

8840.5950 STANDARDS FOR OPERATION OF VEHICLES.

Subpart 1. **Operation.** Standards for vehicle operation are as follows:

A. Vehicles must be operated in compliance with Minnesota Statutes, chapter 169, and rules adopted under that chapter.

B. Providers shall conduct or cause to be conducted, a daily visual safety inspection. The provider shall maintain a record that shows the date and mileage at each safety inspection and a notation of needed repairs and replacements. The record must be maintained on a form prescribed by the commissioner or on a form that contains the same information. The safety inspection must include inspection of the:

- (1) vehicle brake;
- (2) parking brake;
- (3) steering mechanism;
- (4) lighting devices and reflectors;
- (5) tires;
- (6) horn;
- (7) wipers;
- (8) mirrors;
- (9) emergency equipment;
- (10) if applicable, wheelchair ramps and lifts and lift electrical systems, lubrication points, and fluid reservoirs; and
- (11) if applicable, wheelchair securement or stretcher securement device.

Subp. 2. **Smoking.** Smoking and vaping are prohibited in vehicles at all times. A sign stating "NO SMOKING" must be posted in the vehicle so that it is visible to all passengers. If this subpart is violated, the provider must have the vehicle thoroughly cleaned so as to be odor free before returning the vehicle to service.

Subp. 3. **Seat belts.** Drivers and passengers shall use seat belts at all times. Drivers shall instruct each passenger to use the seat belt. Before pulling away from a stop, drivers shall make sure that passengers are seated with seat belts secured. Children under the age of eight and that are shorter than four feet nine inches shall use approved child-restraint systems at all times. This subpart does not apply to persons exempted by Minnesota Statutes, sections 169.685, subdivision 6, paragraph (b), and 169.686, subdivision 2, clause (3).

Subp. 3a. **Heating and air-conditioning.** All heating and air-conditioning units the vehicle is equipped with must be functional.

Subp. 4. **Emergency stopping.** When a vehicle is stopped for an emergency purpose or is disabled on the roadway or shoulder of a highway outside a business or residence district during the time when lighted lamps must be displayed, the driver shall promptly place an emergency warning triangle on the roadway on the traffic side of the vehicle ten feet from the vehicle in the direction of approaching traffic. A second emergency warning triangle must be placed approximately 100 feet from the vehicle in the direction of approaching traffic. If the vehicle is stopped or disabled on a one-way roadway, the driver shall place an additional warning triangle approximately 200 feet from the vehicle in the direction of approaching traffic.

Subp. 5. **Emergency policy.** Each provider shall develop a written policy that describes what action the driver or attendant must take in the event of an accident or emergency. If a driver or attendant fails to follow this written policy, the driver or attendant must retake the training under part 8840.5910, subpart 1, item D, before the driver or attendant can be used by the provider to perform special transportation service.

Statutory Authority: *MS s 174.30*

History: *17 SR 634; 28 SR 1578; 48 SR 155*

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