

**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 [Repealed, 22 SR 2343]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*

**Published Electronically:** *January 3, 2003*