

1 Department of Transportation

2

3 Adopted Permanent Rules Relating to Special Transportation

4 Service

5

6 Rules as Adopted

7 8840.5100 DEFINITIONS.

8 [For text of subps 1 to 11, see M.R.]

9 Subp. 12. **Physical or mental impairment.** "Physical or
10 mental impairment" means any physiological disorder or condition
11 or anatomical loss, any mental or psychological disorder, and
12 specific learning disabilities and includes but is not limited
13 to such diseases and nonacute conditions as orthopedic, visual,
14 speech, and hearing impairments, cerebral palsy, epilepsy,
15 muscular dystrophy, multiple sclerosis, cancer, heart disease,
16 mental retardation, emotional illness, drug addiction, and
17 alcoholism.

18 [For text of subps 13 to 20, see M.R.]

19 8840.5300 SCOPE.

20 [For text of subps 1 and 2, see M.R.]

21 Subp. 3. **Exemptions.** The standards in parts 8840.5100 to
22 8840.6300 do not apply to transportation provided by:

23 A. a common carrier operating on fixed routes and
24 schedules;

25 B. a volunteer driver using a private automobile that
26 belongs to the volunteer;

27 C. a school bus as defined in Minnesota Statutes,
28 section 169.01, subdivision 6; or

29 D. an ambulance providing ambulance service regulated
30 under Minnesota Statutes, chapter 144. However, these standards
31 apply to ambulances when they are providing special
32 transportation services.

33 8840.5400 COMPLIANCE.

34 Subpart 1. **Certificate of compliance required.** No person



1 shall provide special transportation service without a current
2 annual certificate of compliance issued by the commissioner. No
3 vehicle may be used to provide special transportation service
4 until it has been inspected as required by part 8840.5700 and
5 Minnesota Statutes, section 299A.14. However, when a certified
6 provider acquires a newly manufactured vehicle from a factory or
7 factory-authorized dealer and it is not equipped with a
8 wheelchair securement device, the vehicle may be used to provide
9 special transportation service if it is inspected as required by
10 part 8840.5700 within 30 days of its receipt by the provider.

11 [For text of items A and B, see M.R.]

12 Subp. 2. **Ambulance service license required.** No special
13 transportation service provider shall provide, offer to provide,
14 or represent itself as capable of providing ambulance service
15 unless it is licensed as required by Minnesota Statutes, section
16 144.802.

17 8840.5450 RESTRICTIONS ON NAME AND DESCRIPTION OF SERVICE.

18 A special transportation service provider subject to
19 Minnesota Statutes, section 174.30, shall not use, in its name
20 or in advertisements or information describing the service, the
21 words "medical," "emergency," "life support," "ambulance," or
22 other forms of those words or any other similar words that
23 offer, suggest, or imply the availability of ambulance service,
24 as defined in Minnesota Statutes, section 144.801, subdivision
25 4, unless it is licensed as an ambulance service under Minnesota
26 Statutes, section 144.802.

27 8840.5500 CERTIFICATION.

28 Subpart 1. **Forms.** Application for a certificate of
29 compliance or for renewal of an existing certificate of
30 compliance must be made on forms provided by the commissioner.
31 Application forms for certificates of compliance may be obtained
32 from the Department of Transportation, Office of Motor Carrier
33 Safety and Compliance. Applications must be delivered or mailed
34 to the Minnesota Department of Transportation, Office of Motor
35 Carrier Safety and Compliance, Minnesota Administrative Truck

1 Center, 100 Stockyards Road, South St. Paul, Minnesota 55075.

2 Subp. 2. Required information. Applicants shall submit
3 the following information to the commissioner:

4 A. a provider application form containing the
5 following information:

6 (1) whether the application is new or a renewal;

7 (2) the name, address, telephone number, and area
8 served by the provider;

9 (3) the type of service provided, such as fixed
10 route, route deviation, dial a ride, variable schedule, fixed
11 schedule, or other;

12 (4) whether the passengers served are elderly,
13 handicapped, or disabled;

14 (5) for each vehicle used:

15 (a) make and year;

16 (b) seating capacity; and

17 (c) completed checklist showing whether the
18 vehicle carries the safety equipment required by part 8840.5925,
19 subpart 1;

20 (6) if the vehicle will carry an occupied
21 wheelchair:

22 (a) whether the vehicle is equipped with an
23 approved wheelchair securement device; and

24 (b) the date that the wheelchair securement
25 device was approved by the commissioner of public safety, and
26 the number on the certificate issued by the commissioner of
27 public safety;

28 (7) the name, title, and phone number of the
29 person who is responsible for the provider's special
30 transportation service; and

31 (8) the name and address of each driver, stating
32 whether each complies with the standards in parts 8840.5100 to
33 8840.6300; and

34 B. a certificate of insurance which must be mailed to
35 the Department of Transportation by the applicant's insurer.

36 [For text of subps 3 to 5, see M.R.]

1 Subp. 6. Record. The commissioner shall maintain a record
2 of all certificates of compliance showing the date issued,
3 renewed, suspended, or revoked.

4 8840.5600 RENEWAL.

5 [For text of subpart 1, see M.R.]

6 Subp. 2. Written answer. The commissioner shall grant or
7 deny requests for renewal in writing.

8 [For text of subp 3, see M.R.]

9 8840.5650 ANNUAL EVALUATION.

10 The commissioner shall annually evaluate whether the
11 provider complies with parts 8840.5100 to 8840.6300. The
12 evaluation must include (1) an audit of the provider's records
13 to determine that the provider is keeping the records required
14 by part 8840.6100, (2) an inspection of the vehicles, and (3) a
15 determination whether wheelchair securement devices in the
16 vehicle are certified by the commissioner of public safety.

17 8840.5700 INSPECTION.

18 Subpart 1. Commissioner shall inspect. The commissioner
19 shall inspect or provide for the inspection of each vehicle at
20 least annually, and may inspect a vehicle on receipt of a
21 complaint about the condition of the vehicle or its equipment.
22 In addition, the commissioner shall inspect or provide for the
23 inspection of at least five percent of the vehicles operated by
24 certified providers on a quarterly, unannounced, random basis.
25 The commissioner shall examine vehicle inspection, repair, and
26 maintenance records for each vehicle at least annually. The
27 results of an inspection of vehicles or records must be
28 documented and a copy given to the provider. Vehicles and
29 equipment, including specialized equipment to ensure usability
30 or safety for disabled persons, may be inspected by employees of
31 the Department of Public Safety, State Patrol Division, by
32 agreement between the commissioners of transportation and public
33 safety. These inspections must be conducted and documented in
34 the manner provided by this part and part 8840.5800. A copy of

1 an inspection report must be given to the commissioner when an
2 inspection is conducted by employees of the Department of Public
3 Safety, State Patrol Division. The commissioner or employees of
4 the Department of Public Safety, State Patrol Division, shall
5 direct a provider to immediately remove a vehicle from service
6 on determining the vehicle is in a condition that is likely to
7 cause an accident or break down. The "North American Uniform
8 Vehicle Out-Of-Service Criteria," as adopted under Minnesota
9 Statutes, section 221.031, must be followed in determining
10 whether a vehicle is likely to cause an accident or break down.
11 When employees of the Department of Public Safety, State Patrol
12 Division, remove a vehicle from service, copies of the
13 inspection and out-of-service forms must be sent to the
14 commissioner. If the vehicle is equipped with a wheelchair
15 securement device, the inspection form must state whether the
16 device is certified by the commissioner of public safety.
17 Providers directed to repair or replace defective equipment
18 shall provide written evidence of compliance to the commissioner
19 of transportation. When the provider has taken the required
20 corrective action, the provider may return the vehicle to
21 service.

22 Subp. 2. **Complaint record.** The commissioner shall
23 document complaints and maintain a record of the name and
24 address of the person making the complaint, the date and reason
25 for the complaint, the result of an inspection of the provider's
26 vehicles or records, and the corrective action the provider must
27 take.

28 Subp. 3. [See repealer.]

29 Subp. 4. **Items examined.** Annual inspections conducted
30 under these standards must comprise:

31 A. examination of the records listed in part
32 8840.6100 to determine whether the provider complies with parts
33 8840.5100 to 8840.6300; and

34 B. examination of the vehicles to determine whether
35 the provider complies with the requirements of parts 8840.5925,
36 8840.5940, 8840.5950, and 8840.5975, and may include inspection

1 of any part of the vehicle subject to regulation under Minnesota
2 Statutes, chapter 169.

3 [For text of subp 5, see M.R.]

4 8840.5800 ENFORCEMENT.

5 Subpart 1. **Notice.** When a provider is found in violation
6 of parts 8840.5100 to 8840.6300 and the violation is not likely
7 to cause a breakdown or accident, the provider must be given a
8 15-day written notice to correct the violation. When a provider
9 is found to be operating a vehicle that is likely to break down
10 or cause an accident, the provider shall remove the vehicle from
11 operation immediately. The provider shall correct the defect
12 before returning the vehicle to service. If the provider is
13 violating the prohibition against providing ambulance service
14 without a license issued under Minnesota Statutes, section
15 144.802, the commissioner shall direct the provider to stop the
16 violation immediately and shall report the violation to the
17 commissioners of health and human services. If a provider is
18 found to be using a driver or attendant who has not completed
19 the training required by part 8840.5910 or a driver who does not
20 meet the standards provided in part 8840.5900, the commissioner
21 shall direct the provider to stop, and the provider shall stop
22 using the driver or attendant immediately. Before returning the
23 driver or attendant to service, a provider must give the
24 commissioner written evidence that the driver or attendant meets
25 the requirements of parts 8840.5900 and 8840.5910.

26 Subp. 2. **Violation determination.** After 15 days, the
27 commissioner may conduct an inspection to determine whether the
28 violation has been corrected. The provider may mail evidence of
29 compliance to the department or provide written notice that the
30 vehicle has been removed from service.

31 Subp. 3. **Suspension.** No provider may provide special
32 transportation service or operate a special transportation
33 service vehicle without correcting a violation of parts
34 8840.5100 to 8840.6300 as provided in subpart 1 or providing
35 notice that a defective vehicle has been removed from service as

1 provided in subpart 2. The commissioner shall suspend a
2 provider's certificate of compliance until the provider complies
3 with parts 8840.5100 to 8840.6300 if the commissioner determines
4 a provider has:

5 A. failed to correct a violation within 15 days of
6 receiving written notice;

7 B. operated a special transportation vehicle after
8 the provider has been directed to remove the vehicle from
9 service unless the defect has first been corrected;

10 C. used a driver or attendant after the provider has
11 been directed by the commissioner to stop using the driver or
12 attendant; or

13 D. failed to permit an inspection as provided in part
14 8840.5700.

15 Subp. 3a. **Revocation.** The commissioner shall revoke the
16 certificate of compliance of a provider who provides special
17 transportation service after the provider's certificate of
18 compliance has been suspended. The commissioner shall revoke
19 the certificate of compliance of a provider who provides
20 ambulance service without a license issued under Minnesota
21 Statutes, section 144.802. If the commissioner revokes a
22 provider's certificate, the provider may not apply for a new
23 certificate for at least 180 days from the date of revocation.

24 [For text of subp 4, see M.R.]

25 8840.5900 DRIVER QUALIFICATIONS.

26 Subpart 1. **Standards.** Standards for drivers are as
27 follows:

28 [For text of item A, see M.R.]

29 B. Every two years each driver shall obtain ~~7-on-a~~
30 ~~form-prescribed-by-the-commissioner~~, a physician's statement or
31 the statement of a nurse practitioner certified by the American
32 Nurses' Association or other professional nursing certifying
33 organization having authority to certify registered nurses in
34 advanced nursing practice, that the driver has no current
35 medical condition that interferes with the driver's ability to

1 drive safely. It must be obtained before driving a special
2 transportation service vehicle. Drivers for facilities that are
3 licensed by the Department of Health or the Department of Human
4 Services and required by either of those departments to provide
5 a physician's or nurse practitioner's statement of health on a
6 regular basis may substitute that form or statement for the form
7 required in this part. A driver who has a driver's license
8 containing a valid school bus endorsement issued under Minnesota
9 Statutes, section 171.321, or the rules of the commissioner of
10 public safety, or a current United States Department of
11 Transportation health card, may furnish the provider with a copy
12 of that endorsement or card instead of furnishing the
13 physician's statement of health.

14 C. Each driver must be able to perform a vehicle
15 safety inspection. Each driver and attendant, when a vehicle is
16 staffed by both a driver and an attendant, must be able to
17 assist a passenger into and out of the vehicle and operate a
18 wheelchair lift or ramp if the vehicle is equipped with it.

19 D. Each driver must:

20 (1) possess a driver's license which is valid for
21 the class of vehicle driven and, if required under Minnesota
22 Statutes, section 171.323, evidence of a special transportation
23 service vehicle permit or endorsement issued by the commissioner
24 of public safety;

25 (2) be at least 18 years of age and have not less
26 than one year of experience as a licensed driver;

27 (3) for the past three years:

28 (a) have not had a driver's license canceled
29 under Minnesota Statutes, section 171.14, revoked under
30 Minnesota Statutes, section 171.17, or suspended under Minnesota
31 Statutes, section 171.18, clause (2), (3), (4), (5), (7), or
32 (11);

33 (b) have a driving record clear of
34 convictions for operating a motor vehicle or motorcycle without
35 insurance as required by Minnesota Statutes, section 65B.67; and

36 (c) have a driving record clear of

1 convictions for driving a motor vehicle without a valid current
2 license for the class of vehicle driven; and

3 (4) for the preceding three years, have a driving
4 and criminal record clear of convictions for driving under the
5 influence of alcohol or a controlled substance under Minnesota
6 Statutes, section 169.121, or an ordinance in conformity with
7 that section, of alcohol-related driving by commercial vehicle
8 drivers under Minnesota Statutes, section 169.1211, and of
9 driver's license revocations under Minnesota Statutes, section
10 169.123.

11 E. Each driver must also have a criminal record clear
12 of convictions of crimes or anticipatory crimes against persons
13 and crimes or anticipatory crimes reasonably related to
14 providing special transportation services. For purposes of this
15 part, "criminal record" means the conviction records of the
16 Minnesota Bureau of Criminal Apprehension in which the last date
17 of discharge from the criminal justice system is less than 15
18 years. The following offenses are considered crimes against
19 persons or reasonably related to providing special
20 transportation services, or both:

21 (1) Minnesota Statutes, section 609.17, attempts;

22 (2) Minnesota Statutes, section 609.175,
23 conspiracy;

24 (3) Minnesota Statutes, section 609.185, murder
25 in the first degree;

26 (4) Minnesota Statutes, section 609.19, murder in
27 the second degree;

28 (5) Minnesota Statutes, section 609.195, murder
29 in the third degree;

30 (6) Minnesota Statutes, section 609.20,
31 manslaughter in the first degree;

32 (7) Minnesota Statutes, section 609.205,
33 manslaughter in the second degree;

34 (8) Minnesota Statutes, section 609.21, criminal
35 vehicular homicide and injury;

36 (9) Minnesota Statutes, section 609.215, suicide;

- 1 (10) Minnesota Statutes, section 609.221, assault
2 in the first degree;
- 3 (11) Minnesota Statutes, section 609.222, assault
4 in the second degree;
- 5 (12) Minnesota Statutes, section 609.223, assault
6 in the third degree;
- 7 (13) Minnesota Statutes, section 609.2231,
8 assault in the fourth degree;
- 9 (14) Minnesota Statutes, section 609.224, assault
10 in the fifth degree;
- 11 (15) Minnesota Statutes, section 609.228, great
12 bodily harm caused by distribution of drugs;
- 13 (16) Minnesota Statutes, section 609.23,
14 mistreatment of persons confined;
- 15 (17) Minnesota Statutes, section 609.231,
16 mistreatment of residents or patients;
- 17 (18) Minnesota Statutes, section 609.235, use of
18 drugs to injure or facilitate crime;
- 19 (19) Minnesota Statutes, section 609.24, simple
20 robbery;
- 21 (20) Minnesota Statutes, section 609.245,
22 aggravated robbery;
- 23 (21) Minnesota Statutes, section 609.25,
24 kidnapping;
- 25 (22) Minnesota Statutes, section 609.255, false
26 imprisonment;
- 27 (23) Minnesota Statutes, section 609.265,
28 abduction;
- 29 (24) Minnesota Statutes, section 609.2661, murder
30 of an unborn child in the first degree;
- 31 (25) Minnesota Statutes, section 609.2662, murder
32 of an unborn child in the second degree;
- 33 (26) Minnesota Statutes, section 609.2663, murder
34 of an unborn child in the third degree;
- 35 (27) Minnesota Statutes, section 609.2664,
36 manslaughter of an unborn child in the first degree;

- 1 (28) Minnesota Statutes, section 609.2665,
2 manslaughter of an unborn child in the second degree;
- 3 (29) Minnesota Statutes, section 609.267, assault
4 of an unborn child in the first degree;
- 5 (30) Minnesota Statutes, section 609.2671,
6 assault of an unborn child in the second degree;
- 7 (31) Minnesota Statutes, section 609.2672,
8 assault of an unborn child in the third degree;
- 9 (32) Minnesota Statutes, section 609.268, injury
10 or death of an unborn child in the commission of a crime;
- 11 (33) Minnesota Statutes, section 609.322,
12 solicitation, inducement, and promotion of prostitution;
- 13 (34) Minnesota Statutes, section 609.323,
14 receiving profit from prostitution;
- 15 (35) Minnesota Statutes, section 609.324,
16 subdivisions 1 and 1a, other prohibited acts;
- 17 (36) Minnesota Statutes, section 609.33,
18 disorderly house;
- 19 (37) Minnesota Statutes, section 609.342,
20 criminal sexual conduct in the first degree;
- 21 (38) Minnesota Statutes, section 609.343,
22 criminal sexual conduct in the second degree;
- 23 (39) Minnesota Statutes, section 609.344,
24 criminal sexual conduct in the third degree;
- 25 (40) Minnesota Statutes, section 609.345,
26 criminal sexual conduct in the fourth degree;
- 27 (41) Minnesota Statutes, section 609.3451,
28 criminal sexual conduct in the fifth degree;
- 29 (42) Minnesota Statutes, section 609.352,
30 solicitation of children to engage in sexual conduct;
- 31 (43) Minnesota Statutes, section 609.365, incest;
- 32 (44) Minnesota Statutes, section 609.377,
33 malicious punishment of a child;
- 34 (45) Minnesota Statutes, section 609.378, neglect
35 or endangerment of a child;
- 36 (46) Minnesota Statutes, section 609.498,

1 tampering with a witness;

2 (47) Minnesota Statutes, section 609.561, arson
3 in the first degree;

4 (48) Minnesota Statutes, section 609.582,
5 subdivision 1, burglary;

6 (49) Minnesota Statutes, section 617.23, indecent
7 exposure;

8 (50) Minnesota Statutes, section 617.241, obscene
9 materials and performances;

10 (51) Minnesota Statutes, section 617.243,
11 indecent literature, distribution;

12 (52) Minnesota Statutes, section 617.246, use of
13 minors in sexual performance;

14 (53) Minnesota Statutes, section 617.247,
15 possession of pictorial representations of minors;

16 (54) Minnesota Statutes, section 617.293, harmful
17 materials; dissemination and display to minors; and

18 (55) felony convictions under Minnesota Statutes,
19 chapter 152, prohibited drugs.

20 Subp. 2. **Provider responsibility.** Before using or hiring
21 a driver to provide special transportation service, a provider
22 shall determine that the driver has a valid driver's license
23 and, if required under Minnesota Statutes, section 171.323,
24 evidence of a special transportation service vehicle permit or
25 endorsement issued by the Department of Public Safety. Before
26 using or hiring a driver who is not required to have a special
27 transportation service vehicle endorsement or permit, a provider
28 shall determine that the driver has a valid driver's license
29 and, except as provided in subpart 3, must conduct a review of
30 the driving and criminal record of a driver. In addition, a
31 provider shall annually review the driving and criminal record
32 of a driver it uses or employs. The driving and criminal record
33 review must include an examination of the records of the
34 Department of Public Safety, Division of Driver and Vehicle
35 Services to determine if the driver meets the standards of
36 subpart 1, item D, subitems (1), (3), and (4). The review must

1 also include an examination of the conviction records of the
2 Minnesota Bureau of Criminal Apprehension to determine if the
3 driver has a criminal record of convictions for crimes listed in
4 subpart 1, item E. If, during the time a provider is using or
5 employing a driver, the driver's special transportation service
6 vehicle permit or endorsement is withdrawn by the commissioner
7 of public safety or if the driver no longer meets the standards
8 of subpart 1, item D or E, the provider shall immediately stop
9 using or employing the driver as a special transportation
10 vehicle driver or attendant and shall report the withdrawal, the
11 reason the driver no longer meets the standards, or both, to the
12 commissioner.

13 Subp. 3. **Limited criminal record review.** Instead of
14 conducting an initial or annual review of the criminal record of
15 a driver under subpart 2, a provider may conduct a limited
16 review of the criminal record of a driver determined to be not
17 disqualified under parts 9543.3010 to 9543.3090. A provider
18 choosing to conduct a limited criminal record review under this
19 subpart must have written evidence of no disqualification issued
20 by the commissioner of human services that is less than one year
21 old before conducting the limited review. The limited review
22 must include an examination of the conviction records of the
23 Minnesota Bureau of Criminal Apprehension for crimes listed in
24 subpart 1, item E, but not listed in part 9543.3070, subpart 1.
25 A provider choosing to conduct a limited review must keep the
26 written evidence of no disqualification together with the
27 results of the limited review in the driver's file required by
28 part 8840.6100, subpart 1, item A.

29 Subp. 4. **Complaint records.** A provider shall keep a
30 record of a complaint, report, or allegation of misconduct made
31 against a driver it uses or employs. The record must contain a
32 copy of the complaint or report or a detailed written summary of
33 the allegation. A provider shall investigate the accuracy of
34 the complaint, report, or allegation and shall include a summary
35 of the investigation and resulting action taken, if any, in the
36 record. These records must be included in the driver's file or

1 in a separate file kept by the provider.

2 8840.5910 DRIVER AND ATTENDANT TRAINING REQUIREMENTS.

3 Subpart 1. **Training required before driving.** Before
4 providing special transportation service, each driver and
5 attendant shall receive:

6 A. passenger assistance training described in subpart
7 5, items E to I;

8 B. instruction in operating the radio required by
9 part 8840.5925, subpart 1, item C;

10 C. instruction and demonstration in operating the
11 vehicle ramp, wheelchair lift, and wheelchair securement
12 devices, if the vehicle is so equipped;

13 D. instruction in what to do and whom to call in a
14 medical emergency or an accident; and

15 E. instruction in conducting the daily vehicle
16 inspection required by part 8840.5950, subpart 1, item B.

17 Subp. 2. **Additional training required.** Within 45 days
18 after beginning to provide special transportation service, each
19 driver and attendant shall complete:

20 A. four hours of training in first aid, except that
21 this requirement does not apply to a person who possesses a
22 current basic or advanced American Red Cross First Aid
23 Certificate or who possesses a current certificate issued under
24 parts 4690.3900 to 4690.7900;

25 B. four hours of classroom instruction in defensive
26 driving; and

27 C. ~~passenger-assistance-training-described-in-subpart~~
28 ~~5-or-6;-and~~

29 ~~B-~~ abuse-prevention training described in subpart 8.

30 Within 60 days after beginning to provide special
31 transportation service, each driver and attendant shall complete
32 the passenger assistance training described in subpart 5 or 6.

33 Subp. 3. **Training required for certain drivers after**
34 **effective date of amendments.** A person who is used or employed
35 as a driver on the effective date of these amendments to parts

1 8840.5100 to 8840.6300 and who has not received defensive driver
2 training or abuse-prevention training during the two years
3 preceding that date, must complete ~~defensive-driver~~ the training
4 within 120 days from that date.

5 Subp. 4. **First aid training.** Each driver and attendant
6 shall successfully complete a first aid or emergency-care course
7 of not less than four hours that must include instruction in:

- 8 A. preliminary treatment of shock;
9 B. control of bleeding;
10 C. airway management;
11 D. prevention and treatment of frostbite and exposure
12 to cold;
13 E. prevention and treatment of heat exhaustion and
14 heat stroke;
15 F. recognition of sudden illness such as stroke,
16 heart attack, convulsions, fainting, and seizures; and
17 G. when and how to summon emergency medical
18 assistance services.

19 Subp. 5. **Passenger assistance training.** Each driver and
20 attendant who transports passengers seated in wheelchairs or who
21 assists passengers in transferring from a wheelchair to a
22 vehicle shall complete a minimum of eight hours training in the
23 techniques of transporting and assisting elderly and physically
24 handicapped passengers. Passenger assistance training must
25 include:

- 26 A. discussion of functional limitations of the aging
27 process and major disabling conditions and how those conditions
28 affect mobility and communication, including:
29 (1) speech limitations;
30 (2) balance limitations;
31 (3) limb loss and muscle control loss;
32 (4) breathing disorders;
33 (5) skin sensation loss;
34 (6) vision and hearing impairments;
35 (7) emotional disorders and mental impairments;
36 (8) paralysis;

1 (9) endurance level diminishment; and

2 (10) temperature control loss;

3 B. description of the uses, functions, and
4 limitations of common assistive devices used by elderly and
5 handicapped persons and the proper means of providing assistance
6 to persons using those devices;

7 C. discussion of attitudes toward elderly and
8 handicapped persons, which must include the participation of
9 handicapped and elderly persons;

10 D. discussion of the effect of mobility impairments,
11 medication, and past experiences on passengers and how to behave
12 in a sensitive and professional manner;

13 E. discussion, demonstration, and practice by
14 students in methods of:

15 (1) handling wheelchairs, including moving
16 wheelchairs up and down steps, curbs, ramps, and lifts;

17 (2) folding and unfolding manual wheelchairs; and

18 (3) handling wheelchairs on uneven, wet, or icy
19 surfaces;

20 F. if the service transfers passengers from a
21 wheelchair to a seat, discussion and demonstration of moving,
22 lifting, and transferring passengers, including assisted and
23 unassisted transfers, two-handed transfers, and standing
24 transfers;

25 G. instruction in guidelines for appropriate handling
26 of a vehicle transporting handicapped persons that includes
27 instruction that passengers may have balance or mobility
28 problems and may not be able to grab railings or brace
29 themselves for sudden stops, sharp turns, or other uneven or
30 abrupt maneuvers;

31 H. discussion and demonstration of placing the
32 assistive devices, operating the lifts, ramps, and wheelchair
33 securement devices, and using them properly if the vehicle to be
34 operated is equipped with them;

35 I. discussion and demonstration of the assistance to
36 be offered to ambulatory passengers, including assistance for

1 standing, sitting, and going up and down steps and curbs; and

2 J. if the service transports passengers who use
3 assistive devices, discussion of common assistive devices
4 including:

- 5 (1) manual and electric wheelchairs and electric
6 scooters;
7 (2) canes;
8 (3) crutches;
9 (4) walkers;
10 (5) leg braces, prostheses, and slings; and
11 (6) guide dogs.

12 Subp. 6. **Ambulatory passenger assistance training.** Each
13 driver and attendant who transports elderly and physically
14 handicapped passengers who do not use stretchers or wheelchairs,
15 or who transports passengers who do not transfer from a
16 wheelchair to a seat in the vehicle, shall complete a minimum of
17 four hours training in the techniques of transporting and
18 assisting elderly and physically handicapped passengers. The
19 training must include instruction in the elements listed in
20 subpart 5, items A to D, G, I, and J.

21 Subp. 7. **Fire extinguisher training.** Each provider shall
22 instruct each driver and attendant in using the fire
23 extinguisher and shall record the date and location of the
24 instruction in the driver's or attendant's file.

25 Subp. 8. **Abuse-prevention training.** Each driver and
26 attendant shall successfully complete an abuse-prevention
27 training course of not less than four hours that must include
28 instruction in statutes, rules, and applicable procedures
29 relating to:

- 30 A. sexual abuse or misconduct;
31 B. the protection of vulnerable adults;
32 C. the maltreatment of minors;
33 D. the appropriate response to victims of abuse,
34 neglect, maltreatment, or sexual misconduct; and
35 E. the reporting requirements for incidents of abuse,
36 neglect, maltreatment, or misconduct.

1 Subp. 9. **Refresher course.** Each driver and attendant
2 shall successfully complete a refresher first aid or
3 emergency-care course every three years. The refresher course
4 must include instruction in the elements listed in subpart 4.
5 Each driver and attendant shall complete the training described
6 in either subpart 5 or 6 and the training described in subpart 8
7 every three years.

8 8840.5925 VEHICLE EQUIPMENT.

9 Subpart 1. **Safety equipment.** Each vehicle when in use
10 must carry the following safety equipment:

11 A. The vehicle must carry a dry chemical fire
12 extinguisher, with not less than a 5B:C rating, bearing a tag or
13 gauge indicating that it has been serviced within the preceding
14 year. Passenger automobiles that are not vans may carry the
15 fire extinguisher in the trunk of the vehicle if the following
16 notice is affixed to the dashboard of the vehicle: "A fire
17 extinguisher is in the trunk of this vehicle." In other
18 vehicles, the fire extinguisher must be securely mounted in a
19 bracket and readily accessible to the driver in case of
20 emergency.

21 B. The vehicle must carry an emergency first aid kit
22 in a dustproof container, labeled "FIRST AID." The kit must
23 contain at least the following items:

24 (1) six four-inch by four-inch sterile gauze
25 pads;

26 (2) two soft roll bandages three inches to six
27 inches by five yards;

28 (3) adhesive tape; and

29 (4) scissors.

30 C. The vehicle must be equipped with a working radio
31 capable of two-way communication. A citizen's band (CB) radio
32 is acceptable.

33 D. The vehicle must carry an operable flashlight.

34 E. When a vehicle carries children under the age of
35 four, a child-restraint system that meets the requirements of

1 federal motor vehicle safety standard number 213, Code of
2 Federal Regulations, title 49, section 571.213, as revised
3 through October 1, 1990, and which is incorporated by reference,
4 must be available in the vehicle. This item does not apply to
5 taxis.

6 F. The vehicle must carry three emergency warning
7 triangles. Both faces of each triangle must consist of red
8 reflective and orange fluorescent material. Each of the three
9 sides of the triangular device must be 17 to 22 inches long and
10 two to three inches wide. The units must be kept clean and in
11 good repair and stored so as to be readily available when needed.

12 G. Each vehicle must carry an ice scraper from
13 October 1 to April 30, and each vehicle that is not a taxi must
14 carry a blanket at all times.

15 H. Vehicles with interior fuse boxes must carry extra
16 electrical fuses.

17 I. If a vehicle is equipped with a wheelchair
18 securement device, it must carry a tool designed and used for
19 cutting securement straps. The tool must not have an exposed
20 sharp edge or be of a type that could be used as a weapon.

21 Subp. 2. **Seats.** Seats must be securely fastened to the
22 floor or frame of the vehicle. Vehicles, except type I school
23 buses, displaying a current certificate issued by the
24 commissioner of public safety, must have a usable seat belt for
25 each person being transported and for the driver.

26 Subp. 3. **Ramps.** Ramps must have a slip-proof surface to
27 provide traction. One end of the ramp must be secured to the
28 floor of the vehicle when the ramp is in use. Ramps put into
29 service after the effective date of these rules must conform to
30 the requirements of Code of Federal Regulations, title 49,
31 section 38.23, paragraph (c), which is incorporated by reference.

32 Subp. 4. **Wheelchair lifts, requirements.** A vehicle that
33 is equipped with a wheelchair lift and carries semiambulatory
34 persons who use the wheelchair lift must be equipped with either
35 a wheelchair lift with an adjustable or removable railing 28
36 inches to 36 inches high on one side of the lift or with a

1 folding wheelchair stored on the vehicle when it is in use.

2 A wheelchair lift put into service after the effective date
3 of these rules must conform to the requirements of Code of
4 Federal Regulations, title 49, section 38.23, paragraph (b),
5 which is incorporated by reference.

6 Subp. 5. **Securement devices.** Vehicles that carry occupied
7 stretchers or litters must comply with requirements for
8 securement devices in part 4690.1700. Vehicles that carry
9 wheelchairs must comply with the requirements for securement
10 devices in parts 7450.0100 to 7450.0900.

11 8840.5940 VEHICLE CONSTRUCTION STANDARDS.

12 Subpart 1. **Rollover protection.** This subpart applies to
13 all kinds of vans and buses but does not apply to passenger
14 cars, taxis, or station wagons. A special transportation
15 service vehicle obtained and first used by that provider after
16 January 1, 1993, must meet federal motor vehicle safety standard
17 number 220, rollover protection, found in Code of Federal
18 Regulations, title 49, section 571.220, which is incorporated by
19 reference. This subpart also applies to used vehicles that are
20 purchased or obtained after that date. For a vehicle subject to
21 this subpart, the provider must obtain from the manufacturer or
22 from the person who manufactures, constructs, or reconstructs
23 the roof of the vehicle, certification that the vehicle meets
24 the requirements of federal motor vehicle safety standard number
25 220. The certification must be in a form prescribed by the
26 commissioner and must contain the following information:

27 A. the vehicle identification number;

28 B. the make, model, and year of manufacture of the
29 vehicle;

30 C. a statement that the vehicle was constructed
31 according to standards that have been tested and found to meet
32 the performance requirements for rollover protection established
33 by federal motor vehicle safety standard number 220;

34 D. the name, address, and telephone number of the
35 manufacturer or person who manufactured, constructed, or

1 reconstructed the roof of the vehicle;

2 E. the name, address, and telephone number of the
3 laboratory or testing facility that conducted tests on the
4 manufacturer's or other person's test specimen and certified
5 that a vehicle built to the design and construction standards
6 used in the test specimen meets the performance requirements of
7 federal motor vehicle safety standard number 220;

8 F. the date the test was conducted; and

9 G. the name, address, and telephone number of the
10 provider to whom the vehicle described on the form was supplied.

11 Instead of the statement prescribed in items A to G, the
12 provider may submit literature, letters, and memoranda from the
13 manufacturer or other person who constructs or reconstructs the
14 vehicle or from the testing facility if those documents
15 establish that the vehicle meets the performance standards of
16 federal motor vehicle safety standard number 220.

17 Subp. 2. **Emergency exits.** If a vehicle is equipped with a
18 wheelchair lift, it must have a front entrance door in addition
19 to the lift door.

20 If a vehicle is designed to carry more than ten persons, it
21 must comply with the requirements of federal motor vehicle
22 safety standard number 217, found in Code of Federal
23 Regulations, title 49, section 571.217, which is incorporated by
24 reference.

25 If a vehicle is designed to carry fewer than ten persons
26 and is obtained and first used by a provider after January 1,
27 1993, it must also be constructed with one of the following:

28 A. windows that open;

29 B. at least one roof hatch; or

30 C. a rear exit door that can be opened from both the
31 inside and the outside of the vehicle.

32 The location of exits must be marked on the interior and
33 exterior of vehicles except for passenger cars, taxis, and
34 station wagons.

35 Subp. 3. **Holes.** The vehicle must not have holes that
36 admit exhaust gases.

1 Subp. 4. **Doors and windows.** Doors and windows must open
2 and close as intended by the manufacturer.

3 Subp. 5. **Door heights.** This subpart applies to all kinds
4 of vans and buses but does not apply to passenger cars, taxis,
5 and station wagons. The door height of vehicles put into
6 service after the effective date of these rules must conform to
7 the requirements of Code of Federal Regulations, title 49,
8 section 38.25, paragraph (c), which is incorporated by reference.

9 8840.5950 STANDARDS FOR OPERATION OF VEHICLES.

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

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

15 B. Providers shall conduct or cause to be conducted,
16 a daily visual safety inspection of:

- 17 (1) coolant level;
18 (2) lights, turn signals, hazard flashers;
19 (3) tires;
20 (4) windshield wipers and washer fluid;
21 (5) mirrors; and
22 (6) fuel level.

23 C. Providers shall conduct or cause to be conducted a
24 vehicle safety inspection once each week or every 1,000 miles,
25 whichever comes first. The provider shall maintain a record
26 that shows the date and mileage at each safety inspection and a
27 notation of needed repairs and replacements. The record must be
28 maintained in the vehicle or in the provider's files. The
29 safety inspection must include inspection of the:

- 30 (1) coolant level;
31 (2) oil level;
32 (3) lights, turn signals, hazard flashers;
33 (4) tires and tire pressure;
34 (5) brake, parking brake, and brake fluid level,
35 if visible in the engine compartment;

1 (6) instrument panel;
2 (7) horn;
3 (8) windshield wipers and washer fluid;
4 (9) fan belt;
5 (10) mirrors, inside and outside;
6 (11) wheelchair ramps and lifts and lift
7 electrical systems, lubrication points, and fluid reservoirs, if
8 applicable;
9 (12) wheelchair securement or stretcher
10 securement device, if applicable; and
11 (13) emergency doors or windows. Tests must be
12 conducted to ensure that the emergency doors or windows function
13 properly.

14 Subp. 2. **Smoking.** Smoking is prohibited in vehicles at
15 all times. A sign stating "NO SMOKING" must be posted in the
16 vehicle so that it is visible to all passengers. This subpart
17 applies to a taxi only when it is providing special
18 transportation.

19 Subp. 3. **Seat belts.** Drivers and passengers shall use
20 seat belts at all times. Drivers shall instruct each passenger
21 to use the seat belt. Before pulling away from a stop, drivers
22 shall make sure that passengers are seated with seat belts
23 properly secured. Children under the age of four shall use
24 approved child-restraint systems at all times, except in taxis.
25 This subpart does not apply to persons exempted by Minnesota
26 Statutes, sections 169.685, subdivision 6, paragraph (b), and
27 169.686, subdivision 2, clause (3).

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

1 the vehicle is stopped or disabled on a one-way roadway, the
2 driver shall place an additional warning triangle approximately
3 200 feet from the vehicle in the direction of approaching
4 traffic.

5 Subp. 5. **Emergency policy.** Each provider shall develop a
6 written policy that describes what action the driver or
7 attendant must take in the event of an accident or emergency.

8 8840.5975 STANDARDS FOR MAINTENANCE.

9 Subpart 1. **Maintenance.** Standards for vehicle maintenance
10 are as follows:

11 A. Vehicles must be maintained in accordance with the
12 manufacturer's recommended maintenance schedule or an improved
13 schedule based on actual vehicle operating conditions.

14 B. Providers shall correct a deficiency that might
15 interfere with the safe operation of the vehicle before the
16 vehicle is placed in service.

17 C. Windows and lights must be kept clean.

18 D. The interior of vehicles must be clean and in good
19 repair.

20 Subp. 2. **Wheelchair lifts.** Wheelchair lifts must be
21 maintained in conformance with the manual and instructions
22 provided by the lift manufacturer. When the provider has the
23 vehicle serviced, it shall instruct the mechanic or service
24 facility to inspect, repair, or service the lift in accordance
25 with the manufacturer's instructions.

26 8840.6000 INSURANCE.

27 Subpart 1. **Minimum coverage.** A provider shall have in
28 effect an insurance plan that provides the following minimum
29 coverage for each vehicle:

30 [For text of items A and B, see M.R.]

31 C. uninsured and underinsured motorist coverage as
32 required by Minnesota Statutes, chapter 65B.

33 Subp. 2. **Certificate of insurance.** A provider shall
34 obtain a certificate of insurance for the special transportation
35 service vehicles it operates. The provider's insurer shall mail

1 the certificate of insurance to the Minnesota Department of
 2 Transportation, Office of Motor Carrier Safety and Compliance,
 3 Minnesota Administrative Truck Center, Livestock Exchange
 4 Building, 100 Stockyards Road, South St. Paul, Minnesota 55075.
 5 The certificate must show the vehicles covered by the policy and
 6 the policy limits. The insurer shall notify the department in
 7 writing ten days before termination of coverage by either party.

8 [For text of subp 3, see M.R.]

9 8840.6100 RECORDS.

10 Subpart 1. Information required. A provider shall
 11 maintain files containing the following information:

12 A. for each driver, a file that contains the
 13 following information:

14 (1) the name, address, and birthdate of the
 15 driver;

16 (2) the driver's license number, the class of the
 17 license, and, if required under Minnesota Statutes, section
 18 171.323, evidence of a special transportation vehicle
 19 endorsement or permit issued by the commissioner of public
 20 safety;

21 (3) whether the driver has had at least one year
 22 of driving experience;

23 (4) whether the driver's record meets the
 24 standards of part 8840.5900, subpart 1, item D, ~~subitem~~
 25 subitems (3) and (4), the date the driver's record was last
 26 checked, and the name of the person who checked the driver's
 27 record;

28 (5) the date on which the driver successfully
 29 completed at least four hours of training in first aid as
 30 required by part 8840.5910, subpart 4, or a certificate showing
 31 completion of one of the courses described in part 8840.5910,
 32 subpart 2, item A;

33 (6) the date on which the driver successfully
 34 completed training in the techniques of transporting and
 35 assisting elderly and physically handicapped passengers as

1 required by part 8840.5910, subpart 5 or 6, whichever is
2 applicable;

3 (7) the date and location at which the driver was
4 trained in the use of the fire extinguisher;

5 (8) the date the driver received the training
6 required before driving, described in part 8840.5910, subpart 1;

7 (9) the date or dates the driver received the
8 additional training required by part 8840.5910, subpart 2;

9 (10) the date the driver completed the refresher
10 course described in part 8840.5910, subpart 9; and

11 (11) a statement signed by the person who
12 conducted the review of a driver's criminal and driving record
13 as required by part 8840.5900, subpart 2. The statement must
14 contain the date the driver's criminal record was checked and
15 must state whether the driver was found to meet the standards of
16 part 8840.5900, subpart 1, item E. If the driver was found not
17 to meet the standards, the statement must contain the date the
18 driver became disqualified, the reason for the disqualification,
19 and the date the commissioner was notified;

20 B. for each driver, the physician's or nurse
21 practitioner's statement that the driver has no current medical
22 condition that interferes with the ability to drive safely or a
23 copy of the school bus driver's endorsement or United States
24 Department of Transportation health card;

25 C. for each attendant, a file that contains the
26 following information:

27 (1) the name and address of the attendant;

28 (2) the date on which the attendant successfully
29 completed at least four hours of training in first aid as
30 required by part 8840.5910, subpart 4;

31 (3) the date on which the attendant successfully
32 completed training in the techniques of transporting and
33 assisting elderly and physically handicapped passengers as
34 required by part 8840.5910, subpart 5 or 6, whichever is
35 applicable; and

36 (4) the date and location at which the attendant

1 was trained in the use of the fire extinguisher;

2 [For text of items D and E, see M.R.]

3 F. a record of insurance claims arising from the
4 operation of the vehicle or a photocopy of claims documents
5 submitted to an insurer;

6 G. service records for each vehicle and wheelchair
7 lift indicating the date, the odometer reading, and the nature
8 of the inspection, repair, or maintenance each time the vehicle
9 or wheelchair lift was serviced;

10 H. the safety inspection record for each vehicle,
11 unless it is maintained in the vehicle; and

12 I. the certification of compliance with federal motor
13 vehicle safety standard number 220 required by part 8840.5940,
14 subpart 1.

15 Subp. 2. **Documents required in vehicle.** The following
16 documents must be maintained in each vehicle:

17 A. evidence of insurance required by Minnesota
18 Statutes, section 65B.481, except that vehicles for which proof
19 of insurance is filed under Minnesota Statutes, chapter 221, are
20 not subject to this requirement;

21 B. accident report forms; and

22 C. a card showing local emergency telephone numbers.

23 8840.6200 CERTIFICATION OF TRAINING COURSES.

24 Subpart 1. **Commissioner approval.** Training courses must
25 be approved by the commissioner before being offered to fulfill
26 the requirements of parts 8840.5100 to 8840.6300.

27 Subp. 2. **Application form.** The application for approval
28 of a training course must be made on a form prescribed by the
29 commissioner.

30 Subp. 3. **Minimum standards.** The commissioner shall
31 approve a course if it meets the following minimum standards:

32 A. It must include instruction, demonstration,
33 discussion, and, when applicable, an opportunity for student
34 practice in the elements required by these standards.

35 [For text of items B to D, see M.R.]

1 Subp. 4. **Instructors.** Standards for instructors are as
2 follows:

3 [For text of item A, see M.R.]

4 B. Passenger assistance training must be taught by a
5 person who is a licensed physician; registered nurse; registered
6 physical therapist; registered occupational therapist; public
7 health nurse; or other person who has had work experience with
8 physical disabilities, aging, and communication disorders, and
9 their effect on transportation; or by a team that includes one
10 of those persons.

11 Subp. 5. **Written answer.** The commissioner shall grant or
12 deny, in writing, applications for approval of training courses
13 within 30 days of receipt of the complete application.

14 Subp. 6. **Notice to commissioner.** Applicants who are
15 approved to teach first aid or passenger assistance training
16 courses shall notify the commissioner of the starting date,
17 location, and time of each course at least 72 hours before that
18 starting date.

19 8840.6250 AUDIT OF COURSES.

20 The commissioner may audit courses approved under part
21 8840.6200. The audit may include course inspection, classroom
22 observation, review of instructor qualifications, and student
23 interviews.

24 8840.6300 VARIANCE.

25 Subpart 1. **Elements.** The commissioner may grant a
26 variance from parts 8840.5100 to 8840.6300, except part
27 8840.5400. The commissioner shall grant a variance if the
28 applicant shows that:

29 [For text of items A to C, see M.R.]

30 Subp. 1a. **Consultation with council on disability.** Before
31 granting a variance, the commissioner shall consult with the
32 Minnesota state council on disability. The commissioner shall
33 provide to the council a copy of the variance application,
34 documents filed by the provider or other persons that support or
35 oppose the variance, and other material that the commissioner

1 intends to consult in deciding whether to grant or deny the
2 variance. The commissioner shall not provide information that
3 is classified as private, confidential, nonpublic, or protected
4 nonpublic data under the Minnesota Government Data Practices
5 Act, Minnesota Statutes, chapter 13. The commissioner shall
6 transmit the relevant information to the council on receipt of
7 the variance application and shall tell the council when the
8 30-day period for granting or denying the variance will expire.
9 If the council chooses to make a recommendation to the
10 commissioner, it shall do so in writing at least seven days
11 before the 30-day period expires.

12 Subp. 2. **Written answer in 30 days.** The commissioner
13 shall set forth in writing the reasons for granting or denying
14 the variance within 30 days of receiving the application. If
15 the variance is denied, the applicant may, within 30 days of
16 receiving notice of the denial, request a contested case
17 hearing. The commissioner shall notify the Minnesota state
18 council on disability of each grant or denial of a variance and
19 each request for a contested case hearing on a variance denial.

20 [For text of subps 3 and 4, see M.R.]

21 Subp. 5. **Revocation of variance.** A variance must be
22 revoked if a material change occurs in the circumstances that
23 justified the variance or if the applicant fails to comply with
24 the alternative practice specified in the application for a
25 variance. The commissioner shall notify the Minnesota state
26 council on disability of each variance revocation.

27 REPEALER. Minnesota Rules, parts 8840.5200 and 8840.5700,
28 subpart 3, are repealed.