

CHAPTER 7421
DEPARTMENT OF PUBLIC SAFETY
MEDICAL QUALIFICATIONS FOR A COMMERCIAL
DRIVER'S LICENSE

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7421.0100 DEFINITIONS.

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

Subp. 2. **Cancel or cancellation.** "Cancel" or "cancellation" means the commissioner's rescission of a CDL holder's or driver applicant's commercial driving privileges for failure to meet the required commercial driver license testing requirements under chapter 7410.

Subp. 3. **CDL holder.** "CDL holder" means a person who was issued a commercial driver's license or a commercial learner's permit by the commissioner or another jurisdiction as long as the CDL or CLP is not expired, or if expired, expired less than one year from the date of expiration.

Subp. 4. **Commercial driver's license (CDL).** "Commercial driver's license" or "CDL" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

Subp. 5. **Commercial learner's permit (CLP).** "Commercial learner's permit" or "CLP" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

Subp. 6. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 22.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of public safety, acting directly or through authorized officers or agents.

Subp. 8. **Current medical waiver.** "Current medical waiver" has the meaning given in Minnesota Statutes, section 171.01, subdivision 29a.

Subp. 9. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 10. **Department of Transportation (MnDOT).** "Department of Transportation" or "MnDOT" means the Minnesota Department of Transportation.

Subp. 11. **Disqualification or disqualify.** "Disqualification" or "disqualify" means the commissioner's withdrawal of the privilege to drive commercial motor vehicles for a specific period under part 7421.0600 or 7421.0700.

Subp. 12. **Driver.** "Driver" has the meaning given in Minnesota Statutes, section 171.01, subdivision 31.

Subp. 13. **Driver applicant.** "Driver applicant" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

Subp. 14. **Federal Motor Carrier Safety Administration (FMCSA).** "Federal Motor Carrier Safety Administration" or "FMCSA" means the agency of the United States Department of Transportation.

Subp. 15. **Interstate or foreign commerce.** "Interstate or foreign commerce" has the meaning given in Minnesota Statutes, section 171.01, subdivision 36a.

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Subp. 16. **Intrastate commerce.** "Intrastate commerce" has the meaning given in Minnesota Statutes, section 171.01, subdivision 36b.

Subp. 17. **License.** "License" has the meaning given in Minnesota Statutes, section 171.01, subdivision 37.

Subp. 18. **Medical examiner.** "Medical examiner" has the meaning given in Minnesota Statutes, section 171.01, subdivision 38a.

Subp. 19. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds put forth in good faith, which are not arbitrary, irrational, unreasonable, or irrelevant and which make the proposition asserted more likely than not, provided that the grounds are based on at least one of the following sources:

- A. written information from an identified person;
- B. facts or statements by the applicant or driver;
- C. driver's license and accident records;
- D. court documents and police records; or
- E. facts of which the commissioner or a department employee has personal knowledge.

Subp. 20. **Valid medical examiner's certificate.** "Valid medical examiner's certificate" has the meaning given in Minnesota Statutes, section 171.01, subdivision 49b.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0200 SELF-CERTIFICATION.

Subpart 1. **Requirement.** The commissioner shall not issue a class A, class B, or class C commercial driver's license or issue a commercial learner's permit until a driver applicant submits the self-certification required under Minnesota Statutes, section 171.162. When applicable, a driver applicant shall submit to the commissioner either:

- A. a valid medical examiner's certificate; or
- B. a valid medical examiner's certificate and a current medical waiver.

Subp. 2. **Driver self-certification.** A driver applicant for a class A, class B, or class C commercial driver's license or commercial learner's permit shall certify, as part of the license application, and during any issuance, renewal, transfer, or upgrade of a commercial driver's license or any issuance or renewal of a commercial learner's permit, the category of motor vehicle operation that the driver operates, or expects to operate under Minnesota Statutes, section 171.162, subdivision 2, clauses (1) to (4).

Subp. 3. **Form available electronically.** The self-certification form, prescribed by the commissioner and required for compliance with this part, is available electronically from the Department of Public Safety's Web site.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0300 CDL HOLDER INFORMATION UPDATED; RECORD RETENTION.

Subpart 1. **Updating driving record.** In accordance with Minnesota Statutes, section 171.167, and Code of Federal Regulations, title 49, part 383.73, the commissioner shall, within ten calendar days, update the driving record of a CDL holder when:

- A. receiving the self-certification form;
- B. receiving the valid medical examiner's certificate;
- C. receiving information from FMCSA or MnDOT regarding the issuance, renewal, or rescission of a medical variance;
- D. a medical variance is issued, renewed, or rescinded under chapter 7414; and

E. the CDL holder's medical certification status has expired or a medical variance has expired or has been rescinded.

Subp. 2. **Record retention.** The commissioner shall retain medical certificates and medical waivers in accordance with Minnesota Statutes, section 171.12, subdivision 3.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0400 CDL MEDICAL CERTIFICATION STATUS; PERIODIC PHYSICAL REEXAMINATION REQUIRED.

Subpart 1. **Maintaining medical certification status.** If a CDL holder certifies to the category of motor vehicle operation that the CDL holder operates, or expects to operate under Minnesota Statutes, section 171.162, subdivision 2, clause (1) or (3), then the CDL holder must pass a physical examination every two years, or more often than every two years as required by the medical examiner, in order to maintain a certified medical certification status on the driving record.

Subp. 2. **Reexamination period.** The reexamination period starts from the date of the most recent medical examination certificate submitted by a CDL holder or received electronically.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0500 GENERAL CRITERIA FOR ACCEPTING INTERSTATE AND INTRASTATE WAIVERS.

Subpart 1. **Accepting interstate waivers generally.** The commissioner shall accept a medical waiver from a CDL holder or driver applicant who has certified under Minnesota Statutes, section 171.162, subdivision 2, clause (1), and who has obtained a medical waiver or skill performance evaluation from the Federal Motor Carrier Safety Administration for interstate or foreign commerce relating to:

- A. vision;
- B. diabetes mellitus requiring insulin for control; and
- C. limb impairment.

Subp. 2. **Accepting intrastate waivers generally.** The commissioner shall accept a medical waiver from a CDL holder or driver applicant who has certified under Minnesota Statutes, section 171.162, subdivision 2, clause (3), and who has obtained a medical waiver from the Department of Transportation for intrastate commerce relating to:

- A. vision;
- B. diabetes mellitus requiring insulin for control; and
- C. limb impairment; and
- D. hearing,

except that, under part 7414.1520, the commissioner shall not accept a waiver from the qualifications contained in Code of Federal Regulations, title 49, section 391.41.

Subp. 3. **Indicating waiver on driver record.** The commissioner shall, in accordance with part 7421.0300, update the driving record when a CDL holder submits a valid medical examiner's certificate accompanied by a current medical waiver that indicates the CDL holder:

A. has a current medical waiver that is issued by FMCSA and is so indicated as a restriction;

B. is prohibited from operating in interstate or foreign commerce when the current medical waiver is issued by the Department of Transportation and is so indicated as a restriction; or

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C. is prohibited from operating in interstate or foreign commerce when the current medical waiver is issued by the commissioner and is so indicated as a restriction.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0600 FALSE INFORMATION; DISQUALIFICATION.

Subpart 1. **False information confirmed.** The commissioner shall disqualify the CDL privilege of a CDL holder or a driver applicant if the commissioner has sufficient cause to believe that, during a check of the driver applicant's status and record prior to issuing the CDL or CLP, or at any time after the CDL or CLP is issued, the CDL holder or driver applicant has falsified information in:

- A. the self-certification form;
- B. the valid medical examiner's certificate or current medical waiver required under Minnesota Statutes, section 171.162; or
- C. any of the documents required under Code of Federal Regulations, title 49, part 383.71, 383.73, or 383.95.

Subp. 2. **Term.** The disqualification period under subpart 1 is for 60 days from the date of the commissioner's decision. The commissioner shall record the disqualification on the CDL holder's or driver applicant's driving record.

Subp. 3. **Appeal.** A person who disagrees with the commissioner's decision under subpart 1 may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the written notification under subpart 1. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision of the issue under appeal is the final decision of the department.

Subp. 4. **Notice.** The commissioner shall send written notice to the CDL holder or driver applicant upon disqualifying the CDL privilege under subpart 1. The notice must state the duration of the disqualification period.

Subp. 5. **Reinstatement of CDL privilege after disqualification.** The commissioner shall not reinstate the CDL privilege of a driver whose CDL was disqualified under subpart 1 until the driver:

- A. has met the disqualification period; and
- B. provides the commissioner with required documentation for the category of motor vehicle operation that the driver operates, or expects to operate, to which the driver or driver applicant has certified in the self-certification form.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0700 FRAUD; DISQUALIFICATION, CANCELLATION.

Subpart 1. **Conviction of fraud related to the testing and issuance of a CLP or CDL.**

A. The commissioner shall disqualify the CDL privilege or application of a CDL holder or driver applicant for one year when the commissioner is notified that the CDL holder or driver applicant has been convicted of fraud related to the issuance or testing of a CDL or CLP.

B. The commissioner shall record the disqualification and the conviction of fraud in the person's driving record.

Subp. 2. **Fraud suspected related to the testing and issuance of a CLP or CDL.** If the commissioner has sufficient cause to believe that a CDL holder or a driver applicant is suspected, but has not been convicted of fraud, related to the issuance of the CDL or CLP, then the commissioner shall send written notice to the CDL holder or driver applicant stating that the CDL holder or driver applicant must retake either the applicable knowledge test or the applicable road test, or both, under chapter 7410.

Subp. 3. **Failure to pass required test; cancellation.** The commissioner shall cancel the CDL privilege of a CDL holder or driver applicant described in subpart 2 if the CDL holder or driver applicant does not pass the required tests within 30 days of the date of the notice. The commissioner shall not reinstate the CDL privilege until the driver applicant satisfies the CDL testing requirements under chapter 7410.

Subp. 4. **Appeal.** A person who disagrees with the commissioner's decision under subpart 2 may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the written notification under subpart 5. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision of the issue under appeal is the final decision of the department.

Subp. 5. **Notice.** The commissioner shall send written notice to the CDL holder or driver applicant upon disqualifying the CDL privilege under subpart 1 or upon cancelling the CDL privilege under subpart 2. The notice must state the duration of any applicable disqualification period.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0800 NOTICE OF INTENT TO DOWNGRADE COMMERCIAL DRIVER'S LICENSE.

Subpart 1. **Warning notice of medical status expiring.** The commissioner shall send written notice to a CDL holder 60 days prior to the expiration of the CDL holder's medical certification status that states:

A. the medical examiner's certificate or the medical waiver will expire within 60 days of the date of the notice;

B. the commissioner will change the medical status to "Not Certified" on the CDL holder's driving record; and

C. the CDL privilege will no longer be valid, unless the CDL holder submits:

(1) current medical documents; or

(2) a new self-certification form indicating that the CDL holder is exempt from medical requirements under Minnesota Statutes, section 171.162.

Subp. 2. **Notice of medical certificate status updated to not certified.** The commissioner shall send written notice to a CDL holder who fails to submit a valid medical examiner's certificate or a current medical waiver before either expires, or fails to submit a new self-certification in which the CDL holder certifies that the CDL holder is exempt from the medical examination requirements under Minnesota Statutes, section 171.162. The notice must state:

A. the CDL medical certification status has been updated to "NOT CERTIFIED";

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B. the CDL privilege is not valid; and

C. the CDL will be downgraded to a class D license unless, within 30 days of the date of notice, the CDL holder submits the medical documentation required under Minnesota Statutes, section 171.162.

Subp. 3. CDL downgrade.

A. A driver whose CDL has been downgraded to a class D license for less than one year may seek reinstatement of the CDL privilege by submitting either:

(1) a self-certification form in which the driver certifies that the CDL holder is exempt from the medical examination requirements under Minnesota Statutes, section 171.162; or

(2) the valid medical examiner's certificate or current medical waiver required under Minnesota Statutes, section 171.162, subdivision 3.

B. A driver whose CDL has been downgraded to a class D license for more than one year and who seeks reinstatement of the CDL privilege is subject to the testing requirements under part 7421.0900.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*

7421.0900 TESTING REQUIRED AFTER CDL DOWNGRADE.

Subpart 1. **Requirements after CDL downgrade.** A driver applicant for a commercial driver's license whose license has been downgraded to a class D license for more than one year must pass applicable required knowledge tests and a road test administered by the commissioner.

Subp. 2. **Knowledge tests.** A driver applicant must pass all the knowledge tests required for the class of license and endorsements required for the vehicle that the driver applicant expects to operate.

Subp. 3. Road test.

A. A driver applicant must pass a road test administered by the commissioner in a commercial motor vehicle that represents the class of license required for the vehicle that the driver applicant expects to operate.

B. A driver applicant for a passenger endorsement must pass a road test administered by the commissioner in a qualifying bus within the meaning of Minnesota Statutes, section 169.011, subdivision 11.

C. A driver applicant for a school bus endorsement must pass a road test administered by the commissioner in a school bus within the meaning of Minnesota Statutes, section 169.011, subdivision 71.

Statutory Authority: *MS s 171.09; 171.162; L 2010 c 242 s 10*

History: *36 SR 809*