

8880.0800 DRIVER QUALIFICATIONS.

Subpart 1. **General qualifications.** A driver must have a valid driver's license and be at least 18 years old.

Subp. 2. **Physical qualification.** No driver may operate a limousine providing limousine service unless the driver is physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraphs (a) and (b), which is incorporated by reference.

Subp. 3. **Evidence of physical qualification.** Before driving a limousine providing limousine service, a driver must have a valid medical examiner's certificate under Code of Federal Regulations, title 49, section 391.43, which is incorporated by reference. A copy of the medical examiner's certificate must be given to the limousine operator who employs the driver. A limousine operator must keep a copy of the certificate showing that a driver meets the requirements of subpart 2.

Subp. 4. **Waiver for physical defects.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), and who is otherwise qualified to drive a motor vehicle, may drive a limousine providing limousine service if the commissioner grants a waiver to that person under parts 8850.7250 to 8850.7675. For purposes of this subpart, the term "carrier," as used in parts 8850.7250 to 8850.7675, means a limousine operator. The following do not apply to a driver who applies for a waiver: parts 8850.7300, item B, subitems (2) and (3), and item D; 8850.7350, items E and F; 8850.7400, item A; and 8850.7600, item E. A copy of the waiver must be given to the limousine operator who employs the driver. The commissioner may revoke a waiver only after the person to whom it was granted is given notice of the proposed revocation and has been allowed an opportunity for hearing under Minnesota Statutes, chapter 14. Falsifying information in the waiver application, information in the renewal application, or information required by a medical evaluation, by either the applicant or limousine operator, is prohibited.

Subp. 5. **Driving record.** A driver must, for the past three years, have a driving record clear of:

A. a license cancellation under Minnesota Statutes, section 171.14; a revocation under Minnesota Statutes, sections 169A.52 and 171.17; and a suspension under Minnesota Statutes, section 171.18;

B. a conviction for operating a motor vehicle without insurance under Minnesota Statutes, section 169.797;

C. a conviction for driving a motor vehicle without a valid license for the class of vehicle driven under Minnesota Statutes, section 171.02;

D. a conviction for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.20, or an ordinance that conforms to that section; and

E. a conviction for alcohol-related driving by a commercial vehicle driver under Minnesota Statutes, section 169A.20, subdivision 1, clause (6).

Subp. 6. **Criminal record.** A driver must have a criminal record clear of any conviction:

A. as a habitual offender for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section 169A.24 or 169A.25; and

B. of a crime or anticipatory crime against persons, or a crime or anticipatory crime reasonably related to the provision of limousine services. The following offenses are crimes against persons or are reasonably related to the provision of limousine services, or both, and are listed with the section, subdivision, or chapter number showing where the offense is found in Minnesota Statutes:

- (1) attempts, 609.17;
- (2) conspiracy, 609.175;
- (3) murder in the first degree, 609.185;
- (4) murder in the second degree, 609.19;
- (5) murder in the third degree, 609.195;
- (6) manslaughter in the first degree, 609.20;
- (7) manslaughter in the second degree, 609.205;
- (8) criminal vehicular homicide and injury, 609.21;
- (9) assault in the first degree, 609.221;
- (10) assault in the second degree, 609.222;
- (11) assault in the third degree, 609.223;
- (12) assault in the fourth degree, 609.2231;
- (13) great bodily harm caused by distribution of drugs, 609.228;
- (14) use of drugs to injure or facilitate crime, 609.235;
- (15) simple robbery, 609.24;
- (16) aggravated robbery, 609.245;
- (17) kidnapping, 609.25;
- (18) false imprisonment, 609.255;

- (19) abduction, 609.265;
- (20) criminal sexual conduct in the first degree, 609.342;
- (21) criminal sexual conduct in the second degree, 609.343;
- (22) criminal sexual conduct in the third degree, 609.344;
- (23) criminal sexual conduct in the fourth degree, 609.345;
- (24) solicitation of children to engage in sexual conduct, 609.352;
- (25) fleeing a peace officer in a motor vehicle, 609.487;
- (26) misusing credit card to secure services, 609.545;
- (27) burglary, 609.582, subdivision 1; or
- (28) prohibited drugs; felony convictions, chapter 152.

Subp. 7. **Responsibility of limousine operator.** Before using a driver to provide limousine service, a limousine operator shall determine if the driver meets the standards in this part. In determining whether a driver meets the standards in subparts 5 and 6, a limousine operator shall conduct an initial review of the driving and criminal record of a driver. The review must be conducted annually after hiring. The initial and annual review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services, to determine if the driver meets the standards in subpart 5. The initial and annual review also must include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of conviction for a crime listed in subpart 6.

Subp. 8. **Evidence of compliance.** A limousine operator shall keep a record showing compliance with subpart 7. The record must meet the requirements of part 8880.1000, subpart 5, item D.

Subp. 9. **Unqualified driver prohibited.** A limousine operator may not use a driver to provide limousine service who does not meet the standards in this part.

Statutory Authority: *MS s 221.84*

History: *18 SR 2220; L 2000 c 478 art 2 s 7*

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