

**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, certifying that the driver meets the requirements in subpart 2. A copy of the medical examiner's certificate must be given to the limousine operator who employs the driver and must be in the driver's possession while operating a limousine.

Subp. 4. **Waiver of physical qualification.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b), clause (1) or (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 Minnesota Statutes, section 221.0314, subdivision 3 or 3a, or if that person meets the requirements in Minnesota Statutes, section 221.0314, subdivision 3b. A copy of the waiver must be given to the limousine operator who employs the driver and must be in the driver's possession while operating a limousine.

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, subdivision 1, paragraph (a), clause (2), (3), (4), (5), (7), or (11);

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

C. 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; alcohol-related driving by commercial vehicle drivers under Minnesota Statutes, section 169A.20; and driver's license revocations under Minnesota Statutes, sections 169A.51 to 169A.53; and

D. a conviction in any other state or country where the elements of the offense are substantially similar to any of the offenses listed in items A to C.

Subp. 6. **Criminal record.** A driver must have a criminal record clear of any conviction in which the last date of discharge from the criminal justice system is within the last ten years:

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;

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, 609.2112, 609.2113, or 609.2114;
- (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) labor or sex trafficking, 609.282 or 609.283;
- (21) solicitation, inducement, and promotion of prostitution; sex trafficking, 609.322;
- (22) criminal sexual conduct in the first degree, 609.342;
- (23) criminal sexual conduct in the second degree, 609.343;
- (24) criminal sexual conduct in the third degree, 609.344;
- (25) criminal sexual conduct in the fourth degree, 609.345;
- (26) criminal sexual predatory conduct, 609.3453;

- (27) solicitation of children to engage in sexual conduct, 609.352;
- (28) fleeing a peace officer in a motor vehicle, 609.487;
- (29) theft, felony conviction, 609.52;
- (30) identity theft, felony conviction, 609.527;
- (31) misusing credit card to secure services, 609.545;
- (32) burglary, 609.582, subdivision 1;
- (33) harassment; stalking, 609.749; and
- (34) prohibited drugs; felony convictions, chapter 152; or

C. in any other state or country within the past ten years where the elements of the offense are substantially similar to any of the offenses listed in item A or B.

For purposes of this subpart, "last date of discharge" means the last date an individual was under the jurisdiction of the criminal justice system, including but not limited to probation, parole, supervised release, or an executed sentence. If an individual falls into more than one category resulting in more than one relevant discharge date, the last date of discharge refers to the most recent date.

**Subp. 7. Responsibility of limousine operator.** Before using a driver to provide limousine service, a limousine operator must 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 must 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 must keep a record showing compliance with subpart 7 on a form prescribed by the commissioner or on a form that contains the same information.

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

**Subp. 10. Notification.** A driver who:

- A. has a driver's license suspended, revoked, or canceled by a state or other jurisdiction;
- B. no longer meets the qualifications to drive a limousine under subparts 1 to 6;
- C. loses the right to operate a commercial motor vehicle in a state or other jurisdiction for any period; or

D. is disqualified from operating a commercial motor vehicle for any period must notify the current employer of the suspension, revocation, cancellation, lost privilege, conviction, or disqualification. The notification must be made before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, lost privilege, conviction, or disqualification.

**Statutory Authority:** *MS s 221.84*

**History:** *18 SR 2220; L 2000 c 478 art 2 s 7; L 2014 c 180 s 9; 50 SR 570*

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