

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 362

(SENATE AUTHORS: JASINSKI)

DATE
01/17/2023

D-PG

Introduction and first reading
Referred to Transportation

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to transportation; providing for online driver education programs; 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, part 7411.0535.

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

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

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

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

1.11 (i) is enrolled in either: behind-the-wheel training in a driver education program; and

1.12 (ii) has completed:

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

1.16 (B) 15 hours of classroom instruction in a driver education program that presents
1.17 classroom and behind-the-wheel instruction concurrently;

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

2.1 certified the student's ~~homeschool~~ home school and home-classroom driver training status
2.2 on the form approved by the commissioner; or

2.3 (D) an online driver education program authorized by section 171.395;

2.4 ~~(2) has completed the classroom phase of instruction in the driver education program~~
2.5 ~~or has completed 15 hours of classroom instruction in a program that presents classroom~~
2.6 ~~and behind-the-wheel instruction concurrently;~~

2.7 ~~(3)~~ (2) has passed a test of the applicant's eyesight;

2.8 ~~(4)~~ (3) has passed a department-administered test of the applicant's knowledge of traffic
2.9 laws;

2.10 ~~(5)~~ (4) has completed the required application, which must be approved by (i) either
2.11 parent when both reside in the same household as the minor applicant or, if otherwise, then
2.12 (ii) the parent or spouse of the parent having custody or, in the event there is no court order
2.13 for custody, then (iii) the parent or spouse of the parent with whom the minor is living or,
2.14 if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor, (v) the
2.15 foster parent or the director of the transitional living program in which the child resides or,
2.16 in the event a person under the age of 18 has no living father, mother, or guardian, or is
2.17 married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult close
2.18 family member, or adult employer; provided, that the approval required by this clause
2.19 contains a verification of the age of the applicant and the identity of the parent, guardian,
2.20 adult spouse, adult close family member, or adult employer; and

2.21 ~~(6)~~ (5) has paid all fees required in section 171.06, subdivision 2.

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

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

2.31 (d) A driver education program under this subdivision includes a public, private, or
2.32 commercial program, and must be approved by the commissioner.

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

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

3.5 Sec. 2. **[171.395] ONLINE DRIVER EDUCATION PROGRAM.**

3.6 (a) A licensed driver education program may provide online driver education as provided
 3.7 in this section. The online driver education program must satisfy the requirements for
 3.8 classroom driver education as provided in section 171.0701, subdivision 1, and Minnesota
 3.9 Rules, chapter 7411. In addition, an online driver education program must:

3.10 (1) include a means for the student to measure performance outcomes;

3.11 (2) use a pool of rotating quiz questions;

3.12 (3) incorporate accountability features to ensure the identity of the student while engaged
 3.13 in the course of online study;

3.14 (4) measure the amount of time that the student spends in the course;

3.15 (5) provide technical support to customers that is available 24 hours per day, seven days
 3.16 per week;

3.17 (6) require a licensed Minnesota driver education instructor to monitor each student's
 3.18 progress and be available to answer questions in a timely manner, provided that the instructor
 3.19 is not required to monitor progress or answer questions in real time;

3.20 (7) store course content and student data on a secure server that is protected against data
 3.21 breaches and is regularly backed up;

3.22 (8) incorporate preventive measures in place to protect against the access of private
 3.23 information;

3.24 (9) include the ability to update course content uniformly throughout the state; and

3.25 (10) provide online interactive supplemental parental curriculum consistent with section
 3.26 171.0701, subdivision 1a.

3.27 (b) Except as required by this section, the commissioner is prohibited from imposing
 3.28 requirements on online driver education programs that are not equally applicable to classroom
 3.29 driver education programs.

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

4.1 Sec. 3. **REPEALER.**

4.2 Minnesota Rules, part 7411.0535, is repealed.

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

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.