

# MINNESOTA RULES 1989

7033

SCHOOL BUS DRIVER QUALIFICATIONS 7414.0400

## CHAPTER 7414

### DEPARTMENT OF PUBLIC SAFETY DRIVER AND VEHICLE SERVICES DIVISION SCHOOL BUS DRIVER QUALIFICATIONS

7414.0200	BASIC REQUIREMENT.	7414.1300	FORM OF PHYSICIAN'S CERTIFICATE.
7414.0300	TESTS.	7414.1400	PERIODIC REEXAMINATION.
7414.0400	DRIVER BACKGROUND CHECK. PHYSICAL EXAMINATION	7414.1500	ADDITIONAL EXAMINATIONS.
7414.1100	PHYSICIAN'S CERTIFICATE.	7414.2100	RENEWAL REQUIREMENTS.
7414.1200	DISQUALIFICATION.		

#### 7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's endorsement to operate a motor vehicle that is owned by a government agency; a nonpublic school corporation or agency; or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

**Statutory Authority:** *MS s 14.06; 171.321*

**History:** *13 SR 1448*

#### 7414.0300 TESTS.

**Subpart 1. Initial driver's endorsement.** The test or examination required for an initial school bus driver's endorsement on a Minnesota driver's license shall include a written test and a road test.

**Subp. 2. Written test.** The written test shall be based on the provisions of the Highway Traffic Regulation Act, Minnesota Statutes, chapter 169 and driver license laws and rules relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

**Subp. 3. Road test.** The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

**Statutory Authority:** *MS s 171.321 subd 2*

#### 7414.0400 DRIVER BACKGROUND CHECK.

**Subpart 1. Scope.** Before issuing or renewing a driver's license with a school bus driver's endorsement, the Department of Public Safety shall conduct a background check to investigate the applicant's criminal and driving records. The department shall use the criteria listed in subparts 2 and 3 when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

**Subp. 2. Denial, cancellation of endorsement.** The department shall not issue or renew a school bus driver's endorsement and shall cancel an existing endorsement if the applicant's criminal or driving record shows that the applicant has been convicted of any one of the following:

A. selling a controlled substance, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

B. a felony or gross misdemeanor against another, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

C. two or more felony convictions not against another and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

D. two or more convictions for driving while under the influence of alcohol or a controlled substance; two or more driver's license revocations under the implied consent law; or, in combination, one or more convictions of driving while under the influence of alcohol or a controlled substance and one or more driver's license revocations under the implied consent law, which do not arise out of the same factual circumstances or behavioral incident, and five years have not elapsed since the applicant's conviction, revocation, or release from a correctional facility, whichever event occurred last;

E. four or more moving violations within a three-year period and one year has not elapsed since the last conviction; or

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

For purposes of this part, a crime solely against property is not considered a crime against another.

**Subp. 3. Felony charges.** The department shall not consider the application for an initial school bus driver's endorsement of an individual charged with a felony against another until that individual is found not guilty of the charge.

A driver with a school bus driver's endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

**Subp. 4. Letter required for issuance.** If a conviction or a withdrawal of driving privileges based on a situation listed in items A to I of this subpart appears on the applicant's record, or the applicant has a B-card, and the applicant is not barred from obtaining an endorsement by reason of subpart 2, the department shall issue or renew an endorsement only if the applicant submits with the application a letter recommending that the endorsement be renewed or issued to the applicant. The letter may be either from the superintendent of schools or the superintendent's agent of the school district in which the applicant is employed or will be employed, or from the contractor employing the applicant. If the letter is from the contractor, a copy must be sent to the superintendent of schools. If the conviction is for criminal sexual conduct described in item F, a copy of the recommending letter must be sent to the applicant's probation officer if the applicant is under the supervision of the court.

The letter must contain the first, middle, and last name of the applicant; the

# MINNESOTA RULES 1989

7035

## SCHOOL BUS DRIVER QUALIFICATIONS 7414.1200

applicant's driver's license number; and an acknowledgment of the applicant's criminal or driving record.

These provisions relate to any one of the following:

A. conviction for possession of a controlled substance within five years preceding application;

B. conviction for driving while under the influence of alcohol or a controlled substance within five years preceding application;

C. conviction for selling a controlled substance within five years preceding application;

D. conviction of a felony or gross misdemeanor not against another within five years preceding application;

E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to 609.265, more than five years but less than ten years preceding application;

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and more than five years but less than ten years have elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

G. three convictions for moving traffic violations within two years preceding application;

H. conviction for a moving traffic violation resulting in a revocation or suspension within three years preceding application; and

I. revocation under Minnesota Statutes, section 169.123, the implied consent statute, within three years preceding application.

**Statutory Authority:** *MS s 14.06; 171.321*

**History:** *13 SR 1448*

### PHYSICAL EXAMINATION

#### 7414.1100 PHYSICIAN'S CERTIFICATE.

An applicant for a school bus driver's endorsement shall be in good physical and mental health, able-bodied, and free from communicable disease. As evidence of his physical fitness and mental alertness, the applicant shall submit to a physical examination by a reputable physician designated by the local school authorities; and the physician's certificate of physical fitness and mental alertness shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

**Statutory Authority:** *MS s 171.321 subd 2*

#### 7414.1200 DISQUALIFICATION.

An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement whose physical examination discloses communicable diseases, or mental or physical conditions of an intermittent or continuing nature that might reasonably affect the ability to operate a school bus, must be denied a school bus driver's endorsement. One or more of the deficiencies specified in items A to M disqualify the applicant for a school bus driver's endorsement:

A. visual acuity less than 20/40 Snellen in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers required to wear corrective lenses shall wear properly prescribed lenses when driving);

B. hearing less than 30 db (10/20) in the better ear, with or without a hearing aid;

C. abusers of alcohol or users of narcotics or drugs that may impair driving ability;

D. coronary or heart ailment likely to interfere with safe driving, electrocardiogram is required when other findings indicate desirability;

E. blood pressure over 160/90;

F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;

G. a communicable disease listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;

H. loss or impairment of foot, leg, hand, or arm, unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;

I. a mental, nervous, organic, or functional disease likely to interfere with safe driving;

J. diabetes unless controlled by diet or oral medication only;

K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;

L. use of medication that the examining physician determines is likely to interfere with safe driving; or

M. lack of good general health.

**Statutory Authority:** *MS s 14.06; 171.321*

**History:** *13 SR 1448*

#### **7414.1300 FORM OF PHYSICIAN'S CERTIFICATE.**

The certificate to be used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any driver examining station.

**Statutory Authority:** *MS s 171.321 subd 2*

#### **7414.1400 PERIODIC REEXAMINATION.**

Each school bus driver is required to take and pass a physical examination every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus driver shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass and return the physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver license.

**Statutory Authority:** *MS s 171.321 subd 2*

#### **7414.1500 ADDITIONAL EXAMINATIONS.**

A physical examination may be required more often upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

**Statutory Authority:** *MS s 171.321 subd 2*

### **RENEWAL OF SCHOOL BUS ENDORSEMENT**

#### **7414.2100 RENEWAL REQUIREMENTS.**

**Subpart 1. Written examination.** Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass a written examination containing only such material as the commissioner of public safety deems necessary to determine if the licensee is entitled to retain the endorsement previously issued.

# MINNESOTA RULES 1989

7037

## SCHOOL BUS DRIVER QUALIFICATIONS 7414.2100

**Subp. 2. Noncompliance.** Failure to comply with any of the requirements of this part shall result in the cancellation or denial of the school bus driver's endorsement.

**Statutory Authority:** *MS s 171.321 subd 2*