

14 MCAR 1.7001; - 1.7013

1 Department of Transportation

2

3 Adopted Rules Governing Operating Standards for Special

4 Transportation Service

5

6 Rules as Adopted

7 14 MCAR S 1.7001 Scope.

8 A. Service criteria. Except as provided in B. and C., the
9 standards set forth in 14 MCAR SS 1.7001-1.7013 apply to special
10 transportation service as defined in 14 MCAR S 1.7003 and
11 provided by a person receiving grants or other financial
12 assistance from the state or federal government, or both, to
13 provide or assist in providing the service.

14 B. Care facilities. The standards set forth in 14 MCAR SS
15 1.7001-1.7013 apply to nursing homes licensed under Minnesota
16 Statutes, section 144A.02, boarding care facilities licensed
17 under Minnesota Statutes, section 144.50, and day care and group
18 home facilities licensed under Minnesota Statutes, sections
19 245.781 to 245.812, when:

- 20 1. the facility or program provides special
- 21 transportation as described in A.;
- 22 2. the facility or program transports nonresidents on a
- 23 regular basis; and
- 24 3. the facility receives reimbursement other than per
- 25 diem payments for that service under rules promulgated by the
- 26 commissioner of public welfare.

27 C. Exemptions. The standards set forth in 14 MCAR SS
28 1.7001-1.7013 do not apply to transportation provided by:

- 29 1.-3. [Unchanged.]
- 30 4. A school bus as defined in Minnesota Statutes, section
- 31 169.01, subdivision 6; or
- 32 5. An ambulance providing life support transportation
- 33 service regulated under Minnesota Statutes, chapter 144.
- 34 However, these standards apply to ambulances when they are
- 35 providing special transportation services.

6-9-83

1 14 MCAR S 1.7003 Definitions.

2 A. Ambulance. "Ambulance" has the meaning given to it in
3 Minnesota Statutes, section 144.801, subdivision 2.

4 B. Attendant. "Attendant" means a person who assists in the
5 transportation of passengers in special transportation service
6 vehicles, but who does not drive the vehicle.

7 C. Commissioner. "Commissioner" means the commissioner of
8 transportation.

9 D. Common carrier. "Common carrier" means a "regular route
10 common carrier" as defined in Minnesota Statutes, section
11 221.011, subdivision 9.

12 D. Disabled. "Disabled" means handicapped.

13 E. Elderly. "Elderly" means age 55 and older.

14 F. Handicapped. "Handicapped" means having a physical or
15 mental impairment that limits one or more major life activities.

16 G. Major life activities. "Major life activities" means
17 functions such as caring for one's self, performing manual
18 tasks, walking, seeing, hearing, speaking, breathing, learning,
19 and working.

20 H. Motor vehicle. "Motor vehicle" has the meaning given to
21 it in Minnesota Statutes, section 169.01, subdivision 3.

22 I. Municipality. "Municipality" has the meaning given to it
23 in Minnesota Statutes, section 466.01, subdivision 1.

24 J. Person. "Person" means every natural person, firm,
25 partnership, corporation, association, and body politic.

26 K. Physical or mental impairment. "Physical or mental
27 impairment" means any physiological disorder or condition or
28 anatomical loss; any mental or psychological disorder and
29 specific learning disabilities and includes but is not limited
30 to, such diseases and conditions as orthopedic, visual, speech,
31 and hearing impairments, cerebral palsy, epilepsy, muscular
32 dystrophy, multiple sclerosis, cancer, heart disease, mental
33 retardation, emotional illness, drug addiction, and alcoholism.

34 L. Provider. "Provider" means a public or private entity or
35 person who operates special transportation service vehicles.

36 M. Regular basis. "Regular basis" means providing more than

1 an average of 12 round trips per month in any calendar year in a
2 single vehicle or transporting more than 30 passengers per
3 month, whichever is less.

4 N. School bus. "School bus" has the meaning given to it in
5 Minnesota Statutes, section 169.01, subdivision 6.

6 O. Semiambulatory. "Semiambulatory" means having the
7 ability to walk with difficulty or with the aid of an artificial
8 limb or personal assistance device such as a brace, a cane, a
9 crutch, or a walker.

10 P. Special transportation service. "Special transportation
11 service" means motor vehicle transportation provided on a
12 regular basis by a public or private person that is designed
13 exclusively or primarily to serve individuals who are elderly,
14 handicapped, or disabled and who are unable to use regular means
15 of transportation.

16 Q. State. "State" has the meaning given to it in Minnesota
17 Statutes, section 3.732, subdivision 1, clause (1).

18 R. Variance. "Variance" means permission to comply in a
19 manner other than that specified.

20 S. Vehicle. "Vehicle" means a motor vehicle used to provide
21 special transportation service.

22 14 MCAR S 1.7005 Certification.

23 A. Forms. Application for a certificate of compliance must
24 be made on forms provided by the commissioner. Application
25 forms for certificates of compliance may be obtained from any
26 Department of Transportation district office. All applications
27 must be delivered or mailed to the Minnesota Department of
28 Transportation, Division of Program Management, Transportation
29 Building, St. Paul, Minnesota 55155.

30 B. Required information. Applicants shall submit the
31 following information to the commissioner:

32 1. A provider application form containing the following
33 information:

34 a. [Unchanged.]

35 b. the name, address, telephone number, and area
36 served by the provider;

1 c. the type of service provided, such as fixed route,
2 route deviation, dial a ride, variable schedule, fixed schedule,
3 or other;

4 d. whether the passengers served are elderly,
5 handicapped, or disabled;

6 e. for each vehicle used:

7 (1)-(3) [Unchanged.]

8 f. if the vehicle will carry an occupied wheelchair:

9 (1) [Unchanged.]

10 (2) the date that the wheelchair securement device
11 was approved by the commissioner of public safety, and the
12 number on the certificate issued by the commissioner of public
13 safety;

14 g. [Unchanged.]

15 h. the name and address of each driver, stating
16 whether each complies with the standards set forth in 14 MCAR SS
17 1.7001-1.7013.

18 This information must be provided annually when the
19 application for a certificate of compliance is filed.

20 2. [Unchanged.]

21 C. When granted. A certificate of compliance must be
22 granted when the applicant complies with the standards set forth
23 in 14 MCAR SS 1.7001-1.7013.

24 D. Processed in 30 days. All applications are to be
25 processed and a certificate of compliance issued or denied in
26 writing within 30 days of the receipt of the complete
27 application by the commissioner and receipt of the certificate
28 of insurance.

29 E. Information on certificate. When a certificate is
30 granted, the provider shall be issued a numbered certificate of
31 compliance which lists each certified vehicle and shows the
32 month and year in which the certification expires.

33 F. Record. The commissioner shall maintain a record of all
34 certificates of compliance showing the date issued, renewed, or
35 revoked.

36 14 MCAR S 1.7007 Inspection.

1 A. Complaint received. Upon receipt of a complaint that any
2 certified provider does not comply with the standards set forth
3 in 14 MCAR SS 1.7001-1.7013, the commissioner shall conduct an
4 inspection of the provider's records and vehicles. The
5 inspection must be conducted within four weeks of receipt of the
6 complaint.

7 B. Record. All complaints must be documented and a record
8 maintained of the name and address of the person making the
9 complaint, the date and reason for the complaint, and the result
10 of the inspection.

11 C. On-site inspection. The commissioner shall conduct the
12 inspection at the provider's office or garage.

13 D. Items examined. Inspections conducted under these
14 standards must comprise:

15 1. [Unchanged.]

16 2. Examination of the vehicles to determine whether the
17 provider complies with the requirements of 14 MCAR S 1.7009 B.
18 and may include inspection of any part of the vehicle subject to
19 regulation under Minnesota Statutes, chapter 169, when a
20 complaint has been made about the condition of any component of
21 the vehicle.

22 E. Failure to permit inspection. Failure to permit an
23 inspection as provided in this rule is grounds for immediate
24 suspension of the provider's certificate of compliance until the
25 provider permits the inspection.

26 14 MCAR S 1.7008 Enforcement.

27 A. Notice. Any provider found in violation of any provision
28 of 14 MCAR SS 1.7001-1.7013 shall be given a 30-day written
29 notice to correct the violation. When the violation threatens
30 the life or safety of passengers, the commissioner shall require
31 the provider to remove the driver or vehicle from operation
32 immediately.

33 B. Violation determination. At the expiration of 30 days,
34 the commissioner may conduct an inspection to determine whether
35 the violation has been corrected. The provider may mail
36 evidence of compliance to the department.

1 C. Suspension. If the violation has not been corrected, the
2 commissioner shall suspend the certificate of compliance until
3 the provider complies with the provisions of 14 MCAR SS 1.7001
4 -1.7013. No suspension shall occur unless the commissioner has
5 held a hearing, after 30 days notice to the provider, at which
6 the provider has had the opportunity to show cause why the
7 certificate of compliance should not be suspended. Repeated
8 violations may result in revocation of the certificate.

9 D. Enforcement hearing. An enforcement hearing conducted
10 under the standards set forth in 14 MCAR SS 1.7001-1.7013 must
11 be conducted in accordance with Minnesota Statutes, chapter 14.

12 14 MCAR S 1.7009 Standards for operation of vehicles.

13 A. Personnel.

14 1.-6. [Unchanged.]

15 7. By January 1, 1982, each driver and attendant who
16 transport elderly and physically handicapped passengers who do
17 not use wheelchairs or who transport passengers who do not
18 transfer from a wheelchair to seat in the vehicle shall
19 complete a minimum of four hours training in the techniques of
20 transporting and assisting elderly and physically handicapped
21 passengers, which must include instruction in the elements
22 listed in 14 MCAR S 1.7009 A.6.a., b., c., and f.

23 8. [Unchanged.]

24 9. A driver or attendant who has not completed the
25 required training prior to providing special transportation
26 service, shall do so within 90 days after beginning to provide
27 the service. Copies of certificates indicating successful
28 completion of courses must be maintained in the provider's files.

29 10. [Unchanged.]

30 B. Equipment.

31 1. Each vehicle when in use must carry the following
32 safety equipment:

33 a. [Unchanged.]

34 b. an emergency first aid kit in a dustproof
35 container, labeled "FIRST AID," and stored in a location visible
36 to the driver. The kit must contain at least the following

1 items:

2 (1) [Unchanged.]

3 (2) two soft roll bandages 3" to 6" x 5 yards;

4 (3)-(4) [Unchanged.]

5 c.-h. [Unchanged.]

6 2.-3. [Unchanged.]

7 4. A vehicle which is equipped with a wheelchair lift and
8 which carries semiambulatory persons who use the wheelchair lift
9 must be equipped with either a wheelchair lift with an
10 adjustable or removable railing which is 28 inches to 36 inches
11 high on one side of the lift or with a folding wheelchair stored
12 on the vehicle when it is in use.

13 5. Vehicles which carry occupied stretchers or litters
14 must comply with securement device requirements of the Minnesota
15 Department of Health contained in 7 MCAR S 1.608 C.

16 C. Operation.

17 1. All vehicles must be operated in compliance with
18 Minnesota Statutes, chapter 169, and rules adopted under that
19 chapter.

20 2.-6. [Unchanged.]

21 D. [Unchanged.]