

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : November 28, 1988

TO : JEFF BRUCE
Management Analist

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Rule Relating to School Bus Driver

The above-referenced rule has been approved as to its legality by the Attorney General on December 1, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. §14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. §14.34.

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

JAL:rer

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Joseph Plummer, Special Assistant
Attorney General

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Bus Driver Endorsement.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Joseph Plumer, 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.

Please return the approved rules directly to the agency, 211 Transportation Building.

11/18/88
DATED

Joseph Plumer
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Public Safety

Adopted Permanent Rules Relating to School Bus Driver Endorsement

Rules as Adopted

7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's endorsement to operate a motor vehicle that is owned by a government agency; a nonpublic school corporation or agency; or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. **Scope.** Before issuing or renewing a driver's license with a school bus driver's endorsement, the Department of Public Safety shall conduct a background check to investigate the applicant's criminal and driving records. The department shall use the criteria listed in subparts 2 and 3 when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

Subp. 2. **Denial, cancellation of endorsement.** The department shall not issue or renew a school bus driver's endorsement and shall cancel an existing endorsement if the applicant's criminal or driving record shows that the applicant has been convicted of any one of the following:

A. selling a controlled substance, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

B. a felony or gross misdemeanor against another, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred

last;

C. two or more felony convictions not against another and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

D. two or more convictions for driving while under the influence of alcohol or a controlled substance; two or more driver's license revocations under the implied consent law; or, in combination, one or more convictions of driving while under the influence of alcohol or a controlled substance and one or more driver's license revocations under the implied consent law, which do not arise out of the same factual circumstances or behavioral incident, and five years have not elapsed since the applicant's conviction, revocation, or release from a correctional facility, whichever event occurred last;

E. four or more moving violations within a three-year period and one year has not elapsed since the last conviction; or

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

For purposes of this part, a crime solely against property is not considered a crime against another.

Subp. 3. **Felony charges.** The department shall not consider the application for an initial school bus driver's endorsement of an individual charged with a felony against another until that individual is found not guilty of the charge.

A driver with a school bus driver's endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department

shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

Subp. 4. **Letter required for issuance.** If a conviction or a withdrawal of driving privileges based on a situation listed in items A to I of this subpart appears on the applicant's record, or the applicant has a B-card, and the applicant is not barred from obtaining an endorsement by reason of subpart 2, the department shall issue or renew an endorsement only if the applicant submits with the application a letter recommending that the endorsement be renewed or issued to the applicant. The letter may be either from the superintendent of schools or the superintendent's agent of the school district in which the applicant is employed or will be employed, or from the contractor employing the applicant. If the letter is from the contractor, a copy must be sent to the superintendent of schools. If the conviction is for criminal sexual conduct described in item F, a copy of the recommending letter must be sent to the applicant's probation officer if the applicant is under the supervision of the court.

The letter must contain the first, middle, and last name of the applicant; the applicant's driver's license number; and an acknowledgment of the applicant's criminal or driving record.

These provisions relate to any one of the following:

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B. conviction for driving while under the influence of alcohol or a controlled substance within five years preceding application;

C. conviction for selling a controlled substance within five years preceding application;

D. conviction of a felony or gross misdemeanor not against another within five years preceding application;

E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to

609.265, more than five years but less than ten years preceding application;

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and more than five years but less than ten years have elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

G. three convictions for moving traffic violations within two years preceding application;

H. conviction for a moving traffic violation resulting in a revocation or suspension within three years preceding application; and

I. revocation under Minnesota Statutes, section 169.123, the implied consent statute, within three years preceding application.

7414.1200 DISQUALIFICATION.

An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement whose physical examination discloses communicable diseases, or mental or physical conditions of an intermittent or continuing nature that might reasonably affect the ability to operate a school bus, must be denied a school bus driver's endorsement. One or more of the deficiencies specified in items A to M disqualify the applicant for a school bus driver's endorsement:

A. 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 required to wear corrective lenses shall wear properly prescribed lenses when driving);

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

C. abusers of alcohol or users of narcotics or drugs that may impair driving ability;

D. coronary or heart ailment likely to interfere with safe driving, electrocardiogram is required when other findings indicate desirability;

E. blood pressure over 160/90;

F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;

G. a communicable disease listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;

H. loss or impairment of foot, leg, hand, or arm, unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;

I. a mental, nervous, organic, or functional disease likely to interfere with safe driving;

J. diabetes unless controlled by diet or oral medication only;

K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;

L. use of medication that the examining physician determines is likely to interfere with safe driving; or

M. lack of good general health.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 11988

Joan Anderson Growe

Secretary of State

2:19pm

APPROVED AS TO FORM AND LEGALITY

December 1 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Julie A. Zeppenfeld
SPECIAL ASSISTANT ATTORNEY GENERAL

File No. 15[illegible]

DATE RECEIVED 11/22/88

REVIEW DATE 12/1/88

DUE DATE 12/6/88

APPROVED 12/1/88 GJB

DISAPPROVED _____

WITHDRAWN _____

Docket . 05.0009.0710

ADOPTED W/O HEARING X

EMERGENCY RULE _____

REVISOR APPROVED _____

REVISOR DISAPPROVED _____

FILED W/SEC. OF STATE 12/1/88

RETURNED TO AGENCY 12/1/88

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

4/8/85
5/25/81 Date published in State Register
yes Comments

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~

~~Date adopted~~

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

14.06
17.321 Statutory Authority
~~yes~~ yes Small Business Statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
yes Fees - § 16A.128 (addressed but not necessary)

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

9/23/88 Date (30)/25 days before adoption
ok Notice attached
ok Copy of rule or summary attached

✓ Publication in State Register

9/26/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

10/23/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

4/1/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Joseph Plumer Name of SAAG representing agency

Certificate of Mailing list
✓ ~~Notice of Submission to Atty. Gen.~~ (if applicable)

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Driver Endorsement

Rules as Proposed

7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination ~~shall be~~ is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's 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~~ that is owned by a government agency~~,~~; a ~~private or parochial~~ nonpublic school corporation or agency~~,~~; or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. **Scope.** Before issuing ~~a school bus driver's endorsement~~ or renewing a driver's license with 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~~ to investigate the applicant's criminal and driving ~~record~~ records. The department shall use the criteria listed in subparts 2 and 3 when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

Subp. 2. **Denial, cancellation of endorsement.** The department shall not issue or renew a school bus driver's endorsement and shall cancel an existing endorsement if the applicant's criminal or driving record shows that the applicant has been convicted of any one of the following:

A. selling a controlled substance, and five years

Approved by Revisor

have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

B. a felony or gross misdemeanor against another, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

C. two or more felony convictions not against another and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

D. two or more convictions for driving while under the influence of alcohol or a controlled substance; two or more driver's license revocations under the implied consent law; or, in combination, one or more convictions of driving while under the influence of alcohol or a controlled substance and one or more driver's license revocations under the implied consent law, which do not arise out of the same factual circumstances or behavioral incident, and five years have not elapsed since the applicant's conviction, revocation, or release from a correctional facility, whichever event occurred last;

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F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

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within five years preceding application;

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E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to 609.265, more than five years but less than ten years preceding application;

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degrees in either eye (drivers ~~requiring correction by~~ required to wear corrective lenses shall wear properly prescribed lenses ~~at all times~~ when driving);

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

C. ~~inebriates~~ abusers of alcohol or users of narcotics or drugs that may impair driving ability;

D. ~~any indication of~~ coronary or heart ailment likely to interfere with safe driving, electrocardiogram is required when other findings indicate desirability;

E. blood pressure over 160/90;

F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;

G. ~~any~~ a communicable disease ~~as~~ listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;

H. loss or impairment of foot, leg, hand, or arm, ~~or other structural defect or limitation of movement likely to interfere with safe driving~~ unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;

I. ~~any~~ a mental, nervous, organic, or functional disease likely to interfere with safe driving;

J. diabetes unless controlled by diet or oral medication only;

K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;

L. use of ~~any~~ medication that the examining physician determines is likely to interfere with safe driving; or

M. ~~applicant not~~ lack of good general health.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to School Bus Driver Endorsement

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7414

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

Department of Public Safety
Driver and Vehicle Services Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety governing School Bus Driver Endorsement

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. Sections 14.22 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. 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.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

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

The Department's authority to adopt the proposed rules is contained in Minnesota Statutes, sections 171.321 and 14.06. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules will not have a direct impact on small businesses in Minnesota.

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 date of 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. 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, 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, 625 North Robert Street, St. Paul, Minnesota 55101, 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 14.11, Subd. 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

STATE OF MINNESOTA

8/29/88
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Driver Endorsement

Rules as Proposed

7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination ~~shall be~~ is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's 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~~ that is owned by a government agency; ~~a private or parochial~~ nonpublic school corporation or agency; or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

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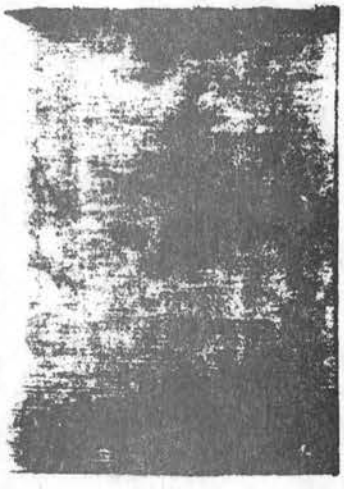
Office of the Revisor of Statutes

Administrative Rules





TITLE: Proposed Permanent Rules Relating to School Bus Driver Endorsement

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7414

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF DRIVER AND VEHICLE SERVICES

In the matter of the proposed amendment to the rules of the Department of Public Safety which govern school bus driver licensing.

STATEMENT OF NEED
NEED REASONABLENESS

GENERAL STATEMENT

The "Pupil Transportation Safety Education Program" promulgated by the Minnesota Department of Education in 1974 contains the following introductory paragraph:

> "School transportation has been a major contributing factor in implementing the philosophy of equal educational opportunities for all school children. The present degree of school district consolidation would have been impossible without the improvement and growth of school transportation. The school bus has become our integral part of the educational program for hundreds of thousands of Minnesota students. These students deserve the highest possible degree of safety in our school transportation system.

1. "Safe Student Bus Drivers" Minnesota Department of Public Safety, Appendix C, p.59.

Minnesota Statutes, section 171.321 states that is is the responsibility of the Department of Public Safety to insure that school bus drivers are competant to operate school buses safely. These amendments will help the

department fulfill its legislative mandate and will improve student safety in the school bus system. These rules do not impose unreasonable burdens on the parties affected and compliance with similar rules has been obtained in other jurisdictions.

STATUTORY AUTHORITY

Minnesota Statutes, section 171.321, subdivision 2(a) states:

> "The commissioner of public safety shall prescribe rules governing the qualifications of individuals to drive school buses."

Moreover, since the regulation of school bus driver licenses directly affects the rights of and procedures available to the public, the commissioner of public safety also has authority to promulgate rules under section 14.06 of the administrative procedure act, Minnesota Statutes, chapter 14.

EFFECT OF THE RULES

These amendments will have a direct impact on all school bus drivers, school bus companies, school districts, school bus riding students, and motorists sharing the road with school buses will be affected directly by these rules.

SMALL BUSINESS CONSIDERATIONS

Small businesses will not be directly affected by these amendments. Some bus companies may be small businesses and may be indirectly affected by the amendments. Any adverse impact on these small businesses is incidental

compared to the positive effects of the amendments on public safety. These amendments are carefully drafted to impose the minimum compliance and reporting requirements consistent with public safety. The amendments would impose no schedules or deadlines. The requirements imposed by these amendments have been consolidated and simplified to the maximum extent consistent with public safety. The amendments would impose no design or operational standards. Those bus companies which are small businesses have the same responsibility for the safety of their passengers as large bus companies, therefore, small school bus companies cannot be exempted from these amendments.

FEES IMPOSED BY THE RULES

These rules do not fix any fees. The statutes authorizing promulgation of these rules do not require that any fees be fixed. Therefore no approval from the commissioner of finance is required.

RULE BY RULE ANALYSIS

Part 7414.0200 Basic Requirements

This amendment to the rule is necessary because the existing language is cumbersome and needs clarification. The amendment to the rule is reasonable because it requires no substantive changes to the rule and the amended rule is in a format which is easier to understand.

Part 7414.0400 Driver Background Check

Subpart 1. Scope. This subpart is necessary because the rule implements the legislative mandate that a rule be adopted which sets forth the

qualifications of individuals who drive school buses. It is also necessary because of the important cargo transported in school buses and the tremendous responsibility placed on the school bus driver. This subpart is reasonable because the rule clearly defined what records will be used in determining whether the Department of Public Safety will issue or renew a school bus driver's endorsement, thereby informing the public what records will be used in making this important determination.

Subpart 2. This subpart is necessary because it clearly sets forth the criteria that will be used by the Department of Public Safety in determining whether an individual will receive or retain a school bus driver's endorsement. The subpart requires that the Department of Public Safety conduct a thorough investigation of the applicant's background to determine if the individual has been convicted of certain serious crimes and/or traffic violations that may pose a threat to the safety of the children. This subpart applies to individuals requesting an initial endorsement as well as to individuals who have obtained a school bus driver's endorsement and have been convicted of serious crimes and/or traffic violations since the endorsement was issued. In general, this subpart is reasonable because it accurately informs the public of the criteria necessary to obtain and retain a school bus driver's endorsement. The subpart places the public on notice that any violation set forth in the rule may result in a cancellation or denial of the endorsement.

This subpart was adopted from two advisory committee reports that were the result of lengthy and careful consideration regarding the safety of school children in this state. Recommendations of a fourteen member School Bus Safety Review Committee are found in Safe Student Bus Riders, Minnesota Department

of Public Safety, St. Paul, Minnesota, April, 1981 (hereinafter Review Committee Report). The Committee was asked by the Department of Public Safety and Education to formulate a comprehensive set of recommendations for ensuring that school bus drivers are qualified and that school buses are made as safe as possible. Recommendations of the Task Force on School Bus Safety are found in Safety is You and What You Do, Section 50, December, 1984 (hereinafter Task Force Report). The Task Force, comprised of thirteen members, was charged by the Commissioner of Education and the Education Committee of the Legislature with studying school bus safety.

The Review Committee Report specifically states that the Committee unanimously recommends that the criteria found in this subpart be adopted for the issuance of school bus driver endorsements. Review Committee Report at 10-11. Similarly the Task Force Report recognized that concern exists with the criteria employed by the Minnesota Department of Public Safety when issuing or denying school bus driver endorsements. The lack of standard procedures for background checks and driving record checks was an issue of concern for the Task Force. Therefore, the Task Force specifically recommended that the criteria found in this subpart be adopted. Task Force Report at 14-15.

Item A is based on a recommendation of the review committee and of the Task Force. The item is necessary to prevent individuals who have been convicted of selling controlled substances from having the sole responsibility for supervising and transporting students to and from school. The advisory committees concluded that sound public policy mandates the separation of convicted of drug dealers from vulnerable young children. The Task Force noted that school bus drivers are "expected to be in good physical condition and

free from the influence [of] mood/mind modifying substances . . . ." Task Force report at 14. Item A is reasonable because a person who has been convicted of the sale of a controlled substance may be eligible to obtain a school bus driver's endorsement after a period of five years has elapsed since the applicant's release from a correctional facility or since the applicant's conviction. In this regard, a person is not subject to an indefinite denial of a school bus driver's endorsement, but is subject only to a reasonable waiting period to ensure that adequate rehabilitation has occurred.

Item B is necessary to prevent those individuals who have been convicted of felonies against others from supervising and transporting children to and from school. After careful consideration the advisory committees concluded that children must not be placed in positions of potential danger with individuals who have been convicted of felonies against others. Children are inherently vulnerable and defenseless and must be protected to the greatest extent possible from individuals who have been convicted of felonies against others. Clearly, any inconvenience that may result to the felon is outweighed by the need to adequately protect the safety of our state's children. This item is reasonable because an individual convicted of a felony against another may be eligible to obtain a school bus driver's endorsement after a period of five years has elapsed since the applicant's release from a correctional facility or since the applicant's conviction. In this regard, an individual is not indefinitely denied the opportunity to obtain a school bus driver's endorsement once a sufficient period of time has elapsed to demonstrate rehabilitation.

Item C is necessary to protect children from people who habitually commit serious crimes. Individuals convicted of felonies not against another do not pose the same immediate threat of physical harm posed by those convicted of felonies against another. However, individuals that have been convicted of two felonies have demonstrated social maladjustment and a serious lack of respect for the law. School children are in the process of adjusting to society and developing respect for the law. School children should not be exposed to the threat posed by a habitual felon. Item C is resonable because an individual convicted of two felonies not against another may be eligible to obtain a school bus driver's endorsement after a period of five years has elapsed since the applicant's release from a correctional facility or since the applicant's conviction. In this regard, a person is not subject to an indefinite denial of a school bus driver's endorsement, but is subject only to a reasonable waiting period to ensure that adequate rehabilitation has occurred.

Item D is necessary to prevent persons who have been convicted of multiple drinking and driving incidents from obtaining or retaining a school bus driver's endorsement. A 1984 national study showed that 53 percent of the traffic fatalities in this country were alcohol related. 1985 Minnesota Motor Vehicle Crash Facts, Minnesota Department of Public Safety at 33. Furthermore, individuals convicted of multiple drinking and driving incidents may suffer from an alcohol or chemical abuse problem. As a result, the advisory committees specifically recommended that individuals who have been convicted of multiple drinking and driving incidents or who have been involved in multiple drinking and driving incidents, be prohibited from supervising and transporting children to and from school. This item is reasonable because it

allows individuals who have been involved in multiple drinking and driving incidents to obtain a school bus driver's endorsement after a reasonable period of time has elapsed since the last incident. As a result, an individual who has demonstrated control over an alcohol abuse problem may be eligible to obtain a school bus driver's endorsement.

Item E is necessary to prevent those individuals who have demonstrated poor driving behavior from transporting children to and from school. Convictions for multiple driving violations demonstrate a disregard for the traffic laws and for the safety of those individuals who are transported in the violator's vehicle. The Review Committee examined drivers involved in school bus accidents during the first part of 1980 and found 27 drivers with four or more convictions on their driving records at the time of the accident. A few of the drivers examined by the Committee had more than 15 convictions on their records. Review Committee report at 7. In addition, statistics establish that a large number of school bus accidents are due to driver error. Id. at 6, 23-24; 1985 Minnesota Crash Facts at 87. The safety of school children is a paramount concern which must not be jeopardized by allowing individuals with multiple traffic violations to operate a school bus. Item E is reasonable because it allows those individuals who have been convicted of multiple traffic violations to obtain a school bus driver's endorsement once the individual has demonstrated for a reasonable period of time that he or she can responsibly operate a motor vehicle.

Item F is necessary to prevent those individuals who have been convicted of criminal sexual conduct from supervising and transporting children to and from school. Criminal sexual conduct may irreparably damage a small child and

may traumatize the family and acquaintances of the victim. In this regard Item F is necessary to adequately protect vulnerable children and far outweighs any inconvenience that may be imposed on an individual convicted of criminal sexual conduct when that individual is denied a school bus driver's endorsement. Item F is also reasonable because once the individual demonstrates rehabilitation for a period of five years, that individual is allowed the opportunity to obtain a school bus driver's endorsement. Therefore an individual convicted of criminal sexual conduct is not indefinitely denied the opportunity to obtain a school bus driver's endorsement and may be gainfully employed as a school bus operator once a sufficient period of time has elapsed.

Subpart 3 specifies department action taken when an applicant for an initial school bus endorsement is the subject of pending felony charges and it requires action by drivers with school bus endorsements who are charged with felonies. There is evidence that these individuals have committed crimes which harm others or are intended to harm others. The requirements of this provision are necessary to protect school children from potentially dangerous situations.

Applicants for initial school bus endorsements have not been working as school bus drivers in Minnesota. Any inconvenience caused by the delay in the processing of the application is outweighed by the need to protect school children. Delaying the processing of an initial application until pending felony charges are resolved is a reasonable precaution with such an important subject.

A driver with a school bus endorsement may be earning a living and supporting a family as a school bus driver. It is not reasonable therefore to withdraw an existing school bus endorsement because of criminal charges. Some action should be taken, however, to protect the children that ride school buses. The employer is in the best position to evaluate the risks involved and take appropriate action. The employer can change the work assignment as appropriate to protect the bus riders. Requiring the bus driver, charged with a felony, to notify the employer is the most reasonable way to protect the school childred in these circumstances.

Subpart 4 sets forth the requirements necessary to obtain a school bus driver's endorsement when an individual has been convicted of certain serious crimes which occurred more than five years before the application for the endorsement. This subpart allows the Department of Public Safety to issue a school bus driver's endorsement if, and only if, the superintendent in the school district in which the individual will be employed is informed of the individual's criminal background and the superintendent provides his or her informed consent for the employment of the individual. The Review Committee felt strongly that the record of an individual should be reviewed by the local school district before the person is hired. Review Committee Report at 8. Similarly, the Task Force was concerned that the convictions of those who hold school bus driver's endorsements are not readily known to their employer. Task Force report at 13. The subpart is adopted from the recommendations of the committees to remedy these concerns. Review Committee report at 10-11; Task Force Report at 15.

This subpart is necessary because it allows the school district employing the individual to make an informed decision on whether or not to employ the individual in the transportation of children to and from school in the district. In addition, this rule does not unnecessarily burden the application by preventing him or her from obtaining a school bus driver's endorsement simply because of his or her prior criminal record, but allows the individual to obtain an endorsement once the school district has acknowledged and accepted the individual's prior record.

Item A is necessary to prevent individuals who have been convicted of possession of a controlled substance, including marijuana, from transporting school children to and from school. This item is adopted from specific recommendations of the advisory committees. As in subpart 2, item A, this item is necessary to protect vulnerable children from individuals who have exhibited a propensity to possess illegal substances. As described by the Task Force, "[s]chool bus drivers, by their vocation, are expected to be ... free from the influence [of] mood/mind modifying substances ..." Task Force report at 14. This item is reasonable because it allows an individual to obtain a school bus driver's endorsement, notwithstanding a conviction, if the individual has obtained the informed consent of the employing school district.

Item B is necessary to prevent individuals who have been convicted of driving while under the influence of alcohol or a controlled substance, including marijuana, from obtaining a school bus driver's endorsement. The item was a specific recommendation of the advisory committees. As in subpart 2, item D, this subpart is necessary to protect children from individuals who have displayed a disregard for the traffic laws. This item is reasonable

because an individual who has been convicted of driving while under the influence of alcohol or a controlled substance may obtain a school bus driver's endorsement, notwithstanding the conviction, if the individual obtains the informed consent of the employing school district.

Item C is necessary to prevent those individuals who have been convicted of selling a controlled substance more than five years preceding the application for a school bus driver's endorsement from obtaining a school bus driver's endorsement without the informed consent of the employing school district. Again, the item was a specific recommendation of the advisory committees. As in subpart 2, item A, this item is necessary to protect children from those individuals who have exhibited a propensity to possess and distribute dangerous and illegal substances. This item is reasonable because an individual who has been convicted of selling a controlled substance may obtain a school bus driver's endorsement, notwithstanding the conviction, if the individual obtains the informed consent of the employing school district.

Item D is necessary to prevent an individual who has been convicted of a felony or gross misdemeanor against the property of another from obtaining a school bus driver's endorsement without the informed consent of the employing school district. This item is necessary to protect defenseless children from those individuals who have exhibited a propensity to steal and/or destroy the property of another, thus evidencing a disregard of the law. Item D adopts the recommendations of the advisory committees. This item is reasonable because an individual convicted of such a crime is not prohibited from obtaining a school bus driver's endorsement if the individual obtains the informed consent of the employing school district.

Item E is necessary to prevent an individual who has been convicted of a felony or gross misdemeanor against another from obtaining a school bus driver's endorsement without the informed consent of the employing school district, if the conviction occurred more than five years before the application but less than ten years before the application. The item, including the time frames set forth in the item, is adopted from the advisory committees' recommendations. This item demonstrates an acknowledgement by the Department of Public Safety that an individual who has been convicted of a serious crime against another may evidence rehabilitation sufficient to warrant the issuance of a school bus driver's endorsement. The item is reasonable because an individual who has been convicted of a serious crime against another may obtain a school bus driver's endorsement if the individual obtains the informed consent of the employing school district.

Item F is necessary to prevent persons convicted of criminal sexual conduct from obtaining a school bus driver's endorsement without th informed consent of the employing school district. As discussed in subpart 2, item F, this requirement is necessary to protect vulnerable children from the trauma which may result from a criminal sexual conduct incident. Item F was recommended by the advisory committees. This item is reasonable because an individual who has been convicted of criminal sexual conduct may demonstrate rehabilitation sufficient to warrant the issuance of a school bus driver's endorsement, and the endorsement may be issued, if the individual obtains the informed consent of the employing school district.

Item G is necessary to prevent those individuals who have been convicted of multiple moving traffic violations from obtaining a school bus driver's endorsement without the informed consent of the employing school district. As in subpart 2, item E, this item is necessary to prevent individuals who have demonstrated a disregard of the traffic laws from transporting children to and from school. The advisory committees recommended adoption of this item. This item is reasonable because an individual convicted of multiple traffic violations is not prohibited from obtaining a school bus driver's endorsement if the individual can demonstrate the informed consent of the employing school district.

Item H is necessary to prevent an individual convicted of a moving traffic violation resulting in the revocation or suspension of the individual's driver's license from obtaining a school bus driver's endorsement without the informed consent of the employing school district. Item H was recommended by the advisory committees. As in Item G, individuals who have been convicted of serious traffic violations evidence a disregard for the traffic laws and a disregard for the safety of their passengers. This item is reasonable because an individual convicted of such a conviction is not prohibited from obtaining a school bus driver's endorsement if the individual can obtain the informed consent of the employing school district.

Item I is necessary to prevent an individual who has had his or her driver's license revoked under the implied consent law from obtaining a school bus driver's endorsement without the informed consent of the employing school district. As discussed in Item B, a violation of the implied consent law is evidence of an alcohol abuse problem and a disregard of the traffic laws. Item I

is reasonable because an individual who has been subject to an implied consent revocation is not prohibited from obtaining a school bus driver's endorsement if the individual obtains the informed consent of the employing school district.

7414.1200 Disqualification

The first three words of item D broaden the application so it might apply to almost anything. It is necessary, therefore, to amend item D, deleting those three words, so the item is clearer, more specific, and more consistent with the policy of this part.

The proposed amendment to item H would replace the phrase "or other structural defect or limitation of movement likely to interfere with safe driving" with the phrase "or impairment". This change is reasonable because it makes the item shorter and more precise.

Item H absolutely bars some individuals from driving school buses who would be able to drive school buses safely. It is necessary, therefore, to add a provision to item H allowing individuals to have the prohibition waived if they can prove their ability to operate school buses safely. The waiver, provision this amendment would add is similar to the waiver provision in the Federal Regulations governing the physical qualification of truck drivers, 49 C.F.R. section 391.49.

DLJABNA020

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Bus Driver Endorsement.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Jeff Bruce, being first duly sworn, deposes and says:

That on the 23rd day of September, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules With 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 and, if applicable, on all persons and organizations on a discretionary mailing list.

Jeff Bruce

Subscribed and sworn to before me this 31st day of October, 1988.

David E. Orren

DAVID E. ORREN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires May 4, 1992

Each pharmacist shall post his or her license or renewal ~~thereof~~ in a conspicuous place within the pharmacy in which he or she is practicing his or her profession. For community pharmacies, this place shall be a place which is readily visible to the public.

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~$150~~ $165 shall be filed with the secretary of the board at least 30 days ~~prior to~~ before the date ~~said~~ the application is to be considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

Subp. 2. **Eligibility.** To be found eligible for consideration by the board:

A. Applicant must have practiced in the profession for at least one year after licensure in another state which is an active member of the National Association of Boards of Pharmacy before ~~he~~ the applicant will be deemed eligible to reciprocate to Minnesota.

B. Applicant, if examined and licensed ~~prior to~~ before January 1, 1973, shall show that he or she has acquired 2,080 hours of practical pharmacy experience under the instruction of a licensed pharmacist.

C. Applicant, if examined and licensed after January 1, 1973, shall show that ~~he~~ the applicant has acquired 1,500 hours of practical pharmacy experience under the instruction of a licensed pharmacist; said 1,500 hours to be acquired after the successful completion of the third year of the standard five-year pharmacy curriculum, 400 hours of which may be acquired: concurrently with college attendance, in clinical pharmacy programs, or in demonstration projects which have been approved by the Tripartite Committee on Internship and the board of the active member state from which ~~he~~ the applicant applies.

Subp. 3. **Substitution for internship.** Defects in internship experience will not preclude an applicant from being deemed eligible provided that ~~said~~ the applicant shall have practiced as a licensed pharmacist for one year, plus one week at 40 hours per week for each week or portion thereof that ~~he~~ the applicant is deficient in internship experience, (~~i.e.~~ for example, the number of weeks in excess of one year the applicant has practiced as a licensed pharmacist ~~prior to~~ before applying for reciprocity must be equal to or greater than the number of weeks or portions thereof that ~~he is are~~ the applicant is deficient in internship experience).

Subp. 4. to 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6800.2800, is repealed.

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Driver Endorsement

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 *Minnesota Statutes* Sections 14.22 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. 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.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes* Sections 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

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.

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

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes,* sections 171.321 and 14.06. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115, "Small business consideration in rulemaking," that the proposed rules will not have a direct impact on small businesses in Minnesota.

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 date of 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 *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 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, 625 North Robert Street, St. Paul, Minnesota 55101, 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 14.11, Subd. 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Rules as Proposed

7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination ~~shall be~~ is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's 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~~ that is owned by a government agency~~,~~; a ~~private or parochial~~ nonpublic school corporation or agency~~,~~; or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. **Scope.** Before issuing ~~a school bus driver's endorsement~~ or renewing a driver's license with 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~~ to investigate the applicant's criminal and driving ~~record~~ records. The department shall use the criteria listed in subparts 2 and 3 when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

Subp. 2. **Denial, cancellation of endorsement.** The department shall not issue or renew a school bus driver's endorsement and shall cancel an existing endorsement if the applicant's criminal or driving record shows that the applicant has been convicted of any one of the following:

A. selling a controlled substance, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

B. a felony or gross misdemeanor against another, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

C. two or more felony convictions not against another and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

D. two or more convictions for driving while under the influence of alcohol or a controlled substance; two or more driver's license revocations under the implied consent law; or, in combination, one or more convictions of driving while under the influence

of alcohol or a controlled substance and one or more driver's license revocations under the implied consent law, which do not arise out of the same factual circumstances or behavioral incident, and five years have not elapsed since the applicant's conviction, revocation, or release from a correctional facility, whichever event occurred last;

E. four or more moving violations within a three-year period and one year has not elapsed since the last conviction; or

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

For purposes of this part, a crime solely against property is not considered a crime against another.

Subp. 3. **Felony charges.** The department shall not consider the application for an initial school bus driver's endorsement of an individual charged with a felony against another until that individual is found not guilty of the charge.

A driver with a school bus driver's endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

Subp. 4. **Letter required for issuance.** If a conviction or a withdrawal of driving privileges based on a situation listed in items A to I of this subpart appears on the applicant's record, or the applicant has a B-card, and the applicant is not barred from obtaining an endorsement by reason of subpart 2, the department shall issue or renew an endorsement only if the applicant submits with the application a letter recommending that the endorsement be renewed or issued to the applicant. The letter may be either from the superintendent of schools or the superintendent's agent of the school district in which the applicant is employed or will be employed, or from the contractor employing the applicant. If the letter is from the contractor, a copy must be sent to the superintendent of schools. If the conviction is for criminal sexual conduct described in item F, a copy of the recommending letter must be sent to the applicant's probation officer if the applicant is under the supervision of the court.

The letter must contain the first, middle, and last name of the applicant; the applicant's driver's license number; and an acknowledgment of the applicant's criminal or driving record.

These provisions relate to any one of the following:

A. conviction for possession of a controlled substance within five years preceding application;

B. conviction for driving while under the influence of alcohol or a controlled substance within five years preceding application;

C. conviction for selling a controlled substance within five years preceding application;

D. conviction of a felony or gross misdemeanor not against another within five years preceding application;

E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to 609.265, more than five years but less than ten years preceding application;

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and more than five years but less than ten years have elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

G. three convictions for moving traffic violations within two years preceding application;

H. conviction for a moving traffic violation resulting in a revocation or suspension within three years preceding application; and

I. revocation under Minnesota Statutes, section 169.123, the implied consent statute, within three years preceding application.

7414.1200 DISQUALIFICATION.

~~Any school bus driver~~ An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement whose physical examination discloses communicable diseases, or mental or physical conditions of an intermittent or

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.

continuing nature that might reasonably affect ~~his~~ the ability to operate a school bus, ~~shall~~ must be denied a school bus driver's endorsement. One or more of the deficiencies specified in items A to M ~~will~~ disqualify the applicant for a school bus driver's endorsement:

A. visual acuity less than 20/40 ~~(Snellen)~~ 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~~ required to wear corrective lenses shall wear properly prescribed lenses ~~at all times~~ when driving);

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

C. ~~inebriates~~ abusers of alcohol or users of narcotics or drugs that may impair driving ability;

D. ~~any indication of~~ coronary or heart ailment likely to interfere with safe driving, electrocardiogram is required when other findings indicate desirability;

E. blood pressure over 160/90;

F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;

G. ~~any~~ a communicable disease ~~as~~ listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;

H. loss or impairment of foot, leg, hand, or arm, ~~or other structural defect or limitation of movement likely to interfere with safe driving~~ unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;

I. ~~any~~ a mental, nervous, organic, or functional disease likely to interfere with safe driving;

J. diabetes unless controlled by diet or oral medication only;

K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;

L. use of ~~any~~ medication that the examining physician determines is likely to interfere with safe driving; or

M. ~~applicant not~~ lack of good general health.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Independent Wastewater Treatment Grants Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes,* sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes,* section 446A.06, subd. 2.

All persons have 30 days to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Terry Kuhlman
Acting Executive Director
Public Facilities Authority
800 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

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

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 Economic Security

Public Comment Period and Hearings on Proposed State Plan for the Minnesota Energy Assistance Program—1986

Notice is hereby given that a public comment period on the above-entitled matter will begin upon publication of this notice and will close after sixty (60) days at 4:30 p.m. Friday, June 7, 1985.

The 1986 Energy Assistance Plan describes how federal funds are used to help low-income households pay home heating bills and conserve energy. Comments received at public hearings and during the comment period will be considered in the development of the State Plan that governs the program.

All interested or affected persons will have an opportunity to comment concerning the proposed State Plan for the Minnesota Energy Assistance Program—1986. A single copy of the State Plan may be obtained by writing to:

Alan Chapman, Acting Director
Minnesota Energy Assistance Program
690 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Notice is hereby given that public hearings on the above-entitled matter will be held at:

City	Hearing Site and Address	Time	Date
St. Paul	State Office Building Room 300 North 435 Park Street	7-9 p.m.	5/14
Crookston	Public Library—Meeting Room 120 North Ash	7-9 p.m.	5/14
Grand Rapids	Blandin Foundation Auditorium 100 Pokegama Avenue North	7-9 p.m.	5/15
Fergus Falls	Ottertail County Gov. Service Bldg. 505 South Court	7-9 p.m.	5/15
St. Cloud	City Hall Council Chambers	7-9 p.m.	5/16
Mankato	Nichols Office Building Third Floor—Conference Room 410 Jackson	7-9 p.m.	5/16

Oral and written testimony may be submitted at the hearing. In addition, written testimony will be accepted at the above address until 4:30 p.m., Friday, June 7, 1985. All comments will be considered by the Department of Economic Security, Office of Energy Assistance.

State Board of Education
Department of Education
Management Effectiveness Division

Outside Opinion Sought Regarding Proposed Rules Governing School Bus Transportation and Related Topics

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing rules governing 1) Standards for Aid, 2) Operation of School Buses, 3) Pupil Transportation Safety Education Program

and 4) Design of School Transportation Equipment Standards. The adoption of these rules is authorized by Minnesota Statutes Section 169.45.

The State Board of Education requests information and comments concerning the subject matter of these rules. Interested persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Gerald Pavek
Minnesota Department of Education
942 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2839 and in person at the above address.

All statements of information and comments shall be accepted until June 3, 1985. Any written material received by the State Board of Education shall become part of the record in the event that the rules are amended.

Daniel Skoog
Assistant Commissioner
Management Effectiveness Division

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool

Pursuant to Minn. Laws 1984, ch. 582 § 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the competitive pool as of April 5, 1985, is $125,000.00, and will be available to qualifying Industrial Development Bond issuers submitting qualification criteria applications by March 20, 1985. Pursuant to Minn. Laws 1984, ch. 582 § 16, to be codified as 474.19, non-entitlement issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

Balance of Competitive Pool on March 5, 1985—$6,385,000.00,

Add:

Unused Entitlement Allocations as of August 31, 1984:	$ N/A
Returned Allocations:	$ None
Total Pool Available as of March 21, 1985:	$6,385,000.00

Allocations awarded from the Competitive Pool during the month ending April 5, 1985, are:

Issuer	Project	No. of Pts.	Amount
City of Sleepy Eye	Grocery/restaurant	12	$1,650,000.00
City of Lake City	Industrial expansion	10	2,500,000.00
City of Detroit Lakes	Grocery	9	1,430,000.00
City of Nisswa	Conference Center	8	550,000.00
City of Norwood	Automotive Repair Facility	8	130,000.00

Total Allocations Awarded:	$ 6,260,000.00
Amount of Issuance Authority Available as of April 5, 1985	$ 125,000.00

Metropolitan Council

Notice of Review Schedule: Draft Environmental Impact Statement—Ramsey/Washington Waste-to-Energy Project

Ramsey and Washington Counties have proposed construction of a municipal solid waste processing facility that would produce refuse-derived fuel and recover other materials at a site in Newport, Minnesota. The facility would be designed to process more

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Bus Driver Endorsement.

FINDINGS OF FACT AND CONCLUSIONS AND ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on September 26, 1988, and was sent by United States mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes, section 14.14 subdivision 1, on September 23, 1988. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. No requests for a hearing 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 without any changes.

No one requested notice of submission to the Attorney General.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules, Part 7414.0200 to 7414.1200, are adopted this 1st day of Nov, 1988, pursuant to authority vested in me by Minnesota Statutes section 299A.01, subd. 6 and Minn. Stat. Section 171.321.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
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 School Bus Driver Endorsement.

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STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing School Bus Driver Endorsement.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Section 14.14 Subd. 1a, 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 23rd day of September, 1988.

Jeff Bruce

OFFICE OF THE COMMISSIONER
211 Transportation Building
Telephone: 296-2608

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

SAINT PAUL 55155

November 21, 1988

Ms. Christie Eller
Assistant Attorney General
Office of the Attorney General
515 Transportation Building
St. Paul, MN 55155

Re: In the Matter of Proposed Rules of the Department of Public Safety governing School Bus Driver Endorsement, Minn. Rules Parts 7414.022 through 7414.1200.

Dear Ms. Eller:

On November 1, 1988, the Minnesota Department of Public Safety adopted the captioned rules governing School Bus Driver Endorsement. Enclosed for your review are the following:

1. Rules as adopted,
2. Findings of Fact, Conclusions, and Order Adopting Rules,
3. Notice of Intent to Solicit Outside Opinion 5 S.R. 1895, 5/25/81, and 9 S.R. 2299, 4/8/85,
4. Copies of written comments received pursuant to Notice of Intent to Solicit Outside Opinion,
5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed, 13 S.R. 739, 9/26/88,
6. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed,
7. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List,
8. Rules as proposed,
9. Statement of Need and Reasonableness,
10. Declaration of Counsel.

No comments were received following the mailing and publishing of the Notice of Intent to Adopt Rules Without a Public Hearing. No requests for Notice of Submission of Rule Adopted Without Public Hearing to Attorney General were received.

Respectfully,

Jeff Bruce
Management Analyst

JB/cm

Enclosure

Some of the "old" forms were used.

Authority

171.321 FK

Rule

A

SPECIAL SCHOOL DISTRICT NO. 1

MINNEAPOLIS PUBLIC SCHOOLS

AN EQUAL OPPORTUNITY SCHOOL DISTRICT

DEPARTMENT OF TRANSPORTATION SERVICES

TRANSPORTATION CENTER
1001 2nd Avenue North
Minneapolis, Minnesota 55405-1801
Telephone 612/627-2580

March 16, 1987

Ms. Nancy Bode
Attorney General's Office
2nd Floor Ford Bldg
117 University Avenue
St. Paul, MN 55155

Dear Ms. Bode:

In response to your phone inquiry relative to the school bus driver who is seeking to renew his school bus endorsement and operator with a prosthesis, I am enclosing for your review:

1. The Driver Selection section of the Hartford School Bus Operations Guide, and,
2. Excerpts from the National Minimum Standards for School Buses and National Minimum Standard Guidelines for School Bus Operations (1985 Revised Edition).

Your attention is also directed to the National Rehabilitation Act, which prohibits discrimination if there is no ruling that the handicap prohibits the employee with carrying out specific job duties.

It would seem to me that if the driver can demonstrate the ability to operate the mechanical and hydraulic controls required to drive a school bus, conduct a pretrip inspection, evacuation drill and move about the school bus interior in connection with student management responsibilities, then a modern prosthesis should provide a basis for consideration of school bus endorsement issuance.

Sincerely,

Raymond F. Kroll
Assistant Director

RFK:js
attc.
cc: Joe Beaton
Harold Peterson

RECEIVED
MAR 18 1987
ATTORNEY GENERAL'S OFFICE
FORD BLDG, SECOND FLOOR
ST. PAUL, MN 55155

AFSCME®
American Federation of State, County and Municipal Employees
COUNCIL 6, AFL-CIO
265 Lafayette Road South
St. Paul, Minnesota 55107-1683
Telephone:
(612) 291-1020
Representing State and University Employees

November 21, 1986

Sent 11-24-86

Virginia Lockman
Department of Public Safety
Room 16, Transportation Building
St. Paul, MN 55155

Dear Ms. Lockman:

Please send me a copy of the "Statement of Need and Reasonableness" for the proposed permanent rules relating to school bus driver endorsements.

Thank you.

Sincerely,

Tom Beer

Tom Beer, Lobbyist
AFSCME Council 6, AFL-CIO

TB:nz

cc: Pete Benner, Director
file


NOV 1986
DEPT. OF
PUBLIC SAFETY
D.L.

HICKS BUS LINE, INC.
104 North Gorman
Litchfield, MN 55355
612-693-3292

November 25, 1986

Sent 11-26-86

Virginia Lochman
Department of Public Safety
Room 161
Transportation Building
St Paul, MN 55155

Dear Virginia:

Please send me a copy of the proposed permanent rules relating to school bus driver endorsements. You can send it to the above address. If you need any additional information, please contact me. Thank you.

Sincerely,

Katie Jo Lee

Katie Jo Lee
Hicks Bus Line, Inc.


NOV 1986
DEPT. OF
PUBLIC SAFETY
D.L.

SEP 9 1985

Mentor Public Schools

OFFICERS

Myron Reck, Chairman
David Hanson, Clerk
John Scheving, Treasurer

INDEPENDENT DISTRICT 604

Howard E. Watts, Superintendent
Terry Cottingham, Principal

MENTOR, MINNESOTA 56736

DIRECTORS

Earl Simonson
Rolland Gagner
David Glass



September 5, 1985

To: Gerald Pavek, Director

From: Howard E. Watts, Supt.

Re: School Bus Driver Licensing
(as per our telephone conversation 8/28/85)

In our telephone conversation we discussed the need for psychological testing and evaluation as a requirement for the school bus indorsement on a drivers license.

Considering the ever increasing emphasis on child safety, child abuse, and problems we as school administrators and boards of education encounter when attempting to remove persons from bus driving who are mentally unstable and should not be transporting children, I strongly recommend that the Department of Education, Transportation Section attempt to have psychological testing/evaluations incorporated into the school bus indorsement requirement.

Sincerely yours,

Howard E Watts

Howard E. Watts
Superintendent

HEW/ss

Park Rapids Area Schools Phone 732-3333

Office of Superintendent

Park Rapids, Minnesota 56470

JAN 10 1973



January 2, 1973

Howard B. Casmey
Commissioner of Education
Capitol Square Building
St. Paul, Minnesota 55155

Dear Mr. Casmey:

I request that the State Board of Education review the school bus drivers physical examination form.

As I read the physical requirements, I find nothing that requires that the prospective driver be able to communicate orally with the pupils he is transporting. I feel that it is essential that a driver be able to communicate without the aid of mechanical or electronical devices.

Picture, if you will, the confusion that could result in case of an accident.

Sincerely,

Fred Bettner
Superintendent

FB/dp

If you would like to discuss this subject or obtain more information please call Gordon Boldt, Director, Office of Motor Carrier Safety and Compliance, Mn/DOT, 296-0331 or Mr. Wiedenhoeft, 296-7108. We would like to find a way to make the qualification process easier for drivers and still accommodate the needs of the agencies.

Sincerely,

Richard P. Braun
Commissioner

Attachments

cc: Gordon W. Boldt
Paul Tschida

School bus drivers have told us that they wish the state agencies would adopt the same forms and physical requirements so that the drivers could avoid the need to have two exams and two different physicians' certificates.

Mn/DOT adopted the U.S.D.O.T. driver qualification regulations and forms so that Minnesota commercial bus driver requirements would be the same as those of neighboring states and those of the U.S.D.O.T., which regulates drivers of buses engaged in interstate commerce (crossing state lines).

Therefore, we request that the Department of Education also adopt the federal bus driver physical qualification rules. The practical effect would be that school bus drivers would use the Mn/DOT/U.S.D.O.T. forms to qualify for the school bus endorsement and to be a commercial bus driver. The driver could send a photocopy of the physical examination certificate to the Department of Public Safety to meet its requirements, give the original to the bus company, and carry the small medical card with him when driving a charter bus or other commercial vehicle. Thus, one physical exam form would meet the requirements of both agencies. In the interest of uniformity, we would consider adopting your forms and requirements, but because we are attempting to adopt commercial vehicle regulations which are the same as those of the other states and the federal requirements, we cannot do that. Therefore, we request that you adopt our forms.

On January 3, 1984, Harold Peterson from the Department of Public Safety, met with Gib Wiedenhoeft, Enforcement Supervisor of the Mn/DOT Office of Motor Carrier Safety and Compliance. They discussed this issue and agreed that it seemed to be feasible for the Department of Public Safety to accept the U.S. D.O.T./Mn/DOT physical exam form in lieu of the current DPS form. That would allow drivers to qualify as school bus and charter bus drivers with one form and one physical examination. Mr. Peterson was going to seek the approval of the Board of Education. We haven't heard yet whether it was granted.

If the State Board of Education adopted the Mn/DOT and U.S.D.O.T. driver rules, your rules would need to be amended in the manner shown in the attachment. The school bus driver would simply use the U.S.D.O.T./Mn/DOT form.

Copies of the physical requirement rules for charter and other bus drivers, and copies of the U.S.D.O.T. medical forms are enclosed for your information.

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

Office of Commissioner

(612) 296-3000

June 3, 1985

Gerald Pavek
Minnesota Department of Education
942 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Dear Mr. Pavek:

This is a response to the notice of request for outside opinion regarding rules governing the operation of school buses. The notice was published in the State Register on April 8, 1985.

The current rules that govern physical qualification of school bus drivers, Minnesota Rules 3520.2100, are very similar to other rules which govern physical qualification of drivers of charter buses and other commercial buses. Those rules are found in Minnesota Rules 7800.5400, 7800.5600 and in U.S. Department of Transportation driver qualification regulations that Minnesota adopted by reference (Code of Federal Regulations, Title 49, Parts 391.41 and 391.43).

Many school bus drivers also drive buses that provide charter or other commercial bus service. As a result, these drivers must comply with the school bus driver rules of the Department of Education and with the commercial bus driver rules of the Minnesota Department of Transportation (Mn/DOT). Although the physical qualifications are generally the same in both cases the forms for the physicians' certificates are different. An applicant for a school bus endorsement must submit the physician's certificate with the application that is sent to the Department of Public Safety. The school bus driver is not required to carry proof of physical examination with him when he operates the school bus. If the same driver also wishes to drive buses in charter or commercial service he must obtain the U.S.D.O.T. physical examination form and medical certificate that Mn/DOT has adopted by rule. The bus company keeps the doctor's physical exam form in its office, and the driver carries with him when he operates the vehicle, a small medical card signed by the doctor who examined him. Drivers who drive school buses and charter buses must obtain both forms.

INDEPENDENT SCHOOL DISTRICT 15

OFFICE OF SCHOOL BUSINESS AFFAIRS
3325 Bridge St.
St. Francis, MN 55070

September 28, 1988

Department of Public Safety
211 Transportation Building
St. Paul, Minnesota 55155

SUBJECT: Request for copy of Minnesota Rules: Ch. 7414

Dear Sir:

Please send a free copy of the above rules to the attention of the writer. Also notify this school district if a hearing is scheduled in accordance with M.S. 14.131 - 14.20.

Sincerely,

Clifford A. Olson
Manager of Support Services

CAO/dma

Public Safety
SEP 2 9 1988
Commissioner's Office