

CHAPTER 7414
DEPARTMENT OF PUBLIC SAFETY
SCHOOL BUS DRIVER QUALIFICATIONS

7414.0100	DEFINITIONS	7414.1450	DIABETES WAIVER; ADDITIONAL INFORMATION.
7414.0200	BASIC REQUIREMENT; APPLICABILITY.	7414.1460	EPILEPSY, LOSS OF CONTROL WAIVER; MORE INFORMATION.
7414.0300	TESTS.	7414.1470	GENERAL CRITERIA FOR GRANTING WAIVER.
7414.0350	ENDORSEMENT CATEGORIES.	7414.1490	GRANTING WAIVER FOR DIABETES MELLITUS.
7414.0400	DRIVER BACKGROUND CHECK.	7414.1500	ADDITIONAL EXAMINATIONS.
	PHYSICAL EXAMINATION	7414.1510	GRANTING WAIVER FOR EPILEPSY, LOSS OF CONTROL.
7414.1100	PHYSICIAN'S CERTIFICATE.	7414.1520	NO WAIVER FOR HEARING.
7414.1200	PHYSICAL QUALIFICATIONS REQUIREMENT, GENERALLY.	7414.1530	GRANTING WAIVER FOR VISION.
7414.1300	EXAMINATION FORM AND CERTIFICATE.	7414.1550	EFFECT OF WAIVER.
7414.1400	PERIODIC PHYSICAL REEXAMINATION.	7414.1560	RENEWAL OF WAIVER.
7414.1410	PHYSICAL QUALIFICATIONS WAIVER; REQUEST, APPLICATION.	7414.1570	NOTICE OF DENIAL, REVOCATION, REFUSAL TO RENEW; APPEAL.
	WAIVERS OF PHYSICAL REQUIREMENTS	7414.1600	FEDERAL COMMERCIAL CARRIER MEDICAL EXAMINATION.
7414.1420	APPLICATION CONTENTS FOR WAIVER, GENERALLY.		RENEWAL OF SCHOOL BUS ENDORSEMENT
7414.1430	LIMB IMPAIRMENT WAIVER; ADDITIONAL INFORMATION.	7414.2100	RENEWAL REQUIREMENTS.
7414.1440	VISION WAIVER; ADDITIONAL APPLICATION INFORMATION.		

7414.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms in this chapter have the meanings given them in this part.

Subp. 2. **Charter carrier.** "Charter carrier," as used in the definition of "school bus," has the meaning given in Minnesota Statutes, section 221.011, subdivision 21.

Subp. 3. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 4. **Driver.** "Driver" has the meaning given in Minnesota Statutes, section 171.01, subdivision 31.

Subp. 5. **Head Start bus.** "Head Start bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 36.

Subp. 6. **Head Start bus driver.** "Head Start bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (d).

Subp. 7. **License.** "License" has the meaning given in Minnesota Statutes, section 171.01, subdivision 37.

Subp. 8. **Motor vehicle.** "Motor vehicle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 39.

Subp. 9. **Parent or guardian.** "Parent" or "guardian," as used in the definition of "school bus," means a person having legal custody of a school-age child or pupil.

Subp. 10. **School.** "School" has the meaning given in Minnesota Statutes, section 120A.22.

Subp. 11. **School bus.** "School bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 46.

Subp. 12. **School bus driver.** "School bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (b).

Subp. 13. **School children or pupil.** "School children" or "pupil," as used in the definition of "school bus" and in Minnesota Statutes, section 171.321, subdivision 1, means:

A. an individual meeting the qualifications for admission to a public school as specified in Minnesota Statutes, section 120A.20; or

B. an individual admitted to or enrolled in a school as defined in Minnesota Statutes, section 120A.22.

Subp. 14. **School-related trip or activity.** "School-related trip or activity," as used in the definition of "school bus," is a function undertaken, sanctioned, sponsored, endorsed, or authorized by a school or school district.

Subp. 15. **School district.** "School district" has the meaning given in Minnesota Statutes, section 120A.05.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343; L 1998 c 397 art 11 s 3*

7414.0200 BASIC REQUIREMENT; APPLICABILITY.

Every person required by Minnesota Statutes, section 171.321 to have a school bus endorsement on the person's driver's license must meet the requirements specified in this chapter.

A. A person who operates a motor vehicle with a seating capacity for ten or fewer persons used as a school bus is not required to have a school bus endorsement if:

(1) the motor vehicle operated by the individual is not outwardly equipped or identified as a school bus; and

(2) the driver possesses a valid class driver's license in accordance with Minnesota Statutes, section 171.02, subdivision 2.

B. The driver of a vehicle operated as a Head Start bus is not subject to the qualifications in this chapter for a school bus endorsement, except that the driver is subject to the disqualification provisions applicable to a Head Start bus driver in Minnesota Statutes, section 171.3215.

C. The transportation of persons by a charter carrier is not subject to the provisions of this chapter.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *13 SR 1448; 22 SR 2343*

7414.0300 TESTS.

Subpart 1. **Initial endorsement.** To obtain an initial school bus endorsement to drive a school bus, a person must satisfactorily pass a written test and a road test administered by the department.

Subp. 2. **Written test.** The applicant for a school bus endorsement on the driver's license must satisfactorily pass a written test administered by the department.

A. The written test must be based on:

(1) chapters 7414 and 7470;

(2) Minnesota Statutes, chapter 169, and sections 171.321 to 171.322; and

(3) a general knowledge of the operation of school buses, including knowledge of the equipment, devices, laws, and rules peculiar to the operation of school buses.

B. The written test must contain at least 50 questions.

C. There must be at least two forms of the test with the questions arranged in different order on each form.

D. The written test is satisfactorily passed if a score of at least 80 percent is obtained.

Subp. 3. **Road test.** The applicant must satisfactorily pass a road test administered by the department in a school bus that represents the least restrictive category of a school bus the applicant expects to operate.

A. The road test must evaluate knowledge of the school bus, bus-related equipment, operation of the motor vehicle in accordance with Minnesota Statutes, chapter 169, and the rules contained in chapter 7470, and include:

MINNESOTA RULES 2003

251

SCHOOL BUS DRIVER QUALIFICATIONS 7414.0400

- (1) a pretrip inspection;
- (2) placing the vehicle in operation;
- (3) use of the vehicle's controls and emergency equipment;
- (4) operating the vehicle in traffic and while passing other vehicles;
- (5) turning the vehicle;
- (6) braking, and slowing the vehicle by means other than braking;
- (7) backing and parking the vehicle;
- (8) loading and unloading pupils; and
- (9) proper procedures at railroad crossings.

B. The road test is satisfactorily passed if a score of at least 80 percent is obtained.

C. In determining whether a score of at least 80 percent 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 14.06; 171.321; 299A.01*

History: *22 SR 2343; L 1998 c 397 art 11 s 3*

7414.0350 ENDORSEMENT CATEGORIES.

An endorsement to drive a school bus on a Minnesota driver's license must be issued by the department in one of the categories specified in items A to D. The endorsement must be issued based on the passenger capacity of the school bus and the gross vehicle weight (GVW) of the motor vehicle used by the applicant to take the road test.

A. An "A" category endorsement is unrestricted. The license holder may drive a school bus with a GVW of more than 26,000 pounds as well as a school bus described in item B, C, or D.

B. A "B" category endorsement is restricted. The license holder may drive a school bus designed to transport 24 or more passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus described in item C or D.

C. A "C" category endorsement is restricted. The license holder may drive a school bus with 16 to 23 passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus described in item D.

D. A "D" category endorsement is restricted. The license holder may only drive a school bus designed to transport 15 or fewer passengers.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343*

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. **Scope.** Before issuing or renewing a driver's license with a school bus endorsement, the department shall conduct a background check to investigate the applicant's criminal and driving records. The department shall use the criteria listed in subpart 3 and Minnesota Statutes, section 171.3215, when issuing or denying an application for a new school bus endorsement or when renewing or canceling an existing endorsement.

Subp. 1a. **Temporary endorsement.** An otherwise qualified applicant seeking a temporary endorsement on the driver's license to drive a school bus pursuant to Minnesota Statutes, section 171.321, subdivision 3, paragraph (b), shall present to the department at the time of application for the temporary endorsement, the affidavits described in this subpart.

A. The applicant shall sign and have notarized an affidavit attesting:

(1) that the applicant is not currently charged with a felony against another and has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215; and

(2) as to the states in which the applicant has resided in the past five years immediately before the date of application.

B. The applicant shall submit a signed and notarized affidavit from an authorized individual of a school district or a contractor employed by a school or school district:

(1) attesting that a criminal records check has been conducted on the applicant;

(2) specifying the source of the criminal records check; and

(3) attesting that the applicant is not currently charged with a felony against another or has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215.

C. For an individual who has resided in the state for the past five years immediately before the date of application, the criminal history check must be obtained by the department through the state criminal records repository of the Bureau of Criminal Apprehension.

D. For an individual who has been a resident of a state other than Minnesota at any time in the five years immediately before the date of application, a criminal history check must be obtained from:

(1) a government agency performing the same function as the Bureau of Criminal Apprehension in each resident state other than Minnesota;

(2) the Federal Bureau of Investigation; or

(3) a private source acceptable to the commissioner of public safety.

Subp. 2. [Repealed, 22 SR 2343]

Subp. 3. **Felony charges.** The department shall not consider the application for an initial school bus 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 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. [Repealed, 22 SR 2343]

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *13 SR 1448; 22 SR 2343*

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 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*

History: *17 SR 1279*

7414.1200 PHYSICAL QUALIFICATIONS REQUIREMENT, GENERALLY.

The department shall consider an applicant for an initial school bus endorsement or for renewal of a school bus endorsement to be physically qualified for endorsement

to operate a school bus when the applicant provides evidence of being examined and the evidence shows that the examiner has determined that the applicant meets the requirements in Code of Federal Regulations, title 49, section 391.41, which are incorporated by reference.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *13 SR 1448; 22 SR 2343*

7414.1300 EXAMINATION FORM AND CERTIFICATE.

The examination form used by the physician to record the physical condition of the applicant must substantially comply with the form prescribed in Code of Federal Regulations, title 49, section 391.43, paragraph (f). A form may be obtained from the department or from any driver examining station. The certificate of the examining physician must be substantially in accordance with the certificate in Code of Federal Regulations, title 49, section 391.43, paragraph (g).

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343*

7414.1400 PERIODIC PHYSICAL REEXAMINATION.

Each driver with a school bus endorsement shall take and pass a physical examination every two years to retain the school bus endorsement.

A. The two-year reexamination period starts from the examination date of the most recent physical examination certificate submitted by a driver with a school bus endorsement.

B. The department will send a physical examination certificate to a driver with a school bus endorsement.

C. A driver with a school bus endorsement shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before the expiration of the two-year period, to the department.

D. If the driver fails to pass the physical examination or return the physical examination certificate within two years of the date of the last physical examination filed with the department, the commissioner of public safety shall cancel the school bus endorsement from the Minnesota driver's license.

E. If a person's school bus endorsement is canceled because of a failure to submit the certificate verifying physical reexamination within two years after the initial or a subsequent physical examination, the person is allowed up to three years after the date of the last physical examination to submit the required certificate of physical examination without having to retake the written test and road test for school bus endorsement.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *17 SR 1279; 19 SR 1131; 22 SR 2343*

7414.1410 PHYSICAL QUALIFICATIONS WAIVER; REQUEST, APPLICATION.

Subpart 1. **Waiver request, generally.** An individual who does not meet the physical qualifications for a school bus endorsement because of a failure to meet the requirements in Code of Federal Regulations, title 49, section 391.41, may request a waiver from the commissioner of public safety according to the procedures and criteria specified in parts 7414.1410 to 7414.1570.

Subp. 2. **Application.** An application for a waiver must be submitted by the applicant seeking the school bus endorsement. The application must be submitted to the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343*

WAIVERS OF PHYSICAL REQUIREMENTS

7414.1420 APPLICATION CONTENTS FOR WAIVER, GENERALLY.

An application for a waiver must:

- A. contain the applicant's name, address, birth date, driver's license number, and date of license expiration;
- B. specify the physical qualification for which a waiver is requested;
- C. describe the applicant's disability or impairment;
- D. describe the school bus the applicant intends to drive including the passenger capacity of the vehicle and gross vehicle weight, if known;
- E. estimate the period of time per day the driver will be driving and on duty;
- F. contain the driving record for the last three years, if any, the applicant has operated a commercial vehicle and the driving record for the last three years the applicant has operated all types of motor vehicles from each state the applicant has had a driver's license or permit;
- G. contain a copy of the form for the physical examination performed according to Code of Federal Regulations, title 49, section 391.41, and a copy of the certificate from the examining physician attesting that the applicant is otherwise qualified, except for the disability or impairment for which a waiver is requested;
- H. contain a copy of the applicant's road test as prescribed by the department's Driver and Vehicle Services Division;
- I. describe the alternative measures; modification of policies, practices, or procedures; or the provision of auxiliary aids or services that will be taken to ensure that there is no significant risk to the health and safety of the public and pupils if the waiver is granted; and
- J. contain the signature of the applicant and the date.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343*

7414.1430 LIMB IMPAIRMENT WAIVER; ADDITIONAL INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the physical qualifications in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), must also contain:

- A. a description of the vehicle the applicant intends to drive that specifies:
 - (1) whether the transmission is automatic or manual and, if manual, the number of forward speeds;
 - (2) the type of brake system;
 - (3) whether the steering is manual or power assisted; and
 - (4) whether vehicle modification has been or will be made for the applicant; and
- B. a medical waiver summary completed by either a doctor of physical medicine or orthopedic surgeon that includes:
 - (1) an assessment of the applicant's functional capabilities as they relate to the applicant's ability to perform the normal tasks associated with operating the school bus in question;
 - (2) a statement by the examining physician that the applicant is capable of safely performing the normal school bus driver operations required; and
 - (3) an assessment and medical opinion of whether the impairment or disability is likely to remain medically stable over the applicant's lifetime.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: *22 SR 2343*

MINNESOTA RULES 2003

255

SCHOOL BUS DRIVER QUALIFICATIONS 7414.1460

7414.1440 VISION WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the vision requirements in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(10), must also contain a letter signed and dated from an optometrist or ophthalmologist that:

- A. identifies and defines the visual deficiency;
- B. certifies that the applicant's visual acuity is at least 20/40 Snellen, corrected or uncorrected, in the better eye;
- C. certifies that the applicant has a field of vision of no less than 120 degrees of field in one or both eyes together as demonstrated on a Goldman perimeter using a IIIe target, or equivalent full field test using an automated perimeter;
- D. certifies that the individual recognizes the colors of red, green, and amber in traffic signals in an actual field test if the subject fails a color screening test or a comparable color contrast sensitivity test; and
- E. certifies that in the examiner's opinion the applicant can safely perform the normal school bus driver operations required.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1450 DIABETES WAIVER; ADDITIONAL INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3), relating to diabetes mellitus currently requiring insulin for control must also contain:

- A. a letter signed and dated from a physician licensed under Minnesota Statutes, chapter 147, attesting that:
 - (1) the physician is familiar with the applicant's medical history;
 - (2) the applicant does not suffer from hypoglycemia unawareness;
 - (3) within the last three years the applicant has not had a hypoglycemic reaction that resulted in a change in mental or physical status that precludes the applicant from safely performing normal school bus operations;
 - (4) the applicant's diabetic condition will not adversely impact the applicant's ability to perform normal school bus operations safely;
 - (5) the applicant has been educated on diabetes and its management, thoroughly informed on and understands the procedures to follow to monitor and manage the diabetes, and what procedures to follow if complications arise; and
 - (6) the applicant has the ability and has demonstrated a willingness to properly monitor and manage the diabetes; and
- B. a signed statement from an examining ophthalmologist indicating that the applicant:
 - (1) has been examined within the preceding six weeks;
 - (2) does not have unstable proliferative diabetic retinopathy; and
 - (3) has stable distant visual acuity of at least 20/40 Snellen in each eye separately, with or without corrective lenses.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1460 EPILEPSY, LOSS OF CONTROL WAIVER; MORE INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(8), relating to epilepsy or any other condition likely to cause loss of consciousness or loss of ability to control a motor vehicle safely, must also contain the information in this subpart. The applicant shall provide a letter signed and dated from a physician licensed under Minnesota Statutes, chapter 147, attesting that:

A. the physician is familiar with the applicant's medical history and the applicant has been examined within the last six weeks;

B. any neurological or neuromuscular condition is controlled;

C. the applicant's driving is not or will not be impaired by weakness, numbness, or muscle spasm, or the applicant adequately compensates for any paralysis or paresthesia while driving;

D. the applicant is knowledgeable about the condition; and

E. there are no episodes of altered consciousness or loss of bodily control caused by a neurological condition unless the following apply:

(1) there has been a single, nonrecurring episode of altered consciousness or loss of bodily control that occurred more than two years prior to application, the cause has been identified, and no further treatment is required; or

(2) a seizure disorder has been diagnosed but the person has been episode free for at least five years preceding application and has not required treatment for at least five years preceding application.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1470 GENERAL CRITERIA FOR GRANTING WAIVER.

The commissioner shall grant a waiver if:

A. the waiver was requested in the manner prescribed by parts 7414.1410 to 7414.1460;

B. the waiver will have no potential adverse effect on public or pupil safety;

C. any alternative measures; the modification of policies, practices, or procedures; or the provision of auxiliary aids or services, if any, are equivalent or superior to those prescribed in rules; and

D. the waiver does not waive a statutory standard.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1490 GRANTING WAIVER FOR DIABETES MELLITUS.

A waiver that is granted to the applicant who fails to meet the physical requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3), relating to diabetes mellitus currently requiring insulin for control, must require the applicant to:

A. carry, use, and record in a log the readings from a portable, self-monitoring blood glucose device equipped with a computerized memory or, if the device is capable of printing paper tape reports, the paper tape reports may be used instead of a log;

B. monitor blood glucose one hour before going on duty and approximately every four hours while on duty;

C. make log records or tapes available to any authorized enforcement official on request;

D. carry and use when on duty a source of rapidly absorbable glucose;

E. carry insulin and the equipment of materials necessary to administer this medication;

F. report in writing within 15 calendar days to the Minnesota Department of Public Safety, Driver and Vehicle Services Division:

(1) any citation for a moving traffic violation involving the operation of a school bus along with a photocopy of the citation;

(2) the judicial or administrative disposition of a citation for a moving violation involving a school bus along with a photocopy of the notice of disposition; and

MINNESOTA RULES 2003

257

SCHOOL BUS DRIVER QUALIFICATIONS 7414.1530

(3) the involvement in any accident whatever while operating a school bus and include any state, insurance company, or motor carrier accident reports and any attending physician's and laboratory reports of treatment arising from the accident;

G. submit a signed statement from an ophthalmologist no later than 15 days before the renewal date of the waiver and endorsement that indicates the applicant:

(1) was examined within the six-week period immediately preceding the renewal date of the waiver;

(2) was found not to have unstable proliferative diabetic retinopathy; and

(3) has a stable visual acuity of at least 20/40 Snellen in each eye, corrected or uncorrected; and

H. comply with the provisions of part 7410.2610 for reporting a diabetes-related episode involving the loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1500 ADDITIONAL EXAMINATIONS.

Pursuant to Minnesota Statutes, section 171.13, subdivisions 1 and 3, the commissioner may require a medical examination of an applicant for a school bus endorsement or licensed driver with a school bus endorsement to determine incompetency, physical or mental disability or disease, or any other condition that might affect the driver in exercising reasonable and ordinary control over a motor vehicle.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1510 GRANTING WAIVER FOR EPILEPSY, LOSS OF CONTROL.

A waiver that is granted to the applicant who fails to meet the physical requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(8), relating to epilepsy, or any other condition likely to cause loss of consciousness or control, must require the applicant to:

A. meet the requirements specified in part 7414.1460;

B. obtain a recommendation to grant a waiver from the department's seizure subcommittee of neurologists established under part 7410.3000; and

C. comply with the reporting provisions of part 7410.2500, subparts 2 and 2a.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1520 NO WAIVER FOR HEARING.

The hearing qualifications contained in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(11), are not subject to waiver for a person applying for a school bus endorsement.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1530 GRANTING WAIVER FOR VISION.

A waiver from the vision qualifications contained in Code of Federal Regulations, title 49, section 391.41, paragraph (b)(10), relating to vision, may be granted only if the requirements in part 7414.1440, are met.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1550 EFFECT OF WAIVER.

A waiver has only future effect. Alternative measures, conditions, or limitations attached to the waiver have the force and effect of the applicable law or rule.

A. The driver or applicant must have the waiver in possession whenever operating a school bus.

B. If the driver violates the alternative measures, conditions, or limitations attached to the waiver, the applicant is subject to the enforcement actions and penalties provided in the applicable law or rule. The applicant shall notify the commissioner in writing within 30 days of any material change in the conditions upon which the waiver was granted.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1560 RENEWAL OF WAIVER.

Subpart 1. **Request.** A request for a renewal of a waiver must be submitted by the driver to the commissioner of public safety in writing at least 30 days before its expiration date. The renewal request must contain the current information specified in parts 7414.1410 to 7414.1460.

Subp. 2. **Renewal upon satisfactory compliance.** The commissioner shall renew the waiver if the applicant continues to satisfy the criteria contained in this part and demonstrates compliance with any alternative measures, conditions, or limitations imposed at the time the original waiver was approved.

Subp. 3. **Material change.** Subpart 2 does not apply if there has been any material change in the conditions upon which the variance was granted, such as a change in the type or category of school bus to be driven or a material change in the applicant's medical condition.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1570 NOTICE OF DENIAL, REVOCATION, REFUSAL TO RENEW; APPEAL.

Subpart 1. **Notification.** The commissioner of public safety shall notify the applicant in writing of the commissioner's decision to grant or deny the waiver.

A. If the waiver is granted, the notice shall specify the period of time for which the waiver is effective and any alternative measures, conditions, or limitations the applicant or driver must meet.

B. If the waiver is denied, the commissioner shall specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by a medical review panel established under part 7410.3000.

Subp. 2. **Action.** The commissioner shall deny, revoke, or refuse to renew a waiver if the commissioner determines the criteria and conditions in parts 7414.1470 to 7414.1560 are not met.

Subp. 3. **Appeal.** An applicant or driver may appeal the denial revocation, or refusal to renew a waiver, by requesting in writing a review of the commissioner's decision by the medical review board established under part 7410.3000.

Statutory Authority: *MS s 14.06; 171.321; 299A.01*

History: 22 SR 2343

7414.1600 FEDERAL COMMERCIAL CARRIER MEDICAL EXAMINATION.

Subpart 1. **Exemption.** An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement is exempt from parts 7414.1100, 7414.1200, 7414.1300, and 7414.1400, upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49,

MINNESOTA RULES 2003

259

SCHOOL BUS DRIVER QUALIFICATIONS 7414.2100

part 391, subpart E, or Minnesota Statutes, section 221.0314, incorporating those federal regulations. As evidence of being medically examined and certified, the applicant is required to submit, to the Department of Public Safety, the original or photographic copy of the commercial motor carrier physical examination form or the medical examiner's certificate under those federal regulations.

Subp. 2. Periodic reexamination. Each school bus driver is required to take and pass a physical examination every two years in order to retain the school bus driver's endorsement. The two-year reexamination period will start from the examination date of the most recent physical examination form or medical examiner's certificate submitted by a school bus driver under subpart 1. A school bus driver must send the original or photographic copy of the completed physical examination form or medical examiner's certificate, along with a \$2 processing fee, on or before the expiration of the two-year period, to the Department of Public Safety. Failure to pass the physical examination and submit the physical examination form or medical examiner's certificate will result in cancellation of the school bus driver's endorsement from the Minnesota driver's license.

Statutory Authority: *MS s 171.321*

History: *19 SR 1131*

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 a driver's 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.

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*

History: *17 SR 1279*