

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to School Bus Driver

4 Endorsement

5

6 Rules as Adopted

7 7414.0200 BASIC REQUIREMENT.

8 Satisfactory completion of a school bus driver's
9 examination is required of every person who is required by
10 Minnesota Statutes, section 171.321 to have a school bus
11 driver's endorsement to operate a motor vehicle that is owned by
12 a government agency; a nonpublic school corporation or agency;
13 or a private person, firm, association, or corporation, and that
14 is used to transport children to and from public or nonpublic
15 schools and school-related activities.

16 7414.0400 DRIVER BACKGROUND CHECK.

17 Subpart 1. **Scope.** Before issuing or renewing a driver's
18 license with a school bus driver's endorsement, the Department
19 of Public Safety shall conduct a background check to investigate
20 the applicant's criminal and driving records. The department
21 shall use the criteria listed in subparts 2 and 3 when issuing
22 or denying an application for a new school bus driver's
23 endorsement or when renewing or canceling an existing
24 endorsement.

25 Subp. 2. **Denial, cancellation of endorsement.** The
26 department shall not issue or renew a school bus driver's
27 endorsement and shall cancel an existing endorsement if the
28 applicant's criminal or driving record shows that the applicant
29 has been convicted of any one of the following:

30 A. selling a controlled substance, and five years
31 have not elapsed since the applicant's conviction or release
32 from a correctional facility, whichever event occurred last;

33 B. a felony or gross misdemeanor against another, and
34 five years have not elapsed since the applicant's conviction or
35 release from a correctional facility, whichever event occurred

1 last;

2 C. two or more felony convictions not against another
3 and five years have not elapsed since the applicant's conviction
4 or release from a correctional facility, whichever event
5 occurred last;

6 D. two or more convictions for driving while under
7 the influence of alcohol or a controlled substance; two or more
8 driver's license revocations under the implied consent law; or,
9 in combination, one or more convictions of driving while under
10 the influence of alcohol or a controlled substance and one or
11 more driver's license revocations under the implied consent law,
12 which do not arise out of the same factual circumstances or
13 behavioral incident, and five years have not elapsed since the
14 applicant's conviction, revocation, or release from a
15 correctional facility, whichever event occurred last;

16 E. four or more moving violations within a three-year
17 period and one year has not elapsed since the last conviction;
18 or

19 F. criminal sexual conduct under Minnesota Statutes,
20 section 609.342, 609.343, 609.344, 609.345, or 609.3645, without
21 regard that the conviction may have been deemed a misdemeanor or
22 gross misdemeanor under Minnesota Statutes, section 609.13 or
23 other law, and five years have not elapsed since the applicant's
24 conviction or release from a correctional facility, whichever
25 event occurred last.

26 For purposes of this part, a crime solely against property
27 is not considered a crime against another.

28 Subp. 3. **Felony charges.** The department shall not
29 consider the application for an initial school bus driver's
30 endorsement of an individual charged with a felony against
31 another until that individual is found not guilty of the charge.

32 A driver with a school bus driver's endorsement who is
33 charged with a felony against another shall notify the employer
34 within seven days of the charge. If the driver fails to notify
35 the employer, the department shall revoke the endorsement. If
36 the endorsement is revoked under this paragraph, the department

1 shall not reinstate the endorsement until the driver is found
2 not guilty of the charge or until five years have elapsed since
3 the final disposition of the case or the applicant's release
4 from a correctional facility, whichever event occurs last.

5 Subp. 4. Letter required for issuance. If a conviction or
6 a withdrawal of driving privileges based on a situation listed
7 in items A to I of this subpart appears on the applicant's
8 record, or the applicant has a B-card, and the applicant is not
9 barred from obtaining an endorsement by reason of subpart 2, the
10 department shall issue or renew an endorsement only if the
11 applicant submits with the application a letter recommending
12 that the endorsement be renewed or issued to the applicant. The
13 letter may be either from the superintendent of schools or the
14 superintendent's agent of the school district in which the
15 applicant is employed or will be employed, or from the
16 contractor employing the applicant. If the letter is from the
17 contractor, a copy must be sent to the superintendent of
18 schools. If the conviction is for criminal sexual conduct
19 described in item F, a copy of the recommending letter must be
20 sent to the applicant's probation officer if the applicant is
21 under the supervision of the court.

22 The letter must contain the first, middle, and last name of
23 the applicant; the applicant's driver's license number; and an
24 acknowledgment of the applicant's criminal or driving record.

25 These provisions relate to any one of the following:

26 A. conviction for possession of a controlled
27 substance within five years preceding application;

28 B. conviction for driving while under the influence
29 of alcohol or a controlled substance within five years preceding
30 application;

31 C. conviction for selling a controlled substance
32 within five years preceding application;

33 D. conviction of a felony or gross misdemeanor not
34 against another within five years preceding application;

35 E. conviction of a felony or gross misdemeanor
36 against another under Minnesota Statutes, sections 609.221 to

1 609.265, more than five years but less than ten years preceding
2 application;

3 F. criminal sexual conduct under Minnesota Statutes,
4 section 609.342, 609.343, 609.344, 609.345, or 609.3645, without
5 regard that the conviction may have been deemed a misdemeanor or
6 gross misdemeanor under Minnesota Statutes, section 609.13 or
7 other law, and more than five years but less than ten years have
8 elapsed since the applicant's conviction or release from a
9 correctional facility, whichever event occurred last;

10 G. three convictions for moving traffic violations
11 within two years preceding application;

12 H. conviction for a moving traffic violation
13 resulting in a revocation or suspension within three years
14 preceding application; and

15 I. revocation under Minnesota Statutes, section
16 169.123, the implied consent statute, within three years
17 preceding application.

18 7414.1200 DISQUALIFICATION.

19 An applicant for an initial school bus driver's endorsement
20 or for renewal of a school bus driver's endorsement whose
21 physical examination discloses communicable diseases, or mental
22 or physical conditions of an intermittent or continuing nature
23 that might reasonably affect the ability to operate a school
24 bus, must be denied a school bus driver's endorsement. One or
25 more of the deficiencies specified in items A to M disqualify
26 the applicant for a school bus driver's endorsement:

27 A. visual acuity less than 20/40 Snellen in either
28 eye without lenses or by correction with lenses; total form
29 field of vision in the horizontal meridian less than 140 degrees
30 in either eye (drivers required to wear corrective lenses shall
31 wear properly prescribed lenses when driving);

32 B. hearing less than 30 db (10/20) in the better ear,
33 with or without a hearing aid;

34 C. abusers of alcohol or users of narcotics or drugs
35 that may impair driving ability;

- 1 D. coronary or heart ailment likely to interfere with
2 safe driving, electrocardiogram is required when other findings
3 indicate desirability;
- 4 E. blood pressure over 160/90;
- 5 F. failure to have a satisfactory Mantoux or chest
6 x-ray as required by Minnesota Department of Health, parts
7 4605.3400 and 4605.3500;
- 8 G. a communicable disease listed in Minnesota
9 Department of Health rules, parts 4605.0200 to 4605.0600,
10 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;
- 11 H. loss or impairment of foot, leg, hand, or arm,
12 unless the commissioner grants a waiver after determining that
13 the loss or impairment will not interfere with the applicant's
14 ability to transport students safely;
- 15 I. a mental, nervous, organic, or functional disease
16 likely to interfere with safe driving;
- 17 J. diabetes unless controlled by diet or oral
18 medication only;
- 19 K. epilepsy or other episodic (Paroxysmal) periods of
20 unconsciousness;
- 21 L. use of medication that the examining physician
22 determines is likely to interfere with safe driving; or
- 23 M. lack of good general health.