

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 815

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-17-82
DATE FOR REVIEW 5-26-82
DATE DUE 5-31-82

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

Approved 6-1-82 Disapproved _____ Returned to Agency 6-2-82

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

Date filed w/Secretary of State 6-1-82 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 5.10.82 Date see my comment

N/A Notice of Intent to Solicit Outside Opinion

✓ 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
✓ 3.12.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3.15.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

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

N/A Certificate of Board's Resolution Adopting Rules

N/A 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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOHN P. SOPSIC
Commissioner of Public Safety

DATE: 6/1/82

ATTN : JAMES M. CAMPBELL, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspection Certificates

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;

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

Department of Public Safety

Safety Administration Division

Adopted Rules Governing Issuance and Display of School Bus Inspections Certificates

Rules as Adopted

11 MCAR S 1.0020 Purpose and authority. The purpose of 11 MCAR SS 1.0020-1.0024 is to establish rules governing the issuance and display of school bus inspection certificates, consistent with the provisions of Minn. Stat. S 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature.

11 MCAR S 1.0021 Definitions. For the purposes of 11 MCAR SS 1.0020-1.0024, the following terms shall have the meanings given them:

A. State patrol. "State patrol" means the Minnesota State Patrol, or an individual state trooper thereof or a State Patrol Law Compliance Representative II (LCR II) employed pursuant to Minn. Stat. S 299D.06.

B. Certificate. "Certificate" means a school bus inspection certificate required by the provisions of Minn. Stat. S 169.451, subd. 2.

C. Temporary certificate. "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

D. Rejection sticker. "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes. The size of the rejection sticker may not be larger than the inspection certificate.

11 MCAR S 1.0022 Issuance of certificate. The certificate shall be issued for an individual bus on an annual basis when the state patrol has inspected the vehicle and the inspection

indicates that the school bus adequately complies with laws and rules relating to construction, design, equipment and color of school bus.

11 MCAR S 1.0023 Display of certificate.

A. Certificate to be affixed. The certificate issued for each individual school bus shall be immediately affixed to the school bus by the inspecting state patrol trooper or LCR II.

B. Certificate must be current. Only the certificate that is valid for the current time period may be displayed.

C. Where displayed. The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

D. Rejection sticker, display, removal. A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from a LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

11 MCAR S 1.0024 Method of inspection.

A. Scheduled inspection. All school buses shall be inspected for compliance with applicable laws and with rules of the State Board of Education as stated in rules EDU 240-265 of the State Board of Education.

B. Other inspections. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This paragraph shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

C. Point system, passing scores. The point system contained in E. shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with point values established in E.

1. Any school bus with an inspection score of 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of 96 is achieved, no inspection certificate shall be affixed to the bus at the next annual inspection unless the inadequacies from the previous inspection have been corrected.

2. Any school bus with an inspection score of 80 to 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

D. Non-passing scores. Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

E. Point system. In accordance with C., defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

Equipment Defect	Points
1. Tires, front	each 25
2. Tires, rear	each 25
3. Exhaust	
a. Inadequate pipe	25
b. Leak in system	5
4. Muffler defective	5
(treat like leak in system)	
5. School bus color	
a. Not basic yellow or orange	25
b. Improper trim color	2
6. Required lettering	
a. No school bus sign (type I & II)	25
b. Stop at railway crossing (type III only)	25
c. Other lettering-nicknames	2
7. Stop arm (octagonal)	25
a. Reflective material cracked, scratched, or separated	5
b. Optional lamps on stop arm	2
8. Cross over mirror	
a. Missing or inoperable	25
b. If only line of vision is distorted, flaking or cracked	5
9. Headlamps out of adjustment	5
(allow mechanic time to adjust)	
10. Headlamp out	5
a. Both low beams out	25
b. One low beam out or either or both high beams out	each 5
11. Dimmmer switch inoperable	5
12. Turn signals inoperable	25
13. Eight lamp warning lamp system	
a. Lamp system not working	25
b. Eight lamp indicator malfunctioning	10
14. Indicator lamps	

a.	High beam		2
b.	Turn signals		5
15.	Clearance lamps or optional white strobe lamp	each	1
16.	Rear lamps		
a.	One out		5
b.	Both out		25
17.	Stop lamps (minimum of 2 required)		
a.	Not working	each	15
b.	auxiliary stop lamp not working	each	2
18.	Back-up lamps		5
19.	Brakes-service (foot)		
a.	Not working		25
b.	Hose blistered but no fluid leakage	each hose	5
20.	Brakes-emergency (auxiliary)		25
21.	Defective or no warning horn		25
22.	Rear view mirror		
a.	Interior		15
b.	Exterior		25
c.	Slight crack, discolored or flaking		5
23.	Windshield wipers (not working at all)		25
a.	Wiper blade only		5
b.	One speed not working on left side or the right side not working		10
24.	Windshield glass		10
25.	Steering		25
a.	One king pin bad (~~less~~ more than 1/2 inch)		15
b.	Two king pins bad (more than 1/2 inch)		25
26.	Driver seat belt, missing or not usable		25
27.	Entrance door, out of adjustment		5
28.	Interior lamps		
a.	Stepwell		2
b.	Other interior lamps (mention only)		0
29.	First aid kit		
a.	Missing		25

		b. Short supply-per unit missing	1
30.		Fire extinguisher, missing or in inoperable range	15
31.		Flags and flares (electric or reflector) (for up to three missing)	5
32.		Side glass and rear glass-each defect	5
33.		Loose objects interior	each 2
34.		Seats loose (floor mount)	each 5
35.		Seat condition	each 2
36.		Bus interior (cleanliness)	2
37.		Carbon monoxide	25
38.		Emergency exit, inoperable	25
		a. Emergency lettering missing	2
		b. Bad door gasket	5
39.		Speedometer	10
40.		Suspension, main leaf	25
		a. Other than main leaf, 25 percent or more of the remaining leaves broken	25
		b. Other than main leaf, less than 25 percent broken	10
		c. Loose or leaking shocks	10
41.		Wheels	25
		a. One stud nut missing if less than 20 percent of stud nuts on wheel	10
		b. 20 percent or more of stud nuts are missing on wheel	25
42.		Body condition	2
		a. Hazardous protuberance or sharp edge	25
		b. Two cross members bad, must be replaced	2
		c. Cross members rusted, to be written up	0
43.		Drive shaft guard	25
44.		Frame	25
45.		~~Heater~~ Defroster fan or heaters in excess of one in multiple heater buses	each 5
46.		Battery	10
47.		Body mounting	10

48. Fuel system

APPROVED AS TO LEGALITY

June 1 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Mondale

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 4 1982
Joan Anderson Growe
Secretary of State

2:25 P.M.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspection Certificates.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 15, 1982, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd.4, on March 12, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11MCAR 1.0020 through 1.0024 are adopted this 10th day of May, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspection Certificates.

ORDER FOR NOTICE FOR INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 1st day of March, 1982, 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

Department of Public Safety

Safety Administration Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspections Certificates.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

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

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 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. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 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 this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

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

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 169.451. 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 the Department of Public Safety 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 the above address. 8

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates 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 Minnesota Statutes Section 15.0412, subdivision 7. 11

STATE OF MINNESOTA

March 1, 1982
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

Rules as Proposed

~~Safad 20~~ 11 MCAR S 1.0020 Purpose and ~~scope~~ authority. The purpose of ~~this regulation~~ 11 MCAR SS 1.0020-1.0024 is to establish rules ~~and regulations~~ governing the issuance and display of school bus inspection certificates, consistent with the provisions of ~~Minnesota Statutes 1971, Section~~ Minn. Stat. S 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature ~~expressed in Laws 1974, Chapter 332~~.

~~Safad 21~~ 11 MCAR S 1.0021 Definitions. For the purposes of ~~these rules and regulations~~ 11 MCAR SS 1.0020-1.0024, the following terms shall have ~~these~~ the meanings given them:

~~(a)~~ ~~Highway~~ A. State patrol. "State patrol" means the Minnesota ~~Highway~~ State Patrol, or an individual ~~officer~~ state trooper thereof or a State Patrol Law Compliance Representative II (LCR II) employed pursuant to Minn. Stat. S 299D.06.

~~(b)~~ B. Certificate. "Certificate" means a school bus inspection certificate required by the provisions of ~~M.S. 1971, Section~~ Minn. Stat. S 169.451, subd. 2.

C. Temporary certificate. "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

D. Rejection sticker. "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes.

~~Safad 22~~ 11 MCAR S 1.0022 Issuance of certificate. The certificate shall be issued for an individual bus on ~~a semi-annual~~ an annual basis when the ~~Highway~~ state patrol has inspected ~~such~~ the vehicle and the inspection indicates that the school bus adequately complies with laws and rules ~~and regulations~~ relating to construction, design, equipment and color of school bus.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

~~SafAd 23~~ 11 MCAR S 1.0023 Display of certificate.

~~(a)~~ A. Certificate to be affixed. The certificate issued for each individual school bus shall be immediately affixed to ~~such~~ the school bus by the inspecting ~~Highway~~ state patrol ~~Officer~~ trooper or LCR II.

~~(b)~~ B. Certificate must be current. Only ~~such~~ the certificate ~~as~~ that is valid for the current time period may be displayed.

~~(c)~~ C. Where displayed. The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

D. Rejection sticker, display, removal. A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from a LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

~~SafAd 24~~ 11 MCAR S 1.0024 Method of inspection.

~~(a)~~ A. Scheduled inspection. All school buses shall be inspected for compliance with applicable laws and with rules ~~and regulations~~ of the State Board of Education as stated in ~~Chapters Thirteen and Fourteen, Education 240-279~~ rules EDU 240-265 of the State Board of Education.

B. Other inspections. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This paragraph shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

~~(b)~~ C. Point system, passing scores. The point system contained ~~herein~~ in E. shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with ~~established~~ point values established in E.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

~~(1)~~ 1. Any school bus with an inspection score of 98 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of 98 96 is achieved, no inspection certificate shall be affixed to the bus at the next ~~semi-annual~~ annual inspection unless the ~~two (2) point defect has~~ inadequacies from the previous inspection have been corrected.

~~(2)~~ 2. Any school bus with an inspection score of 80 to 97 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

~~(e)~~ D. Non-passing scores. Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

E. Point system. In accordance with C., defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

	Equipment Defect	Points
1.	Tires, front	each 25 ~~points~~
2.	Tires, rear	each 25
3.	Exhaust	
	a. Inadequate pipe	25
	b. Leak in system	5
4.	Muffler defective	~~25~~ 5
	(treat like leak in system)	
5.	School bus color	
	a. Not basic yellow or orange	25
	b. Improper trim color	2
6.	Required lettering	
	a. No school bus sign (type I & II)	25
	b. Stop at railway crossing (type III only)	25
	c. Other lettering-nicknames	2
7.	Stop arm (octagonal-~~required after 10-1-67~~)	25
	a. Reflective material cracked, scratched, or separated	5
	b. Optional lamps on stop arm	2
8.	Cross over mirror ~~(required after 8-7-74)~~	~~25~~
	a. Missing or inoperable	25
	b. If only line of vision is distorted, flaking or cracked	5
9.	Headlamps out of adjustment	5
	(allow mechanic time to adjust)	
10.	Headlamp out	~~10~~ 5
	a. Both low beams out	25
	b. One low beam out or either or both high beams out	each 5
11.	Dimmmer switch inoperable	~~10~~ 5
12.	Turn signals inoperable	25
13.	Eight lamp warning lamp system	~~25~~
	a. Lamp system not working	25
	b. Eight lamp indicator malfunctioning	10
14.	Indicator lamps	~~points~~

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

	a. High beam		5 2
	b. Turn signals		5
15.	Clearance lamps or optional white strobe lamp	each	5 1
16.	Rear lamps-~~each~~		~~10~~
	a. One out		5
	b. Both out		25
17.	Stop lamps (minimum of 2 required)-~~each~~		~~15~~
	a. Not working	each	15
	b. auxiliary stop lamp not working	each	2
18.	Back-up lamps ~~(required after 1-1-69)~~		5
19.	Brakes-service (foot)		~~25~~
	a. Not working		25
	b. Hose blistered but no fluid leakage	each hose	5
20.	Brakes-emergency (auxiliary)		25
21.	Defective or no warning horn		25
22.	Rear view mirror		
	a. Interior		15
	b. Exterior		25
	c. Slight crack, discolored or flaking		5
23.	Windshield wipers (not working at all)		25
	a. Wiper blade only		5
	b. One speed not working on left side or the right side not working		10
24.	Windshield glass		10
25.	Steering		~~25~~
	a. One king pin bad (less than 1/2 inch)		15
	b. Two king pins bad (more than 1/2 inch)		25
26.	Driver seat belt ~~(10-1-67)~~, missing or not usable		25
27.	Entrance door, out of adjustment		5
28.	Interior lamps-~~each~~		~~2~~
	a. Stepwell		2
	b. Other interior lamps (mention only)		0
29.	First aid kit.		

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

		a. Missing	25	
		b. Short supply-per unit missing	1	
	30.	Fire extinguisher, missing or in inoperable range	15	
	31.	Flags & and flares (electric or reflector) -each (for up to three missing)	5	
	32.	Side glass and rear glass-each defect	5	
	33.	Loose objects interior	each 2	
	34.	Seats loose (floor mount	each 5	
	35.	Seat condition	each 2	
	36.	Bus interior (~~clean~~ cleanliness)	2	
	37.	Carbon monoxide	25	
	38.	Emergency exit, inoperable	25	~~points~~
		a. Emergency lettering missing	2	-
		b. Bad door gasket	5	-
	39.	Speedometer	10	
	40.	Suspension, main leaf	25	
		a. Other than main leaf, 25 percent or more of the remaining leaves broken	25	--
		b. Other than main leaf, less than 25 percent broken	10	--
		c. Loose or leaking shocks	10	--
	41.	Wheels	~~25~~	
		a. One stud nut missing if less than 20 percent of stud nuts on wheel	10	--
		b. 20 percent or more of stud nuts are missing on wheel	25	--
	42.	Body condition	2	
		a. Hazardous protuberance or sharp edge	25	
		b. Two cross members bad, must be replaced	2	-
		c. Cross members rusted, to be written up	0	-
	43.	Drive shaft guard	25	
	44.	Frame	25	
	45.	Heater-defroster fan	each 5	
	46.	Battery	10	
	47.	Body mounting	10	
	48.	Fuel system		

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspection Certificates.

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 12th day of March, 1982, 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 12th day of March.

1982.

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 Issuance and Display of School Bus Inspection Certificates.

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 10th day of March, 1982.

Diane K. Hamilton

E. License. "License" has the meaning given "business license" in Minn. Stat. § 362.452, subd. 2.

F. Person. "Person" has the meaning given it in Minn. Stat. § 362.463, subd. 8.

G. Written review and opinion. "Written review and opinion" means a written statement by an agency which incorporates the information required by Minn. Stat. § 362.473, subd. 2 relating to a proposed business activity.

4 MCAR § 2.111 Preapplication conference.

A. Request. Any person may request a preapplication conference by submitting to the bureau of business licenses a formal request in the format prescribed by the bureau.

B. Approval and notice. If the director determines, after consideration of a formal request, that a preapplication conference is warranted, he shall secure the participation of the interested agencies and notify the person in writing of the date, time, and place of the conference.

The director will consider the following factors in making his determination as to whether a preapplication conference is warranted:

1. the dollar volume of the proposed activity;

2. whether the proposed activity involves multiple licenses from agencies; and

3. whether the proposed activity involves business or corporate structures, activities, technologies, products, or processes which are different from, or reasonably appear to be different from, those for which a license has been required in the past.

C. Supervision. The director or his designated representative shall preside over the preapplication conference to insure that it achieves the purposes set forth in Minn. Stat. § 362.473, subd. 1.

D. Effect upon participants. A preapplication conference is not binding upon any of the participants.

4 MCAR § 2.112 Written review and opinion.

A. Authorization. If during a preapplication conference the director determines that a proposed business activity meets the criteria set forth in Minn. Stat. § 362.473, subd. 2, he shall request each affected agency to provide the person with a written review and opinion as to every license the agency requires for the proposed business activity.

B. Request. The director's request for a written review and opinion shall be submitted in writing to the agency. The request shall specify the date on which the agency's initial response period begins.

C. Extensions. A request for an extension of the initial response period shall be set forth in writing by the agency and include the specific reasons justifying the extension.

If the agency does not receive written notice from the director denying the extension within ten days of submission of its request, the extension is granted and is effective for an additional 60-day period.

The director shall provide the person with written notice of his approval of the extension, its duration, and the reasons the extension was approved.

D. Modification or amendment. An agency may modify or amend a written review and opinion by notifying the person and the director in writing of its intent to do so. The notice shall include a statement setting forth the reasons for the modification or amendment.

The modification or amendment shall be provided to the person and director within 30 days of transmittal of the agency's notification of modification or amendment.

Department of Public Safety
Safety Administration Division

Proposed Rules Governing Issuance and Display of School Bus Inspections Certificates

Notice of Intent to Adopt Rules without a Public Hearing

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

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 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. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 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 this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

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

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 169.451. 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 the Department of Public Safety 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 the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates 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 Minnesota Statutes § 15.0412, subd. 7.

John P. Sopsic
Commissioner
Department of Public Safety

Rules as Proposed

~~SafAd 20~~ 11 MCAR § 1.0020 Purpose ~~and scope~~ authority. The purpose of ~~this regulation~~ 11 MCAR §§ 1.0020-1.0024 is to establish rules ~~and regulations~~ governing the issuance and display of school bus inspection certificates, consistent with the provisions of ~~Minnesota Statutes 1971, Section~~ Minn. Stat. § 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature ~~expressed in Laws 1974, Chapter 332~~.

~~SafAd 21~~ 11 MCAR § 1.0021 Definitions. For the purposes of ~~these rules and regulations~~ 11 MCAR §§ 1.0020-1.0024, the following terms shall have ~~these~~ the meanings given them:

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.

~~(a) Highway~~ A. State patrol. "State patrol" means the Minnesota ~~Highway~~ State Patrol, or an individual ~~officer~~ state trooper thereof or a State Patrol Law Compliance Representative II (LCR II) employed pursuant to Minn. Stat. § 299D.06.

~~(b)~~ B. Certificate. "Certificate" means a school bus inspection certificate required by the provisions of ~~M.S. 1971, Section~~ Minn. Stat. § 169.451, subd. 2.

C. Temporary certificate. "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

D. Rejection sticker. "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes.

~~SafAd 22~~ 11 MCAR § 1.0022 **Issuance of certificate.** The certificate shall be issued for an individual bus on ~~a semi-annual~~ an annual basis when the ~~Highway~~ state patrol has inspected ~~such~~ the vehicle and the inspection indicates that the school bus adequately complies with laws and rules ~~and regulations~~ relating to construction, design, equipment and color of school bus.

~~SafAd 23~~ 11 MCAR § 1.0023 **Display of certificate.**

~~(a)~~ A. Certificate to be affixed. The certificate issued for each individual school bus shall be immediately affixed to ~~such~~ the school bus by the inspecting ~~Highway~~ state patrol ~~Officer~~ trooper or LCR II.

~~(b)~~ B. Certificate must be current. Only ~~such~~ the certificate ~~as~~ that is valid for the current time period may be displayed.

~~(c)~~ C. Where displayed. The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

D. Rejection sticker, display, removal. A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from a LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

~~SafAd 24~~ 11 MCAR § 1.0024 **Method of inspection.**

~~(a)~~ A. Scheduled inspection. All school buses shall be inspected for compliance with applicable laws and with rules ~~and regulations~~ of the State Board of Education as stated in ~~Chapters Thirteen and Fourteen: Education 240-279~~ rules EDU 240-265 of the State Board of Education.

B. Other inspections. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This paragraph shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

~~(b)~~ C. Point system, passing scores. The point system contained ~~herein~~ in E. shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with ~~established~~ point values established in E.

~~(1)~~ 1. Any school bus with an inspection score of ~~98~~ 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of ~~98~~ 96 is achieved, no inspection certificate shall be affixed to the bus at the next ~~semi-annual~~ annual inspection unless the ~~two (2) point defect has~~ inadequacies from the previous inspection have been corrected.

~~(2)~~ 2. Any school bus with an inspection score of 80 to ~~97~~ 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

~~(c)~~ D. Non-passing scores. Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

E. Point system. In accordance with C., defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

Equipment Defect	Points
1. Tires, front	each 25 ~~points~~
2. Tires, rear	each 25
3. Exhaust	
a. Inadequate pipe	25
b. Leak in system	5
4. Muffler defective (treat like leak in system)	~~25~~ 5
5. School bus color	
a. Not basic yellow or orange	25
b. Improper trim color	2
6. Required lettering	
a. No school bus sign (type I & II)	25
b. Stop at railway crossing (type III only)	25
c. Other lettering-nicknames	2
7. Stop arm (octagonal ~~required after 10-1-67~~)	25
a. Reflective material cracked, scratched, or separated	5
b. Optional lamps on stop arm	2
8. Cross over mirror (~~required after 3-7-74~~)	~~25~~
a. Missing or inoperable	25
b. If only line of vision is distorted, flaking or cracked	5
9. Headlamps out of adjustment (allow mechanic time to adjust)	5
10. Headlamp out	~~10~~ 5
a. Both low beams out	25
b. One low beam out or either or both high beams out	each 5
11. Dimmer switch inoperable	~~10~~ 5
12. Turn signals inoperable	25
13. Eight lamp warning lamp system	~~25~~
a. Lamp system not working	25
b. Eight lamp indicator malfunctioning	10
14. Indicator lamps	~~points~~
a. High beam	~~5~~ 2
b. Turn signals	5
15. Clearance lamps or optional white strobe lamp	each ~~5~~ 1
16. Rear lamps-~~each~~	~~10~~
a. One out	5
b. Both out	25
17. Stop lamps (minimum of 2 required)-~~each~~	~~15~~
a. Not working	each 15
b. auxiliary stop lamp not working	each 2
18. Back-up lamps (~~required after 1-1-69~~)	5
19. Brakes-service (foot)	~~25~~
a. Not working	25
b. Hose blistered but no fluid leakage	each hose 5
20. Brakes-emergency (auxiliary)	25
21. Defective or no warning horn	25
22. Rear view mirror	
a. Interior	15
b. Exterior	25
c. Slight crack, discolored or flaking	5

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23. Windshield wipers (not working at all)	25
a. Wiper blade only	5
b. One speed not working on left side or the right side not working	10
24. Windshield glass	10
25. Steering	~~25~~
a. One king pin bad (less than ½ inch)	15
b. Two king pins bad (more than ½ inch)	25
26. Driver seat belt ~~(10-1-67)~~, missing or not usable	25
27. Entrance door, out of adjustment	5
28. Interior lamps ~~each~~	~~2~~
a. Stepwell	2
b. Other interior lamps (mention only)	0
29. First aid kit~~.~~	
a. Missing	25
b. Short supply-per unit missing	1
30. Fire extinguisher, missing or in inoperable range	15
31. Flags ~~&~~ and flares (electric or reflector) ~~each~~ (for up to three missing)	5
32. Side glass and rear glass-each defect	5
33. Loose objects interior	each 2
34. Seats loose (floor mount)	each 5
35. Seat condition	each 2
36. Bus interior (~~clean~~ cleanliness)	2
37. Carbon monoxide	25
38. Emergency exit, inoperable	25 ~~points~~
a. Emergency lettering missing	2
b. Bad door gasket	5
39. Speedometer	10
40. Suspension, main leaf	25
a. Other than main leaf, 25 percent or more of the remaining leaves broken	25
b. Other than main leaf, less than 25 percent broken	10
c. Loose or leaking shocks	10
41. Wheels	~~25~~
a. One stud nut missing if less than 20 percent of stud nuts on wheel	10
b. 20 percent or more of stud nuts are missing on wheel	25
42. Body condition	2
a. Hazardous protuberance or sharp edge	25
b. Two cross members bad, must be replaced	2
c. Cross members rusted, to be written up	0
43. Drive shaft guard	25
44. Frame	25
45. Heater-defroster fan	each 5
46. Battery	10
47. Body mounting	10
48. Fuel system	10

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspected Certificates.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on March 15, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on March 12, 1982.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Section 169.451.

2. 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.

3. During the 30 day public comment period, no requests for public hearing were received.

4. A public comment from Hey, Incorporated, manager of three bus services, listed several perceived deficiencies in the proposed rules, only one of which was incorporated into the adopted rules. Their notation of the error in wording in 11MCAR 1.0024E, item 25 is corrected in the adopted rules. Their request for reinstatement of "grandfathering" dates is unfounded. These dates are now unnecessary. It is the department's contention that elimination of their previous effective dates does not affect the rule. The comment concerning green fuel door is allowed in item 5 concerning trim color. Concerning item 33, one plastic waste basket is allowed and is better covered by item 36 in which interior cleanliness is required.

5. Joseph G. Beaton, attorney also commented on the wording error in 11MCAR 1.0024E, item 25. In addition he pointed out two areas where additional language is required concerning the size of the rejection sticker and multiple heaters, and the department agrees. This is indicated in the letter of response from Major Glenn Gramse, State Patrol.

6. In addition, the department finds that for two listed equipment defects, items 25 and 41, the 25 point score was stricken in error in the proposed rules.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. Paragraph D of 11MCAR 1.0020 is amended to specify that the rejection sticker be no larger than the inspection sticker. ✓p.1

6. Equipment defect item 25 is changed to reflect the correct language as addressed in both public comments. ✓p.5

7. Equipment defect item 45 is changed to clarify its applicability to heaters in multiple heater buses. ✓p.6

8. In items 25 and 41 the 25 point scores are reinstated to correct an error in drafting the proposed rules. ✓p.5 ✓p.6

9. No one requested to be notified of submission of these rules to the Attorney General.

STATE OF MINNESOTA

5-12-82
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Issuance and Display of School Bus Inspection Certificates.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The last time the above captioned rules were amended was March, 1975.

The need to adopt these rules arises because of the statutory change from twice yearly to annual inspections and because the point values presently assigned to some equipment deficiencies are too high and infer that those deficiencies are greater hazards to safety than is actually the case.

11 MCAR 1.0020. Minor language changes are intended to update statutory reference.

11 MCAR 1.0021A. "Highway" patrol and "officer" are changed to "State" patrol and "state trooper" to conform to a recent legislative change in the name of this organization (Laws 1981, Ch 37). State Patrol law compliance representatives are included along with troopers in this definition because they are assigned to school bus inspection duties.

11 MCAR 1.002C. A new definition of temporary certificate is added in order to clearly define this type of certificate that is used in school bus inspections.

11 MCAR 1.0021D. A definition of rejection sticker is added in order to clearly define a new type of sticker that will be used in school bus inspections when these rules are adopted.

11 MCAR 1.0022. This rule is amended to provide for annual inspections, in order to comply with the statutory change from semi-annual to annual inspections. Other minor language changes are made to make the rule consistent with current language usage.

11 MCAR 1.0023A. This rule makes language changes in order to be consistent with the change made in 11 MCAR 1.0021A.

11 MCAR 1.0023D. This paragraph provides for the issuance and display of a rejection sticker when a school bus fails the inspection. It provides for placement of the sticker consistent with the immediately preceeding paragraph and with a statute which limits the placement and use of windshield stickers. It is necessary in order to provide a means by which law enforcement officers can readily identify school buses which have been inspected and found to be unsafe

for the transportation of pupils. It is reasonable to authorize removal of the sticker only by the trooper or law compliance representative, otherwise unsafe buses could be used without detection.

11 MCAR 1.0024A The amendment to this rule provdes for unannounced inspections in addition to annual inspections and reinspections. It is needed in order to compensate for any laxity in school bus maintenance which may arise in between inspections due to the change from semi-annual to annual inspections. Complaints are occasionally received by the State Patrol alleging unsafe school bus equipment and the interests of pupil safety are best served by promptly resolving the complaints with an inspection of the bus at the owners facility.

11 MCAR 1.0024B1. The passing score is changed to permit issuing a regular inspection certificate with a score of 96 instead of 98. None of the defects with a point value of less than 5 can significantly affect the safety of operation, therefore pupil safety is not compromised. It reduces the number of reinspections which otherwise would be necessary and this allows unannounced inspections (paragraph A) to be carried out without being a financial or manpower drain.

11 MCAR 1.0024B2. The maximum of the point range requiring a temporary certificate is changed from 97 to 95 to be compatible with the amendment in subparagraph 2. This rule also permits use of the bus when repairs have been made but the State Patrol has not been able to accomplish reinspection within the 14 day period. School bus inspections are handled primarily by law compliance representatives who often are responsible for up to 2000 buses in a geographical area of 10 to 20 counties. Due to budget constrainst law compliance representatives are assigned many non-traffic enforcement duties and therefore are unable to suspend their scheduled activity to immediately reinspect a bus. This amendment will authorize use of the bus after defects are corrected and therby minimize disruption of pupil transportation.

11 MCAR 1.0024C. This rule authorizes operation of a bus with a rejection sticker displayed, upon certification of the owner that defects have been repaired. This is similar to 11 MCAR 1.0024B2 and the need for and reasonableness of each are interchangeable. Efficiency of pupil transportation is dependent on availbiliy of school buses. It is unreasonable and burdensome to bus owners, operators, schools and pupils to deprive them the use of a mechanically sound bus merely because the State Patrol is unable to respond in a timely fasion to their request for reinspection.

The following changes are made to the point system and the corresponding reasons are given:

Item 4, reduces the point value of defective muffler from 25 points to 5 points. A leaky muffler is no worse than a leaky exhaust pipe, as far as escaping exhaust gas is concerned, and leaky exhaust has been a five point item since the inspection program started.

Item 7, Stop Arm, adds a 5 point value for deteriorating reflective material. The purpose is to encourage repair of a stop arm when deterioration is apparent. A deduction of 2 points is made where the optional red lamps are installed on the stop arm and are not working.

Item 8, Cross Over Mirror, adds a sub-category of "distortion, flacking or cracked" at a point value of 5. Under the present point system, 25 points are assessed which automatically fails the bus even though the defect is not of a magnitude which could endanger a child.

Item 10, Headlamp Out, is reduced to 5 points except when both low beam headlamps are out, in which case a point value of 25 (fail) is assessed. Most school bus transportation on pupil routes is accomplished with low beam headlamps lighted and the proper functioning of those beams is of prime importance.

Item 11, reduces the point value from 10 to 5 for an inoperable dimmer switch. Most school bus routes are negotiated on low beam without intermittent use of high beam. While proper functioning of the dimmer switch is important and prompt repair is still required, the present practice of assessing 1/2 of the points required to fail a bus for this one item is excessive.

Item 14, reduces the value from 5 points to 2 points for high beam indicator not working. Repair of defective indicators is still required, but not critical in that the driver can tell which beam is lighted by observing the pattern of the headlamps on the road and upon roadside objects.

Item 15, reduces the point value from 5 to 1 for each clearance lamp out. The effect of a single clearance lamp being out is not serious since other lamps on the vehicle are lighted and the bus presence can be readily detected. M.S. 169.64 Subd. 7 permits the installation of an optional white strobe lamp. A one point deduction is made if the bus is equipped with a strobe lamp and the lamp does not work.

Item 16, Rear Lamps, reduces the value from 10 points to 5. Two rear lamps are required and the fact that one is not working is not critical. Prompt repair is still required. Failure, or 25 points is assessed if two rear lamps are out because that situation leaves the bus with only two clearance lamps for rear lighting.

Item 17, adds a category assessing 2 points for auxiliary stop lamp not working. Each school bus is required to have a minimum of two stop lamps; many of them have four stop lamps.

Item 19, adds a subsection under brakes which causes a 5 point reduction for each brake hose that is blistered but not leaking. The blistered hose should not in itself be cause for a deduction of 25 points and rejection of the bus.

Item 23, adds a category for one speed on wiper not working on the left side or the right side wiper not working. This deficiency is assessed 10 points. With the wiper working on the drivers side the driver is still able to maintain vision ahead. In cases of both wipers or the left side wiper not working 25 points are deducted.

Item 25, divides the 25 points assessed to the steering category into two areas depending on the seriousness of the defect in the steering mechanism. King pin play less than 1/2 inch should not be cause for rejection of the bus. King pin play of more than 1/2 inch, requires a 25 point deduction and results in rejection.

Item 28 Interior Lamps, deducts 2 points for defective step well lamps only. Other defective interior lights are brought to the attention of the operator without assessing points for the defect.

Item 38, adds two sub-categories under emergency exit. The absence of emergency lettering causes a 2 point deduction and a defective door gasket requires a 5 point deduction. An inoperable emergency door results in a 25 point deduction and rejection of the bus. The sub-categories are necessary to require maintenance of the emergency exit without requiring rejection for minor discrepencies.

Item 40, divides suspension into sub-categories thereby requiring repairs without rejecting the bus when the deficiencies are minor in nature. If the main leaf or 25 per cent or more of the remaining leaf springs are broken, 25 points are deducted and the bus rejected. If less than 25 per cent of the leaf springs are broken 10 points are deducted. Loose or leaking shocks results in a deduction of 10 points.

Item 41, Wheels, deducts 10 points when one stud nut is missing, if it is less than 20% of the stud nuts on the wheel. The absence of a single stud nut is not a sufficient enough safety factor to require rejection of the bus. If one stud nut is 20% or more of the stud nuts on the wheel 25 points are deducted.

Item 42, adds the category of cross members as part of the inspection of body condition. If two cross members need replacing a 2 point deduction is made. If cross members are rusted but not to a degree requiring replacement no points are deducted but the condition is brought to the attention of the operator.

Item 45, Heater-Defroster Fan, adds a category for defective heaters for buses equipped with more than one heater. A deduction of 5 points is made for each heater in excess of the one that is not working.

STATE OF MINNESOTA

March 1, 1982
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Issuance and Display of School Bus Inspection Certificates.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James M. Campbell, 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.

May 14, 1982
DATED

SPECIAL ASSISTANT ATTORNEY GENERAL