process. The rulemaking process gives the public the opportunity to comment and participate in the development of the rules of the Department.

### **Small Business Considerations**

Minnesota Statutes, section 14.115, subdivision 2, requires the Department, when proposing rules, to consider the impact such rules will have on small businesses. The Department is to consider the following methods for reducing the impact of the rules 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.

Minnesota Statutes, section 14.115, subdivision 3, requires agencies to incorporate into proposed rules any of the above methods "that it finds to be feasible, unless doing so would be contrary to the statutory objectives that are the basis of the proposed rulemaking."

The amendments to part 7411 do not have a direct impact on small businesses, rather, these rules will affect public schools that offer driver training programs.

### **Fees Imposed By The Rules**

Minnesota Statutes, section 16A.1285, does not apply because the rules do not fix fees.

### **Fiscal Impact**

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

### **Agricultural Land Impact**

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an 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.

### Witnesses

If these rules go to a public hearing, it is anticipated that the agency will call witnesses. A list of witnesses will be made available and will be sent to all persons who requested a copy of the Statement of Need and Reasonableness and other persons who request a copy.

### Rule-By-Rule Analysis

#### **7411.3100 Purpose.**

Part 7411.3100 provides that the purpose of parts 7411.3100 to 7411.3300 is to carry out the mandate of Minnesota Statutes, section 169.446, subdivision 3. This legislation requires persons enrolled in driver training programs offered at public schools to be instructed on the requirements of Minnesota Statutes, section 169.444 and other school bus issues.

This paragraph is a reasonable way to provide the public with information on the legislative history and the reason as to why this rule part was promulgated.

#### **7411.3200 Scope.**

This rule part is necessary to inform the public that rule parts 7411.3100 through 7411.3300 apply only to public school driver education programs. Commercial driver training programs are not included in this set of rules and are governed by Minnesota Rules, part 7411.0100 to 7411.0900.

#### **7411.3300 Course Requirement.**

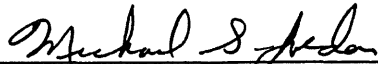
Pursuant to Minnesota Statutes, section 169.446, subdivision 3, this rule part requires public schools that conduct driver training programs to instruct students on the duties when encountering school buses, the content and the requirements of Minnesota Statutes section, 169.444, and the penalties for violating that section.

This rule part is necessary to carry out the legislative mandate of Minnesota Statutes, section 169.446.

### Conclusion

Based on the foregoing, the Department of Public Safety's proposed amendments to the rules are both necessary and reasonable.

30 November 1994  
Date

  
Michael S. Jordan, Commissioner  
Department of Public Safety

(

(

(