

8840.5900 DRIVER QUALIFICATIONS.

Subpart 1. **Physical qualification.** No driver may operate a special transportation service vehicle providing special transportation unless the driver is physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraphs (a) and (b), which is incorporated by reference.

Subp. 2. [Renumbered Subp. 13]

Subp. 3. [Repealed, 28 SR 1578]

Subp. 4. [Renumbered Subp. 17]

Subp. 5. **Evidence of physical qualification.** Before driving a special transportation service vehicle providing special transportation, a driver must have a valid medical examiner's certificate under Code of Federal Regulations, title 49, section 391.43, which is incorporated by reference, certifying that the driver meets the requirements in subpart 1. A copy of the medical examiner's certificate must be in the driver's possession while operating a special transportation service vehicle.

Subp. 6. **Waiver for physical defects.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b), clause (1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive a special transportation service vehicle if the commissioner grants a waiver to that person under Minnesota Statutes, section 221.0314, subdivisions 3, 3a, and 3b. A copy of the waiver must be given to the provider who employs the driver and must be in the driver's possession while operating a special transportation service vehicle.

Subp. 7. **Other evidence of physical qualifications.** A driver who has a driver's license with a valid school bus endorsement issued under Minnesota Statutes, section 171.321, or the rules of the commissioner of public safety, may furnish the provider with a copy of that endorsement instead of furnishing the medical examiner's certificate described in subpart 5.

Subp. 8. **Ability to inspect vehicle and assist passenger.** Each driver must be able to perform a vehicle safety inspection. Each driver and attendant, when a vehicle is staffed by both a driver and an attendant, must be able to assist a passenger into and out of the vehicle and operate a wheelchair lift or ramp if the vehicle is equipped with it.

Subp. 9. **Driver's license.** A driver must have a driver's license valid for the class of vehicle driven.

Subp. 10. **Age and experience.** A driver must be at least 18 years of age and have not less than one year of experience as a licensed driver.

Subp. 11. **Driving record.** A driver must, for the past three years:

A. have not had a driver's license canceled under Minnesota Statutes, section 171.14, revoked under Minnesota Statutes, section 171.17, or suspended under Minnesota Statutes, section 171.18, clause (2), (3), (4), (5), (7), or (11);

B. have a driving record clear of convictions for driving a motor vehicle without a valid current license for the class of vehicle driven; and

C. have a driving and criminal record clear of convictions for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.20, or an ordinance in conformity with that section, of alcohol-related driving by commercial vehicle drivers under Minnesota Statutes, section 169A.20, and of driver's license revocations under Minnesota Statutes, sections 169A.51 to 169A.53.

Subp. 12. [Repealed, L 2015 c 71 art 11 s 65]

Subp. 13. **Provider responsibility; employee's driver's license.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review a copy of the driver's license showing that the driver has a valid driver's license.

Subp. 14. [Repealed, L 2015 c 71 art 11 s 65]

Subp. 15. **Provider responsibility; statement of physical qualifications.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review a copy of the statement of physical qualifications or other evidence of physical qualifications listed in subpart 5 or 6 that the driver meets the physical qualifications in subpart 1.

Subp. 16. **Provider responsibility; failure to maintain qualifications.** If, during the time a provider is using or employing a driver, the driver no longer meets the standards of this part, the provider shall immediately stop using or employing the driver as a special transportation vehicle driver or attendant and shall report the withdrawal, the reason the driver no longer meets the standards, or both, to the commissioner.

Subp. 17. **Complaint records.** A provider shall keep a record of a complaint, report, or allegation of misconduct made against a driver it uses or employs. The record must contain a copy of the complaint or report or a detailed written summary of the allegation. A provider shall investigate the accuracy of the complaint, report, or allegation and shall include a summary of the investigation and resulting action taken, if any, in the record. These records must be included in the driver's file or in a separate file kept by the provider.

Statutory Authority: *MS s 174.30*

History: *L 1984 c 654 art 5 s 58; 17 SR 634; L 1992 c 571 art 14 s 13; L 2000 c 478 art 2 s 7; L 2001 1Sp9 art 14 s 35; 28 SR 1578; L 2014 c 180 s 9; L 2015 c 71 art 11 s 65*

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