

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2134

(SENATE AUTHORS: GUSTAFSON, Housley, Hauschild, Carlson and Coleman)
DATE 02/27/2023 D-PG Introduction and first reading OFFICIAL STATUS Referred to Transportation

1.1 A bill for an act
1.2 relating to transportation; authorizing teleconference driver education; amending
1.3 Minnesota Statutes 2022, section 171.05, subdivision 2; proposing coding for new
1.4 law in Minnesota Statutes, chapter 171; repealing Minnesota Rules, parts
1.5 7411.0530; 7411.0535.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 171.05, subdivision 2, is amended to read:

1.8 Subd. 2. **Person less than 18 years of age.** (a) The department may issue an instruction
1.9 permit to an applicant who is 15, 16, or 17 years of age and who:

1.10 (1) ~~has completed a course of driver education in another state,~~ has a previously issued
1.11 valid license from another state, ~~or;~~

1.12 (2) is enrolled in either:

1.13 (i) a public, private, or commercial driver education program, including a teleconferenced
1.14 program, that is approved by the commissioner of public safety and that includes classroom
1.15 and behind-the-wheel training; or

1.16 (ii) an approved behind-the-wheel driver education program when the student is receiving
1.17 full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24,
1.18 the student is working toward a homeschool diploma, the student is taking home-classroom
1.19 driver training with classroom materials approved by the commissioner of public safety,
1.20 and the student's parent has certified the student's homeschool and home-classroom driver
1.21 training status on the form approved by the commissioner;

2.1 ~~(2)~~(3) has completed the classroom phase of instruction in the driver education program
2.2 or has completed 15 hours of classroom instruction in a program that presents classroom
2.3 and behind-the-wheel instruction concurrently;

2.4 ~~(3)~~(4) has passed a test of the applicant's eyesight;

2.5 ~~(4)~~(5) has passed a department-administered test of the applicant's knowledge of traffic
2.6 laws;

2.7 ~~(5)~~(6) has completed the required application, which must be approved by (i) either
2.8 parent when both reside in the same household as the minor applicant or, if otherwise, then
2.9 (ii) the parent or spouse of the parent having custody or, in the event there is no court order
2.10 for custody, then (iii) the parent or spouse of the parent with whom the minor is living or,
2.11 if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor, (v) the
2.12 foster parent or the director of the transitional living program in which the child resides or,
2.13 in the event a person under the age of 18 has no living father, mother, or guardian, or is
2.14 married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult close
2.15 family member, or adult employer; provided, that the approval required by this clause
2.16 contains a verification of the age of the applicant and the identity of the parent, guardian,
2.17 adult spouse, adult close family member, or adult employer; and

2.18 ~~(6)~~(7) has paid all fees required in section 171.06, subdivision 2.

2.19 (b) In addition, the applicant may submit a certification stating that a primary driving
2.20 supervisor has completed the supplemental parental curriculum under section 171.0701,
2.21 subdivision 1a, for the purposes of provisional license requirements under section 171.055,
2.22 subdivision 1, paragraph (a), clause (6). The certification must be completed by a driver
2.23 education instructor, as defined under section 171.0701, subdivision 1a.

2.24 (c) For the purposes of determining compliance with the certification of paragraph (a),
2.25 clause (1), item (ii), the commissioner may request verification of a student's homeschool
2.26 status from the superintendent of the school district in which the student resides and the
2.27 superintendent shall provide that verification.

2.28 (d) The instruction permit is valid for two years from the date of application and may
2.29 be renewed upon payment of a fee equal to the fee for issuance of an instruction permit
2.30 under section 171.06, subdivision 2.

2.31 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.1 Sec. 2. **[171.395] TELECONFERENCE DRIVER EDUCATION PROGRAM.**

3.2 Subdivision 1. **Authorization.** A licensed driver education program that provides both
3.3 classroom and behind-the-wheel instruction may provide teleconference driver education
3.4 as provided in this section. For purposes of this section, the driver education program must
3.5 provide both classroom and behind-the-wheel instruction. If a program partners or contracts
3.6 with a second program to provide any portion of classroom or behind-the-wheel instruction,
3.7 the first program is not eligible to provide teleconference driver education instruction.

3.8 Subd. 2. **Curriculum and instruction requirements.** (a) A teleconference driver
3.9 education program must:

3.10 (1) meet the requirements as provided in section 171.0701, subdivision 1, and Minnesota
3.11 Rules, chapter 7411, or successor rules;

3.12 (2) use teleconferencing, or another similar method, that provides live synchronous
3.13 distance learning and ensures that student questions and comments can be addressed in real
3.14 time;

3.15 (3) ensure all locations are linked using both picture and sound;

3.16 (4) use classroom instruction curriculum that is identical to the curriculum used by the
3.17 driver education program in an in-person setting;

3.18 (5) provide teleconference instruction to any student that is enrolled in the approved
3.19 driver education program; and

3.20 (6) provide teleconference interactive supplemental parent curriculum consistent with
3.21 section 171.0701, subdivision 1a.

3.22 (b) A student may receive teleconference instruction only if the driver education instructor
3.23 confirms that picture and sound allow the student to interact with the instructor in real time.

3.24 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.25 Sec. 3. **REPEALER.**

3.26 Minnesota Rules, parts 7411.0530; and 7411.0535, are repealed.

3.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

7411.0530 TELECONFERENCED CLASSROOM INSTRUCTION.

Teleconferenced classroom instruction for class A, B, C, or D motor vehicles or for a motorcycle endorsement may be used to link multiple classroom locations.

A. The broadcasting location must have a licensed or approved instructor present during classroom instruction.

B. Each location where students receive instruction must be in a classroom that complies with part 7411.0355.

C. If the receiving location has one or more students under the age of 18 receiving program instruction, the location must have a proctor, who is at least 21 years old, within the classroom for control and assistance.

D. Locations must be linked using both picture and sound so that instruction and the ability to interact with students is assured.

E. Identical curriculum materials must be available at all locations.

7411.0535 ONLINE CLASSROOM INSTRUCTION; ADULT ONLY.

Classroom instruction via the Internet may be provided by a program to any student who is at least 18 years old.

A. The course of study must provide a means for the student to measure performance outcomes.

B. There must be a pool of rotating quiz questions.

C. The course must have accountability features to ensure the age and identity of the student taking the course.

D. Technical designs must have features that measure the amount of time a student spends on each section of the course.

E. Customer support access must be made available through a toll-free telephone number.

F. The course must have a secure server and be backed up by a second unit.

G. The program must have preventives in place to protect against the access of private information.

H. The course must have the ability to update course content uniformly throughout the state.

I. The course must have a location in Minnesota where program and student records are accessible.