

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 [Repealed, 28 SR 1578]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 of physical qualification.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b), clause (1), (2), (3), (10), or (11), 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 qualification.** A driver who has a valid commercial driver's license or 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.** A driver must be at least 18 years old.

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 a conviction 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 a conviction 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 and driving record showing that the driver has a valid driver's license and was not disqualified under this part at the time the review is performed.

Subp. 13a. **Provider responsibility; status of employee's driver's license.** The provider must annually obtain the driving record for each driver the provider employs, stating the driver is still not disqualified under this part.

Subp. 13b. **Provider responsibility; background study eligibility.** Before using or hiring a driver to provide special transportation service, a provider must review documentation from the Department of Human Services showing the driver is eligible or has received a set-aside from the commissioner of human services in compliance with the background study required under Minnesota Statutes, section 174.30, subdivision 10, paragraph (b). Upon receiving documentation that a driver who was previously eligible is no longer eligible, a provider shall immediately stop using the driver to provide special transportation service.

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 [Repealed, L 2015 c 71 art 11 s 65]

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

Subp. 15a. **Provider responsibility; review of physical qualification.** The provider must review a copy of each driver's valid medical examiner's certificate or other evidence of physical qualification listed in subpart 5 or 6 as required in subpart 1. This review must be performed in such a way as to ensure the driver is not used to perform services without a current and valid medical examiner's certificate or other evidence of physical qualification. The provider must keep a record of this review in the driver's file under part 8840.6100.

Subp. 16. **Provider responsibility; failure to maintain qualification.** 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 or attendant 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 or attendant'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; 48 SR 155*

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