

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 795B

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-19-82
DATE FOR REVIEW 3-30-82
DATE DUE 4-12-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 4-2-82 4-2-82 Disapproved _____ Returned to Agency 4-2-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 4-2-82 Revisor approved 3/24/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.9.82 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 5.25.81

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.24.81 At least 30 days prior to hearing/adoption

_____ Mailing list Certificate

✓ Publication in State Register
11.30.81 At least 30/[redacted] days prior to hearing/adoption
12.7.81 errata

N/A Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOHN P. SOPSIC
Commissioner of Public Safety

PATRICIA A. WEBER
Member, State Bd. of Education

ATTN: JOEL WATNE, Spec. Ass't. Atty. Gen.

DATE: 4/2/82

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-0315

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education and the Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers, 5 MCAR Section 1.0220 - 1.0225 (EDU 220-225) and 11 MCAR Section 1.0080 - 1.0084

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

STATE BOARD OF EDUCATION

In the Matter of the Proposed Adoption of Rules of the State Board of Education and the Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers 5 MCAR Section 1.0220 - 1.0225 (EDU 220-225) and 11 MCAR Section 1.0080 - 1.0084.

ORDER ADOPTING RULES

Notice of the Commissioner of Public Safety's and the Board of Education's intent to adopt the above-captioned rules without a public hearing was published in the State Register on November 30, 1981 and was sent by the United States mail to all persons on the lists maintained by each agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 25, 1981. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. One request for hearing and three comments were received within the 30 day comment period. The need for and the reasonableness of the proposed rules are adequately and fully set forth in the Statement of Need and Reasonableness which is incorporated herein. The rules as originally proposed are adopted as amended.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 5 MCAR Section 1.0220 - 1.0225 (EDU 220-225) and 11 MCAR Section 1.0080 - 1.0084, are adopted this 9th day of March, 1982, pursuant to authority vested in the Board of Education and the Commissioner of Public Safety by Minnesota Statutes section 171.321.

John P. Sopsic
Commissioner of Public Safety

Member, State Board of Education

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

STATE BOARD OF EDUCATION

In the Matter of the Proposed Adoption of Rules of the State Board of Education and the Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers
5 MCAR Section 1.0220 - 1.0225 (EDU 220-225) and
11 MCAR Section 1.0080 - 1.0084.

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John P. Sopsic
Commissioner of Public Safety

John J. Feda
Secretary, State Board of Education

Department of Public Safety

Adopted Rules of the Department of Public Safety Governing Qualifications of School Bus Drivers

Rules As Adopted

11 MCAR S 1.0080 General requirement. Satisfactory completion of a school bus driver's examination shall be required of every person required by Minn. Stat. S 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

11 MCAR S 1.0081 Tests. The test or examination required for an initial school bus driver's endorsement on a Minnesota driver's license shall include a written test and a road test.

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws and rules relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the Commissioner of Public Safety shall ~~weigh~~ weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

B. Road test.

1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the

smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

11 MCAR S 1.0082 Physical examination.

A. Physician's certificate. An applicant for a school bus driver's endorsement shall be in good physical and mental health, be able-bodied and free from communicable disease. As evidence of his 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.

B. Disqualification. Any school bus driver applicant, whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus, shall be denied a school bus driver's endorsement. One or more of the following deficiencies will disqualify the applicant for a school bus driver's endorsement:

1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).

2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.

3. Inebriates or users of narcotics or drugs wnich may impair driving ability.

4. Coronary disease. Any indication of coronary or heart

ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.

5. Blood pressure over 160/90.

6. Lungs. Failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Health Department rules 7 MCAR SS 1.327-1.328.

7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR S 1.316 and 7 MCAR S 1.326.

8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.

9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.

10. Diabetes unless controlled by diet or oral medication only.

11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness.

12. Use of any medication which the examining physician determines is likely to interfere with safe driving.

13. Applicant not of good general health.

C. Form of physician's certificate. The certificate to be used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any driver examining station.

D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus driver shall return the certificate, completed by the examining physician, along with a $2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass and return the physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver

license.

E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

11 MCAR S 1.0083 Driver background check. Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

11 MCAR S 1.0084 Requirements, renewal of driver license and school bus endorsement.

A. Requirements. Every four years a school bus driver applying for the renewal of his driver 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.

B. Noncompliance. Failure to comply with any of the requirements of this rule shall result in the cancellation or denial of the school bus driver's endorsement.

APPROVED AS TO LEGALITY

April 2 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ed D. Mackenzie

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 2 1982
Joan Anderson Growe
Secretary of State

3:20 P.M.

Rules as Proposed

~~SafAd 80~~ 11 MCAR S 1.0080 General requirement. Satisfactory completion of a school bus driver's examination shall be required of every person ~~operating any~~ required by Minn. Stat. S 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by

~~(a)~~ A ~~government agency, or~~

~~(b) A person, firm, association or corporation, or~~

~~(c) Private or parochial school corporations or agencies~~ a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

~~SafAd 81~~ 11 MCAR S 1.0081 ~~Written Test~~ Tests. The test or examination required for ~~a~~ an initial school bus driver's endorsement on a Minnesota driver's license, shall ~~be a written test based upon~~ include a written test and a road test.

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws, and rules ~~and regulations~~ relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

B. Road test.

1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the

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smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

11 MCAR S 1.0082 Physical examination.

~~(a)~~ A. Physician's certificate. An applicant for a school bus driver's endorsement shall be in good physical and mental health, be able-bodied and free from communicable disease. As evidence of his 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 shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

B. Disqualification. Any school bus driver applicant, whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus, shall be denied a school bus driver's endorsement. One or more of the following deficiencies will disqualify the applicant for a school bus driver's endorsement:

1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).

2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.

3. Inebriates or users of narcotics or drugs which may impair driving ability.

4. Coronary disease. Any indication of coronary or heart

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ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.

5. Blood pressure over 160/90.

6. Lungs. Failure to have a satisfactory Mantoux ~~and~~ or chest x-ray as required by Minnesota Health Department ~~rule~~ rules 7 MCAR SS 1.327-1.328.

7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR S 1.316 and 7 MCAR S 1.326.

8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.

9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.

10. Diabetes unless controlled by diet or oral medication only.

11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness ~~(not accepted)~~.

12. Use of any medication which the examining physician determines is likely to interfere with safe driving.

13. Applicant not of good general health.

~~(c)~~ C. Form of physician's certificate. The certificate to be used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any driver examining station.

~~(d)~~ D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination ~~each year~~ every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus ~~drivers~~ driver shall return the certificate, completed by the examining physician, along with a ~~$2.00~~ $2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass ~~and/or~~ and return the ~~yearly~~ physical examination shall result in cancellation of the school

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bus driver endorsement from the Minnesota driver license.

~~(e)~~ E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

~~SaFAd 83~~ 11 MCAR S 1.0083 Driver background check. Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

~~SafAd 84~~ 11 MCAR S 1.0084 Requirements, renewal of driver license and school bus endorsement.

~~(a)~~ A. Requirements. Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass ~~an~~ 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.

~~(b)~~ B. Noncompliance. Failure to comply with any of the requirements of this ~~regulation~~ rule shall result in the cancellation or denial of the school bus driver's endorsement.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

RD39
October 16, 1981

Agency Department of Public Safety

Division Safety Administration Division

Agency Contact Diane Hamilton Phone Number 6-7096

Title: Proposed Rules Amending Qualifications for School Bus Drivers

Type of Rules: Permanent X Temporary_____

Incorporations by References: None in new material

Rule Number	Material Incorporated
	Author
	Title
	Place
	Publisher
	Date
	Cost
	Places Available

See Additional references on back Yes___ No X

Duplication of Statutory Language. None

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ward P. Gronfield

Title: Deputy Revisor

Phone: 296-0945

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Office of Administrative Hearings

Notice of Intent to Solicit Information on Rules Relating to Hearings Involving the Workers' Compensation Laws

Pursuant to the provisions of Minn. Stat. 1980 § 15.0412, subd. 6, notice is hereby given that the Chief Hearing Examiner of the Office of Administrative Hearings intends to obtain information or opinions from sources outside of the agency for the purpose of drafting, proposing and adopting temporary and permanent rules relating to hearings involving the Workers' Compensation Laws. All interested persons may submit data or views on the subject in writing or orally by contacting Duane R. Harves, Chief Hearing Examiner, Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, (612-296-8100). Any written material received will become a part of the hearing record to be submitted to the Attorney General at the time the rules are adopted. Data or views must be submitted as soon as possible to be considered for the temporary rules, and may be submitted until July 1, 1981 for consideration in the permanent rules.

Any persons desiring to be sent any drafts of these proposed rules, either temporary or permanent, or who desire to have their name placed on the agency list of persons to be notified of the agency's intent to adopt rules should submit such request, in writing, to Sharon Schmidt, Administrative Assistant, Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104.

Department of Commerce Insurance Division

Meeting Notices

Minnesota Comprehensive Health Association
Finance Committee Meeting
Tuesday, June 9, 1981
1:30 p.m.
NWNL Reinsurance Company
100 North 7 Street—Suite 400
Minneapolis, Mn 55403 and

Board of Directors
Tuesday, June 16, 1981
Following Annual Meeting of Members
Room 51 State Office Building
St. Paul, Minnesota 55155

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the offices of the Insurance Division, and may also be obtained by telephone from the Life and Health Section, telephone (612) 296-2202.

State Board of Education Department of Education Department of Public Safety

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Qualifications for School Bus Drivers

Notice is hereby given that the State Departments of Public Safety and Education are seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing school bus driver examination, physical qualification, and school bus endorsement.

The promulgation of these rules is authorized by Minnesota Statutes, § 171.321, which requires the State Board of Education and the Commissioner of Public Safety to jointly prescribe rules governing qualifications of individuals to drive school buses.

The State Departments of Public Safety and Education request information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Gerald Pavek
Pupil Transportation
Department of Education
550 Cedar Street
St. Paul, MN 55101

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone by contacting Gerald Pavek at 296-2839, and in person at the above addresses.

All statements of information and comment shall be accepted until June 26, 1981. Any written materials received by either the Department of Public Safety or the Department of Education shall become part of the record in the event that the rules are promulgated.

May 15, 1981

Howard B. Casmey
Secretary

John P. Sopsic
Commissioner of Public Safety

Water Planning Board

Notice of Meeting

Notice is hereby given that the Water Planning Board will hold a meeting on Wednesday, May 27, 1981, in the third floor conference room at the Department of Natural Resources, Centennial Building, beginning at 1:30 p.m. An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski
Chairman

Pollution Control Agency

Notice of Intent to Act on a Proposed Amendment to the Air Quality Plan for Transportation in the Twin Cities Metropolitan Area

Notice is hereby given that the Minnesota Pollution Control Agency will consider adoption of an amendment to the Air Quality Control Plan for Transportation during its regular monthly meeting on June 23, 1981, in the agency offices at 1935 West County Road B2, Roseville, Minnesota 55113. The agency meeting begins at 9:00 a.m. An agenda will be issued by June 12, 1981, and interested persons are invited to contact Jayne M. Stilwell of the agency staff at the address noted above or at (612) 296-7280 for the time at which the amendment will be discussed.

The public is hereby invited to attend the board meeting on June 23, 1981, and to comment on adoption of the proposed amendment. Written comments may be submitted prior to the board meeting and should be mailed to Douglas M. Benson at the address noted above.

The purpose of this amendment to the Air Quality Control Plan for Transportation is to eliminate violations of the eight-hour ambient air quality standard for carbon monoxide at the intersection of Snelling and University Avenues in St. Paul. This amendment is proposed in accordance with Part D of the Clean Air Act.

If adopted by the Pollution Control Agency Board, the amendment will include in the State Implementation Plan a change in signalization at the intersection of Snelling and University to eliminate violations of the eight-hour carbon monoxide standard.

Dated this 1st day of May 1981.

Louis J. Breimhurst
Executive Director

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 8th day of September, 1981, that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

John P. Sopsic
COMMISSIONER OF PUBLIC SAFETY

State Board of Education
Department of Education
Department of Public Safety

In the Matter of the Proposed
Adoption of Rules of the State
Board of Education and Rules of
the Department of Public Safety
Governing Qualifications of
School Bus Drivers

Notice of Intent to Adopt Rules
Without a Public Hearing

Notice is hereby given that the State Board of Education and the Department of Public Safety are proposing to adopt the above entitled rules without a public hearing. The State Board of Education and the Commissioner of Public Safety have determined that the proposed adoption of these rules will be noncontroversial in nature and have elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The proposed rules, a copy of which is attached, clarifies the school bus drivers endorsement, testing requirements, control of diabetes, and renewal requirements.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to either the Department of Education or the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. In the event a public hearing is required, the State Board of Education and the Department of Public Safety will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of the proposed rules, should address their correspondence to:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
Telephone: (612) 296-7096

Gerald Pavek, Director
Pupil Transportation
Department of Education
550 Cedar Street
Telephone: (612) 296-2839

The Agencies' authority to adopt the proposed rules is contained in Minn. Stat. § 171.321. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from either of the above named individuals upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to one of the above addresses.

It is estimated that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7.

A copy of the proposed rules is attached to this Notice.

State of Minnesota

11-6-81
dated

John P. Sopsic
Commissioner of Public Safety

11/10/81
dated

John J. Feda
Secretary

~~EDU-220~~ 5 MCAR § 1.0220/11 MCAR § 1.0080 General requirement. Satisfactory completion of a school bus driver's examination shall be required of every person ~~operating any~~ required by Minn. Stat. § 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by

~~A. A government agency, or~~

~~B. A person, firm, association or corporation; or~~

~~C. Private or parochial school corporations or agencies~~ a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

~~EDU-221~~ 5 MCAR § 1.0221/11 MCAR § 1.0081 ~~Written test~~ Tests. The test or examination required for ~~a~~ an initial school bus driver's endorsement on a Minnesota driver's license shall ~~be a written test based upon~~ include a written test and a road test.

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws~~,~~ and rules ~~and regulations~~ relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

B. Road test.

1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

5 MCAR § 1.0222/11 MCAR § 1.0082 Physical examination.

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1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).

2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.

3. Inebriates or users of narcotics or drugs which may impair driving ability.

4. Coronary disease. Any indication of coronary or heart ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.

5. Blood pressure over 160/90.

6. Lungs. Failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Health Department ~~rule~~ rules 7 MCAR §§ 1.327-1.328.

7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR § 1.316 and 7 MCAR § 1.326.

8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.

9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.

10. Diabetes unless controlled by diet or oral medication only.

11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness ~~(not accepted)~~.

12. Use of any medication which the examining physician determines is likely to interfere with safe driving.

13. Applicant not of good general health.

C. Form of physician's certificate. The certificate to be used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any ~~driving~~ driver examining station.

D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination ~~each year~~ every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus ~~drivers~~ driver shall return the certificate, completed by the examining physician, along with a ~~$2.00~~ $2

processing fee, on or before his birthday to the Department of Public Safety. Failure to pass ~~and-or~~ and return the ~~yearly~~ physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver license.

E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

~~EDU 224~~ 5 MCAR § 1.0224/11 MCAR § 1.0083 Driver background check. Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

~~EDU 225~~ 5 MCAR § 1.0225/11 MCAR § 1.0084 Requirements, renewal of driver license and school bus endorsement.

A. Requirements. Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass ~~an~~ 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.

B. Noncompliance. Failure to comply with any of the requirements of this ~~regulation~~ rule shall result in the cancellation or denial of the school bus driver's endorsement.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 24th day of November, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, (mailing list A). In addition, discretionary notice was served on all persons and associations contained on mailing list B.

Diane Hamilton

Subscribed and sworn to before me this 24th day of November, 1981.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 a.m., this 24th day of November, 1981.

Diane Hamilton

1. A registered nurse with at least 2,000 hours of experience within the last five years, at least 500 hours of which must be in a geriatric or rehabilitation nursing setting; or

2. A licensed practical nurse who was teaching this course in a nursing home as of January 1, 1979 who continues to teach this course in that same facility as of January 1, 1982.

E. Exemptions. The following nursing assistants shall not be required to comply with the education requirements of Minn. Stat. §§ 144A.61 and 144A.611:

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978;

2. Nursing assistants who successfully completed after January 1, 1976 a training program for nursing assistants employed in nursing homes which used a program approved by the Department of Education, unless employment has been interrupted for greater than five consecutive years;

3. Nursing assistants who successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if the completion occurred no more than five calendar years prior to employment;

4. Persons who have successfully completed the individual oral or written test and performance evaluation, even though they had not taken the course;

5. Registered nurses or licensed practical nurses holding current licensure in Minnesota; and

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of 12 hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

Effective Date. Rules 5 MCAR §§ 1.0111-1.0117 are effective for programs and courses approved after July 1, 1982.

Repealer. Rule 5 MCAR § 1.0112 G. is repealed. Rules 5 MCAR §§ 1.0113; 1.0114; 1.0115; and 1.0117, as they existed before the effective date of 5 MCAR §§ 1.0111-1.0117 above are repealed on the effective date of the new 5 MCAR §§ 1.0113; 1.0114; 1.0115; and 1.0117.

State Board of Education
Department of Education
Department of Public Safety

Proposed Rules of the State Board of Education and Rules of the Department of Public Safety Governing Qualifications of School Bus Drivers

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education and the Department of Public Safety are proposing to adopt the above entitled rules without a public hearing. The State Board of Education and the Commissioner of Public Safety have determined that the proposed adoption of these rules will be noncontroversial in nature and have elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The proposed rules, a copy of which is attached, clarifies the school bus drivers endorsement, testing requirements, control of diabetes, and renewal requirements.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to either the Department of Education or the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment

period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. In the event a public hearing is required, the State Board of Education and the Department of Public Safety will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of the proposed rules, should address their correspondence to:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
Telephone: (612) 296-7096

Gerald Pavek, Director
Pupil Transportation
Department of Education
550 Cedar Street
Telephone: (612) 296-2839

The agencies' authority to adopt the proposed rules is contained in Minn. Stat. § 171.321. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from either of the above named individuals upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General,or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to one of the above addresses.

It is estimated that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7.

A copy of the proposed rules is attached to this notice.

November 6, 1981

John P. Sopsic
Commissioner of Public Safety

November 10, 1981

John J. Feda
Secretary

Rules as Proposed

~~EDU 220~~ 5 MCAR § 1.0220/11 MCAR § 1.0080 **General requirement.** Satisfactory completion of a school bus driver's examination shall be required of every person ~~operating~~ ~~any~~ required by Minn. Stat. § 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by

~~A. A government agency, or~~

~~B. A person, firm, association or corporation, or~~

~~C. Private or parochial school corporations or agencies~~ a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

~~EDU 221~~ 5 MCAR § 1.0221/11 MCAR § 1.0081 ~~Written test~~ Tests. The test or examination required for ~~a~~ an initial school bus driver's endorsement on a Minnesota driver's license shall ~~be a written test based upon~~include a written test and a road test.

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws~~,~~ and rules ~~and regulations~~ relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the Commissioner of Public Safety shall weigh each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

B. Road test.

1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 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.

5 MCAR § 1.0222/11 MCAR § 1.0082 Physical examination.

A. Physician's certificate. An applicant for a school bus driver's endorsement shall be in good physical and mental health, be able-bodied and free from communicable disease. As evidence of his 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 shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

B. Disqualification. Any school bus driver applicant, whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus, shall be denied a school bus driver's endorsement. One or more of the following deficiencies will disqualify the applicant for a school bus driver's endorsement:

1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).

2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.

3. Inebriates or users of narcotics or drugs which may impair driving ability.

4. Coronary disease. Any indication of coronary or heart ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.

5. Blood pressure over 160/90.

6. Lungs. Failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Health Department ~~rule~~ rules 7 MCAR §§ 1.327-1.328.

7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR § 1.316 and 7 MCAR § 1.326.

8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.

9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.

10. Diabetes unless controlled by diet or oral medication only.

11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness ~~(not accepted)~~.

12. Use of any medication which the examining physician determines is likely to interfere with safe driving.

13. Applicant not of good general health.

C. Form of physician's certificate. The certificate to be used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any ~~driving~~ driver examining station.

D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination ~~each year~~ every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus ~~drivers~~ driver shall return the certificate, completed by the examining physician, along with a ~~$2.00~~ $2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass ~~and or~~ and return the ~~yearly~~ physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver license.

E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

~~EDU 224~~ 5 MCAR § 1.0224/11 MCAR § 1.0083 **Driver background check.** Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

~~EDU 225~~ 5 MCAR § 1.0225/11 MCAR § 1.0084 **Requirements, renewal of driver license and school bus endorsement.**

A. Requirements. Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass ~~an~~ 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.

B. Noncompliance. Failure to comply with any of the requirements of this ~~regulation~~ rule shall result in the cancellation or denial of the school bus driver's endorsement.

Department of Labor and Industry
Occupational Safety and Health Division

Proposed Occupational Safety and Health Standards Governing Fire Protection

Notice of Hearing

The above-entitled standards were proposed for adoption on September 28, 1981 (6 S.R. 537). Written objections have been filed and a hearing requested. Therefore, notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 182.655 (1980) in Conference Room D, Fifth Floor, Veterans Service Building, 20 West 12th Street (Capitol Complex), St. Paul, Minnesota 55155, commencing at 9:30 a.m. on Tuesday, January 26, 1982.

All interested or affected persons will have an opportunity to participate concerning the proposed standards captioned above. 8 MCAR § 1.7324 B.5. requires those persons who wish to appear at the hearing to file a notice of intention to appear together with a statement of the position to be taken with regard to the issues and of the evidence to be adduced in support of the position. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to the presiding officer, Mr. Richard Luis, Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within a period of time after the hearing as may be established by the presiding officer. Such statements may be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, please furnish at least three copies. In addition, in order to save time and avoid duplication, it is suggested that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing, which is legislative in type, shall be governed by Chapter 24 (Standards Promulgation) of the Rules and Regulations of the Department of Labor and Industry, Occupational Safety and Health Codes (8 MCAR §§ 1.7320-1.7329).

The proposed standards may be modified as a result of the hearing process. The department therefore strongly urges those who are potentially affected in any manner by the proposed standard to participate in the hearing process.

The proposed standard, 29 CFR Part 1910 Subpart L, was adopted by Federal OSHA on September 12, 1980, and is intended to minimize employee exposure to hazardous situations involving unwanted fires in workplaces and to provide the fire protection equipment and services for the safe evacuation or rescue of employees endangered by unwanted workplace fires. Three general areas are covered: portable fire protection equipment, fixed fire protection systems, and fire brigades. Objections have been raised and a hearing requested on the fire brigade portion of this standard. Section 1910.156, "Fire Brigades," contains requirements for the organization, training, physical capability, and personal protective equipment for fire brigades. When adopted by the State of Minnesota, Department of Labor and Industry, the provisions of this standard will also apply to public sector professional firefighters, both paid and volunteer. The hearing will be conducted to determine whether the proposed Occupational Safety and Health Standards are reasonably necessary or appropriate to provide safe and healthful employment and places of employment in Minnesota.

Copies of the proposed standard are now available and one free copy may be obtained by writing to the Department of Labor

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE CONTRACTS

Captain Roger Lenz
State Patrol Training Center
1900 West County Road I
New Brighton, Minnesota 55112

It is anticipated that activities to accomplish these training courses will not exceed a total cost of $30,000. The deadline for submission of bids will be the close of the working day December 21, 1981.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce
Banking Division

Bulletin No. 2488: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of December, 1981

Notice is hereby given that pursuant to Minn. Stat. § 47.20, subd. 4a (1980), the maximum lawful rate of interest for conventional home mortgages for the month of December, 1981, is seventeen (17.00) percentage points. Further, pursuant to Senate File No. 273, chapter 373, 1980 Session Laws, as it amended Minn. Stat. § 47.20, the maximum lawful rate of interest for contracts for deed for the month of December, 1981, is seventeen (17.00) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

The maximum rate is based on the Federal National Mortgage Association November 24, 1981, auction results and an average yield for conventional mortgage commitments of 16.890%. Current rates regarding this monthly publication are available by telephoning the Banking Division 24-hour information number (612) 297-2751.

November 25, 1981

Michael J. Pint
Commissioner of Banks

State Board of Education
Department of Education
Department of Public Safety

Notice of Addendum to Notice of Intent to Adopt Rules without a Public Hearing

In the November 30, 1981 issue of the *State Register*, on page 1048 (6 S.R. 1048), a joint notice of intent to adopt rules without a public hearing is published by the Department of Public Safety and the State Board of Education. The rules published as part of this notice constitute a single publication of what are actually two sets of rules: 11 MCAR §§ 1.0080 through 1.0084 (Department of Public Safety) and 5 MCAR §§ 1.0220 through 1.0225 (State Board of Education). The two sets of rules are identical with one exception, which is noted here:

In the last line of 5 MCAR § 1.0222 C., an amendment is made changing "driving" to "driver," as shown in the published rule. This change is made in the State Board of Education version of this rule to conform it to existing language in the Public Safety version of the rule.

STATE OF MINNESOTA

STATE BOARD OF EDUCATION

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Board of Education and the State Department of Public Safety Governing Qualifications of School Bus Drivers, 5 MCAR 1.0220 to 1.0225 and 11 MCAR 1.0080 to 1.0084.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner of Public Safety's and the State Board of Education's intent to adopt the above captioned rules without a public hearing was published in the State Register on November 30, 1981, and was sent by the United States Mail to all persons on the lists maintained by the State Board of Education and the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4, on November 25, 1981.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received three public comments, having received one request for a public hearing within the 30 day comment period, and having reviewed and considered the comments, we find the following:

FINDINGS OF FACT

1. On December 7, 1981 a Notice of Addendum to Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register. This was necessary to explain a one word difference in the rules of the State Board of Education and the rules of the Department of Public Safety which existed prior to the November 30, 1981 publication.

2. One request for public hearing was received during the 30 day public comment period, from the Granada-Huntley Consolidated Schools. Two objections relate to the separate license based on size of school bus and the written examination every four years. These issues are fully addressed in the Statement of Need and Reasonableness. Another objection relates to a desire to have a vehicle of proof that a school bus driver is endorsed. This is already provided for by the endorsement on the driver license; therefore we feel this objection is unfounded.

3. The Minnesota Chiropractic Association, without requesting a hearing, requested a revision of the definition of "physician" to include Doctors of Chiropractic. The term physician has been consistently interpreted in the State of Minnesota to mean only a Doctor of Medicine or Osteopathy. It is not appropriate to use a different interpretation for these rules. The Minnesota Chiropractic Association is basing its request on Minn. Stat. Section 148.08,

which pertains specifically to matters of the "public health". School bus driver physical examinations are a matter of the individuals' health qualifications. Therefore, Minn. Stat. Section 148.08 does not apply and the change requested by the Minnesota Chiropractic Association is not incorporated into these rules.

4. The Dassel-Cokato Public School's comment refers to physical examinations every two years as being too infrequent since problems could arise during the intervening time, and that a provision should be made for immediate disqualification. This objection is unfounded because it is provided for in paragraph E of 5 MCAR 1.0222 and 11 MCAR 1.0082. That paragraph authorizes school districts to demand a physical examination at any time. During such physical examination a driver may be disqualified based on the rules.

5. At the November 1981 State Board of Education meeting a comment was made concerning a language oversight in paragraph A of 5 MCAR 1.0222 and 11 MCAR 1.0082. The paragraph refers to physical fitness, and mental alertness and requires the physician to attest to the applicant's physical fitness and mental alertness. The term "mental alertness" was inadvertantly left out of the latter part of the paragraph and should be inserted to clarify that the physician's certificate reflects that to which the physician is required to attest.

6. The authority of the State Board of Education and the Department of Public Safety to jointly promulgate these rules is contained in Minn. Stat. Section 171.321.

7. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

CONCLUSIONS

1. The State Board of Education and the Commissioner of Public Safety gave due, timely and adequate legal notice of their intent to adopt rules without a public hearing.

2. The State Board of Education and the Commissioner of Public Safety have statutory authority to jointly promulgate the proposed rules.

3. The State Board of Education and the Commissioner of Public Safety have fulfilled all relevant, substantive and procedural requirements of law or rule.

4. The State Board of Education and the Commissioner of Public Safety have demonstrated the need for and reasonableness of the proposed rules by an affirmitive presentation of facts.

5. Paragraph A of 5 MCAR 1.0222 and 11 MCAR 1.0082 is amended to clarify that the physician certifies the applicant's physical fitness and mental alertness. This is the only change from the proposed rules.

STATE OF MINNESOTA

3-12-82
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

2/9/82
DATE

JOHN FEDA
SECRETARY, BOARD OF EDUCATION

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, John J. Feda, do hereby certify that I am secretary and executive officer of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 9th day of March, 1982; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the noncontroversial rules governing the Qualifications for School Bus Drivers are hereby approved and adopted, pursuant to authority vested in us by Minnesota Statutes Section 171.321(1981) and that one of the members of the Board of Education, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of March, 1982.

John J. Feda
Secretary and Executive Officer

Patricia A. Neher
Member, State Board of Education

STATE OF MINNESOTA

State Board of Education
Department of Education

Department of Public Safety

In the Matter of the Proposed Adoption of Rules of the State Board of Education 5 MCAR SS 1.0220 - 1.0225 and Rules of the State Department of Public Safety 11 MCAR SS 1.0080 - 1.0084 Governing Qualifications of School Bus Drivers.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Board of Education and the Department of Public Safety. The last time the above captioned rules were amended was May 1, 1981.

These rules are being amended pursuant to Minn. Stat. S 171.321, Subd. 2, which requires the State Board of Education and the Department of Public Safety to jointly prescribe rules governing the qualifications of individuals to drive school buses. Generally, these rules are needed to provide for greater safety of school buses. The justification establishing the need for and reasonableness of the specific substantive provisions of the rules is as follows:

5MCAR S 1.0220/11MCAR S 1.0080

This rule clarifies the applicability of the entire set of rules. It contains new language to clarify that satisfactory completion of the school bus driver's examination is required of, and applicable to drivers required by statute to have the endorsement. The statute excludes small vans with total capacity of ten or less and not outwardly equipped or identified as a school bus. The rule also repeats statutory language concerning the transportation of children to and from school related activities, in order to clarify the applicability of the rules. It also contains a housekeeping amendment reformating language in order to comply with the uniform format recommended by the Revisor of Statutes.

5MCAR S 1.0221/11 MCAR S 1.0081

This rules prescribes testing requirements for a school bus driver endorsement, to include both a written test and a road test for the driver's initial endorsement. Renewal requirements are covered in 5 MCAR S 1.0225/11 MCAR 1.0084.

Paragraph A concerns the written test already required in the existing rules. New language specifies what constitutes satisfactory completion of the written test. This is necessary and reasonable in order to provide a specific, known framework within which an applicant must achieve, similar to the regular driver license written test.

Paragraph B1 contains the requirements for the road test. It requires that the road test for a school bus driver endorsement be given in a school bus, and it provides for two separate classes of endorsement based on size of school bus. It also provides for restrictions on the endorsement based on size of vehicle in which the road test was taken. This rule is needed in order to differentiate between two vastly different

sizes of vehicle which are commonly used as school buses -- a van and a full-size school bus. In order to provide for greater safety of school children being transported in full-size school buses, drivers of those buses should be fully knowledgeable in their operation and handling. Under the present rule a person with a Class B license, authorized to operate a van, can take the written test for school bus driver endorsement, and be authorized to drive a full-size school bus.

The proposed rule also restricts drivers taking the test in the smaller size vehicle, to operation of that size vehicle. However, a school bus driver taking the test in a full-size school bus will not be restricted. This is reasonable since it is similar to the statutory restriction on Class A, B & C drivers licenses.

Paragraph B2 contains new langauge similar to that in Paragraph A, specifying what constitutes satisfactory completion of the road test. This is also necessary and reasonable in order to provide a specific, known framework within which an applicant must achieve, similar to the regular driver license road test.

5MCAR S 1.0222/11 MCAR S 1.0082

This rule prescribes physical examination requirements for and physical restrictions on being a school bus driver. Head notes are added at the beginning of each paragraph in order to comply with the uniform format recommended by the Revisor of Statutes. In paragraph B6, the word "and" is changed to "or" in order to restore original language which existed prior to the last amendment of this rule. When the rules were last amended the proposed rule was published at 5 SR 1365 with the word "and" erroneously used as existing language. It should have been "or". This change will restore the correct language.

In paragraph B10., an amendment is made to permit the endorsement of school bus drivers who have diabetes if it is controlled by oral medication. This is a liberalization of the present restriction on diabetes which allows control only by diet. There have been many complaints issued to the department concerning this rule, from potential school bus drivers whose diabetes is controlled by oral medication. The driver licensing medical review board looked into this matter and issued an opinion that control of diabetes by oral medication is safe and effective and such persons could be allowed to operate school buses. This rule would continue to disallow from endorsement persons with diabetes controlled by insulin. Insulin is much more volatile, with a risk of insulin shock and blackouts, and it is the opinion of the medical review board that persons with insulin controlled diabetes should not operate a school bus.

Paragraph B11., contains a deletion of "(not accepted)." This is essentially redundant language since the entire list of 13 items within paragraph B are disqualifiers.

Paragraph C of 5 MCAR S 1.0222 (the Department of Education copy of this rule) contains an editorial change necessary to bring the wording into conformity with wording in 11 MCAR S 1.0082 (the Public Safety copy of this rule), since they are intended to be identical.

Paragraph D, liberalizes the requirements for periodic physical reexamination from yearly to every two years. Presently each school bus driver must annually submit a physician's statement attesting to his well being. School bus drivers feel that cost of this is high. Since Mantoux tests are no longer required each year, the department feels this change is justified and reasonable and would not appreciably lower the standards.

5MCAR S 1.0225/11 MCAR S 1.0084

This rule contains the requirements for renewal of a driver license school bus endorsement. Paragraph A requires school bus drivers to pass a written examination every four years, at the time of driver license renewal. This rule is needed so that the department can determine whether the school bus driver has knowledge of current laws and rules regarding school bus operation. It is important to the safety of school children riding school buses that the drivers be fully knowledgeable of traffic laws and school bus operation. It is reasonable to require such examination every four years since it would conveniently occur at the time the school bus driver renews his regular driver license.

JOHN P. SOPSIC
COMMISSIONER
STATE DEPARTMENT OF PUBLIC SAFETY

and

JOHN FEDA
SECRETARY
STATE BOARD OF EDUCATION

Jan 1 1982



Dear Diane,

I'd like to comment on the periodic reexamination of school bus drivers.

I feel that this is another piece of Goverment involement that will end up costing the State money and taxing our School Districts. The schools need all the money they have.

The school that you work for has the right to fire you, if as a driver you do not maintain the bus, respect the laws of the road and safety for the passanagers. That's why we have Safety Meeting once a month. We as school bus -

drivers use these rules everyday!

So Why an exam?

Yours Truly
Driver for 691

Diane Langen
Aurora, Minn.
55705

Minnesota Chiropractic Association

December 10, 1981

Ms. Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

Dear Ms. Hamilton:

The Minnesota Chiropractic Association is very concerned with your proposed rule 5 MCAR @ 1.0222/11 MCAR @ 1.0082 physical examination.

Minnesota law 148.08 states "Chiropractors.....shall be entitled to sign health and death certificates, and to all rights and privileges of other doctors or physicians in all matters pertaining to the public health except....."

However, in the past, the Department of Public Safety has stated that they will only honor a physical if it is signed by a Doctor of Medicine. I have been told that your department has nothing in writing on which the refusal is based, only tradition.

The Doctor of Chiropractic is a primary care physician and thus able to diagnose and treat most body ailments. He has had extensive training and is not in competition with the medical doctor, but acts as another type of health care provider.

Since you are revising the rule I would ask that you define the term "physician" to include Doctors of Chiropractic, thus avoiding a law suit.

Thank you for your consideration in this matter. Looking forward to hearing from you.

Sincerely,

Gene Johannes

Gene L. Johannes
Executive Director

cc: Minnesota Board of Chiropractic Examiners

GLJ:rz



2353 Rice Street, Suite 170 • St. Paul, Minnesota 55113 • (612) 482-1434

GRANADA - HUNTLEY CONSOLIDATED SCHOOL

INDEPENDENT DISTRICT NO. 460

Office of Superintendent

GRANADA, MINNESOTA 56039

Phone 447-2211

November 30, 1981



Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN. 55155

These rules are more cost eff

Dear Ms Hamilton:

In reading over the proposed safety rules for bus drivers, I find that I feel that some additional rules are being imposed that are neither necessary nor cost effective. I believe that many other people in schools will feel the same way about the rules including bus drivers, school administrators and contractors. I believe there definitely should be a public hearing on these rule changes. Specifically I object to going to two separate types of licenses for buses of 16 passengers or fewer and over 16 passengers. I think this again adds cost to both the state and the local district employees. I also object to the written examination of the rules every four years. Updating bus drivers on the rules should be able to be accomplished by the yearly in-service meetings held throughout the state. I do feel that going to physical examinations every two years would be cost effective and a reasonable change in the rules. One area that I feel needs addressing is some type of proof, such as a yearly card, to show that a bus driver is properly endorsed. This could be handled similar to that system which is used by the state boiler division in renewing licenses each year. It looks as though substantial monetary savings could be made by delaying the implementation of additional regulations for school bus drivers.

Addressed in Statement I Read

Sincerely yours,

Joseph A Hobson

Joseph A. Hobson, Supt.

cc to Gerald Pavek, Al Quie

DISTRICT OFFICE
JUNIOR-SENIOR HIGH SCHOOL

EDWARD H. OTTO, Supt.
612-286-2106

ROBERT MONROE, Bus. Mgr.
612-286-2106

MARTIN M. KOLLER, Curr. Div.
612-275-3053

PAUL THOMAS, H. S. Prin.
612-286-2107

STEPHEN BENSON, Asst. H. S. Prin.
612-286-2107

DASSEL-COKATO PUBLIC SCHOOLS

INDEPENDENT SCHOOL DISTRICT NO. 466
Highway 12 and Wright County Road 100
COKATO, MINNESOTA 55321

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Re: Intent to Adopt Rules

December 2, 1981

Gerald Pavek, Director
Pupil Transportation
Department of Education
550 Cedar Street
St. Paul, Minnesota 55101

Dear Jerry:

I am writing in reference to the portion of the proposed adoption of rules for School Bus Drivers.

5 MCAR 1.0222/11 MCAR 1.0082 Physical Examination

I feel that to have a physical examination once every two years is not a good idea as there are many conditions that can arrise within a years time that could make a driver ineffective as a school bus driver. Because of this we would be jeopardising the safty of our students and also leaving the school districts open to possible legal action. Also under the part B Disqualifications, there should be some reference to immeadiate disqualification for any physical condition that may arrise or be detected by a physician through out the year or years. This disqualification should continue until the condition is cured.

Sincerely,

Robert A. Monroe

Robert A. Monroe
Business Manager

cc: Diane Hamilton
Department of Public Safty

Pavek answered this
Got copy

(612) 296-2839



December 16, 1981

Robert A. Monroe
Business Manager
Dassel-Cokato Public Schools
Independent School District #466
Highway 12 and Wright County Road 100
Cokato, Minnesota 55321

Dear Mr. Monroe:

Thank you for your interest and comments on the proposed adoption of rules for school bus drivers.

The change of having a physical examination every two years instead of annually is the result of many requests from school bus drivers and operators to make this change, as the Federal Department of Transportation only requires a physical every two years for interstate commerce drivers.

I do wish to refer you to part E of the rules which provides that the school district may require physical examinations more often than every two years.

Your comments on immediate disqualification are well received and deserve consideration.

Thank you for your interest in pupil transportation safety.

Sincerely,

G. Pavek, Director
Pupil Transportation

GP:ls

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Joel Watne, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

3-17-82
DATED

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Qualifications of School Bus Drivers.

AFFIDAVIT REGARDING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Diane Hamilton, being first duly sworn, deposes and says:

That no one requested to be notified of the submission of rule making documents to the Attorney General.

Diane Hamilton

Subscribed and sworn to before me

this 12th day of March,

1982.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987