

1.1 **Department of Public Safety**

1.2 **Proposed Permanent Rules Relating to Medical Qualifications for A Commercial**
 1.3 **Driver's License**

1.4 **7414.0100 DEFINITIONS.**

1.5 [For text of subp 1, see M.R.]

1.6 Subp. 1a. **CDL holder.** "CDL holder" means a person who was issued a commercial
 1.7 driver's license or a commercial learner's permit by the commissioner or another
 1.8 jurisdiction as long as the CDL or CLP is not expired or, if expired, expired less than one
 1.9 year from the date of expiration.

1.10 [For text of subp 2, see M.R.]

1.11 Subp. 2a. **Commercial driver's license (CDL).** "Commercial driver's license" or
 1.12 "CDL" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

1.13 [For text of subps 3 to 7, see M.R.]

1.14 Subp. 7a. **Medical examiner.** "Medical examiner" has the meaning given in
 1.15 Minnesota Statutes, section 171.01, subdivision 38a.

1.16 [For text of subps 8 to 15, see M.R.]

1.17 **7414.1460 EPILEPSY, LOSS OF CONTROL WAIVER; MORE INFORMATION.**

1.18 The commissioner shall not approve the application of an any applicant seeking a
 1.19 waiver because of the failure to meet the requirement in Code of Federal Regulations, title
 1.20 49, section 391.41, paragraph (b)(8), relating to epilepsy or any other condition likely to
 1.21 cause loss of consciousness or loss of ability to control a motor vehicle safely, ~~must also~~
 1.22 ~~contain the information in this subpart. The applicant shall provide a letter signed and~~
 1.23 ~~dated from a physician licensed under Minnesota Statutes, chapter 147, attesting that:~~

1.24 ~~A. the physician is familiar with the applicant's medical history and the~~
 1.25 ~~applicant has been examined within the last six weeks;~~

2.1 ~~B. any neurological or neuromuscular condition is controlled;~~

2.2 ~~C. the applicant's driving is not or will not be impaired by weakness, numbness,~~
 2.3 ~~or muscle spasm, or the applicant adequately compensates for any paralysis or paresthesia~~
 2.4 ~~while driving;~~

2.5 ~~D. the applicant is knowledgeable about the condition; and~~

2.6 ~~E. there are no episodes of altered consciousness or loss of bodily control~~
 2.7 ~~caused by a neurological condition unless the following apply:~~

2.8 ~~(1) there has been a single, nonrecurring episode of altered consciousness~~
 2.9 ~~or loss of bodily control that occurred more than two years prior to application, the cause~~
 2.10 ~~has been identified, and no further treatment is required; or~~

2.11 ~~(2) a seizure disorder has been diagnosed but the person has been episode~~
 2.12 ~~free for at least five years preceding application and has not required treatment for at least~~
 2.13 ~~five years preceding application.~~

2.14 **7414.1550 EFFECT OF WAIVER.**

2.15 A waiver has only future effect. The driver is subject to the alternative measures,
 2.16 conditions, or limitations attached to the waiver have the force and effect and to the
 2.17 enforcement actions and penalties of the applicable law or rule.

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

2.19 **7414.1600 FEDERAL COMMERCIAL CARRIER MEDICAL EXAMINATION.**

2.20 Subpart 1. **Exemption.** An applicant for an initial school bus driver's endorsement
 2.21 or for renewal of a school bus driver's endorsement is exempt from parts 7414.1100,
 2.22 7414.1200, 7414.1300, and 7414.1400, upon providing evidence of being medically
 2.23 examined and certified within the preceding 24 months as physically qualified to operate
 2.24 a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part
 2.25 391, ~~subpart E,~~ or Minnesota Statutes, section 221.0314, incorporating those federal

3.1 regulations. As evidence of being medically examined and certified, the applicant is
3.2 required to submit, to the ~~Department of Public Safety~~ commissioner, the original or
3.3 photographic copy of the commercial motor carrier physical examination form or the
3.4 medical examiner's certificate under those federal regulations.

3.5 Subp. 2. **Periodic reexamination.** Each school bus driver is required to take and
3.6 pass a physical examination every two years in order to retain the school bus driver's
3.7 endorsement. The two-year reexamination period will start from the examination date of
3.8 the most recent physical examination form or medical examiner's certificate submitted by
3.9 a school bus driver under subpart 1. A school bus driver must ~~send~~ submit the original or
3.10 photographic copy of the completed physical examination form or medical examiner's
3.11 certificate, ~~along with a \$2~~ and the processing fee to the commissioner. The processing
3.12 fee, on or before the expiration of the two-year period, to the Department of Public Safety
3.13 established in Minnesota Statutes, section 171.06, subdivision 2, paragraph (c), must be
3.14 submitted at the time of application or renewal. Failure to pass the physical examination
3.15 and submit the physical examination form or medical examiner's certificate will result
3.16 in cancellation of the school bus driver's endorsement from the Minnesota commercial
3.17 driver's license and the CDL holder will be subject to part 7421.0800.

3.18 **7421.0100 DEFINITIONS.**

3.19 Subpart 1. **Scope.** The terms in this chapter have the meanings given them in this part.

3.20 Subp. 2. **Cancel or cancellation.** "Cancel" or "cancellation" means the
3.21 commissioner's rescission of a CDL holder's or driver applicant's commercial driving
3.22 privileges for failure to meet the required commercial driver license testing requirements
3.23 under chapter 7410.

3.24 Subp. 3. **CDL holder.** "CDL holder" means a person who was issued a commercial
3.25 driver's license or a commercial learner's permit by the commissioner or another

4.1 jurisdiction as long as the CDL or CLP is not expired, or if expired, expired less than one
4.2 year from the date of expiration.

4.3 Subp. 4. **Commercial driver's license (CDL).** "Commercial driver's license" or
4.4 "CDL" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

4.5 Subp. 5. **Commercial learner's permit (CLP).** "Commercial learner's permit" or
4.6 "CLP" has the meaning given in Code of Federal Regulations, title 49, section 383.5.

4.7 Subp. 6. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning
4.8 given in Minnesota Statutes, section 171.01, subdivision 22.

4.9 Subp. 7. **Commissioner.** "Commissioner" means the commissioner of public safety,
4.10 acting directly or through authorized officers or agents.

4.11 Subp. 8. **Current medical waiver.** "Current medical waiver" has the meaning given
4.12 in Minnesota Statutes, section 171.01, subdivision 29a.

4.13 Subp. 9. **Department.** "Department" means the Minnesota Department of Public
4.14 Safety.

4.15 Subp. 10. **Department of Transportation (MnDOT).** "Department of
4.16 Transportation" or "MnDOT" means the Minnesota Department of Transportation.

4.17 Subp. 11. **Disqualification or disqualify.** "Disqualification" or "disqualify" means
4.18 the commissioner's withdrawal of the privilege to drive commercial motor vehicles for a
4.19 specific period under part 7421.0600 or 7421.0700.

4.20 Subp. 12. **Driver.** "Driver" has the meaning given in Minnesota Statutes, section
4.21 171.01, subdivision 31.

4.22 Subp. 13. **Driver applicant.** "Driver applicant" has the meaning given in Code of
4.23 Federal Regulations, title 49, section 383.5.

5.1 Subp. 14. **Federal Motor Carrier Safety Administration (FMCSA).** "Federal
5.2 Motor Carrier Safety Administration" or "FMCSA" means the agency of the United States
5.3 Department of Transportation.

5.4 Subp. 15. **Interstate or foreign commerce.** "Interstate or foreign commerce" has
5.5 the meaning given in Minnesota Statutes, section 171.01, subdivision 36a.

5.6 Subp. 16. **Intrastate commerce.** "Intrastate commerce" has the meaning given in
5.7 Minnesota Statutes, section 171.01, subdivision 36b.

5.8 Subp. 17. **License.** "License" has the meaning given in Minnesota Statutes, section
5.9 171.01, subdivision 37.

5.10 Subp. 18. **Medical examiner.** "Medical examiner" has the meaning given in
5.11 Minnesota Statutes, section 171.01, subdivision 38a.

5.12 Subp. 19. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds
5.13 put forth in good faith, which are not arbitrary, irrational, unreasonable, or irrelevant and
5.14 which make the proposition asserted more likely than not, provided that the grounds are
5.15 based on at least one of the following sources:

5.16 A. written information from an identified person;

5.17 B. facts or statements by the applicant or driver;

5.18 C. driver's license and accident records;

5.19 D. court documents and police records; or

5.20 E. facts of which the commissioner or a department employee has personal
5.21 knowledge.

5.22 Subp. 20. **Valid medical examiner's certificate.** "Valid medical examiner's
5.23 certificate" has the meaning given in Minnesota Statutes, section 171.01, subdivision 49b.

5.24 **7421.0200 SELF-CERTIFICATION.**

6.1 Subpart 1. **Requirement.** The commissioner shall not issue a class A, class B,
6.2 or class C commercial driver's license or issue a commercial learner's permit until a
6.3 driver applicant submits the self-certification required under Minnesota Statutes, section
6.4 171.162. When applicable, a driver applicant shall submit to the commissioner either:

6.5 A. a valid medical examiner's certificate; or

6.6 B. a valid medical examiner's certificate and a current medical waiver.

6.7 Subp. 2. **Driver self-certification.** A driver applicant for a class A, class B, or class
6.8 C commercial driver's license or commercial learner's permit shall certify, as part of the
6.9 license application, and during any issuance, renewal, transfer, or upgrade of a commercial
6.10 driver's license or any issuance or renewal of a commercial learner's permit, the category
6.11 of motor vehicle operation that the driver operates, or expects to operate under Minnesota
6.12 Statutes, section 171.162, subdivision 2, clauses (1) to (4).

6.13 Subp. 3. **Form available electronically.** The self-certification form, prescribed by
6.14 the commissioner and required for compliance with this part, is available electronically
6.15 from the Department of Public Safety's Web site.

6.16 **7421.0300 CDL HOLDER INFORMATION UPDATED; RECORD RETENTION.**

6.17 Subpart 1. **Updating driving record.** In accordance with Minnesota Statutes, section
6.18 171.167, and Code of Federal Regulations, title 49, part 383.73, the commissioner shall,
6.19 within ten calendar days, update the driving record of a CDL holder when:

6.20 A. receiving the self-certification form;

6.21 B. receiving the valid medical examiner's certificate;

6.22 C. receiving information from FMCSA or MnDOT regarding the issuance,
6.23 renewal, or rescission of a medical variance;

6.24 D. a medical variance is issued, renewed, or rescinded under chapter 7414; and

7.1 E. when the CDL holder's medical certification status has expired or a medical
7.2 variance has expired or has been rescinded.

7.3 Subp. 2. **Record retention.** The commissioner shall retain medical certificates and
7.4 medical waivers in accordance with Minnesota Statutes, section 171.12, subdivision 3.

7.5 **7421.0400 CDL MEDICAL CERTIFICATION STATUS; PERIODIC PHYSICAL**
7.6 **REEXAMINATION REQUIRED.**

7.7 Subpart 1. **Maintaining medical certification status.** If a CDL holder certifies to the
7.8 category of motor vehicle operation that the CDL holder operates, or expects to operate
7.9 under Minnesota Statutes, section 171.162, subdivision 2, clause (1) or (3), then the CDL
7.10 holder must pass a physical examination every two years, or as required by the medical
7.11 examiner, in order to maintain a certified medical certification status on the driving record.

7.12 Subp. 2. **Reexamination period.** The reexamination period starts from the date of
7.13 the most recent medical examination certificate submitted by a CDL holder or received
7.14 electronically.

7.15 **7421.0500 GENERAL CRITERIA FOR ACCEPTING INTERSTATE AND**
7.16 **INTRASTATE WAIVERS.**

7.17 Subpart 1. **Accepting interstate waivers generally.** The commissioner shall
7.18 accept a medical waiver from a CDL holder or driver applicant who has certified under
7.19 Minnesota Statutes, section 171.162, subdivision 2, clause (1), and who has obtained a
7.20 medical waiver or skill performance evaluation from the Federal Motor Carrier Safety
7.21 Administration for interstate or foreign commerce relating to:

7.22 A. **vision;**

7.23 B. **diabetes mellitus requiring insulin for control; and**

7.24 C. **limb impairment.**

8.1 Subp. 2. **Accepting intrastate waivers generally.** The commissioner shall accept a
8.2 medical waiver from a CDL holder or driver applicant who has certified under Minnesota
8.3 Statutes, section 171.162, subdivision 2, clause (3), and who has obtained a medical
8.4 waiver from the Department of Transportation for intrastate commerce relating to:

8.5 A. vision;

8.6 B. diabetes mellitus requiring insulin for control; and

8.7 C. limb impairment; and

8.8 D. hearing,

8.9 except that, under part 7414.1520, the commissioner shall not accept a waiver from the
8.10 qualifications contained in Code of Federal Regulations, title 49, section 391.41.

8.11 Subp. 3. **Indicating waiver on driver record.** The commissioner shall, in
8.12 accordance with part 7421.0300, update the driving record when a CDL holder submits
8.13 a valid medical examiner's certificate accompanied by a current medical waiver that
8.14 indicates the CDL holder:

8.15 A. has a current medical waiver that is issued by FMCSA and is so indicated
8.16 as a restriction;

8.17 B. is prohibited from operating in interstate or foreign commerce when the
8.18 current medical waiver is issued by the Department of Transportation and is so indicated
8.19 as a restriction; or

8.20 C. is prohibited from operating in interstate or foreign commerce when the
8.21 current medical waiver is issued by the commissioner and is so indicated as a restriction.

8.22 **7421.0600 FALSE INFORMATION; DISQUALIFICATION.**

8.23 Subpart 1. **False information confirmed.** The commissioner shall disqualify the
8.24 CDL privilege of a CDL holder or a driver applicant if the commissioner has sufficient
8.25 cause to believe that, during a check of the driver applicant's status and record prior to

9.1 issuing the CDL or CLP, or at any time after the CDL or CLP is issued, the CDL holder or
9.2 driver applicant has falsified information in:

9.3 A. the self-certification form;

9.4 B. the valid medical examiner's certificate or current medical waiver required
9.5 under Minnesota Statutes, section 171.162; or

9.6 C. any of the documents required under Code of Federal Regulations, title 49,
9.7 part 383.71, 383.73, or 383.95.

9.8 Subp. 2. **Term.** The disqualification period under subpart 1 is for 60 days from the
9.9 date of the commissioner's decision. The commissioner shall record the disqualification
9.10 on the CDL holder's or driver applicant's driving record.

9.11 Subp. 3. **Appeal.** A person who disagrees with the commissioner's decision under
9.12 subpart 1 may request a contested case hearing. The request for a contested case hearing
9.13 must be submitted in writing to the commissioner within 15 days of the written notification
9.14 under subpart 1. The request for a contested case hearing must set out in detail the
9.15 reasons why the person contends the decision of the commissioner should be reversed
9.16 or modified. If the commissioner receives a written request for a contested case hearing,
9.17 the commissioner shall schedule a hearing within 30 days after the request is received
9.18 under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested
9.19 case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The
9.20 decision of the administrative law judge shall be submitted to the commissioner for the
9.21 commissioner's consideration. The commissioner's decision of the issue under appeal is
9.22 the final decision of the department.

9.23 Subp. 4. **Notice.** The commissioner shall send written notice to the CDL holder or
9.24 driver applicant upon disqualifying the CDL privilege under subpart 1. The notice must
9.25 state the duration of the disqualification period.

10.1 Subp. 5. Reinstatement of CDL privilege after disqualification. The commissioner
10.2 shall not reinstate the CDL privilege of a driver whose CDL was disqualified under
10.3 subpart 1 until the driver:

10.4 A. has met the disqualification period; and

10.5 B. provides the commissioner with required documentation for the category of
10.6 motor vehicle operation that the driver operates, or expects to operate, to which the driver
10.7 or driver applicant has certified in the self-certification form.

10.8 **7421.0700 FRAUD; DISQUALIFICATION, CANCELLATION.**

10.9 Subpart 1. Conviction of fraud related to the testing and issuance of a CLP
10.10 or CDL.

10.11 A. The commissioner shall disqualify the CDL privilege or application of a
10.12 CDL holder or driver applicant for one year when the commissioner is notified that the
10.13 CDL holder or driver applicant has been convicted of fraud related to the issuance or
10.14 testing of a CDL or CLP.

10.15 B. The commissioner shall record the disqualification and the conviction of
10.16 fraud in the person's driving record.

10.17 Subp. 2. Fraud suspected related to the testing and issuance of a CLP or CDL. If
10.18 the commissioner has sufficient cause to believe that a CDL holder or a driver applicant
10.19 is suspected, but has not been convicted of fraud, related to the issuance of the CDL
10.20 or CLP, then the commissioner shall send written notice to the CDL holder or driver
10.21 applicant stating that the CDL holder or driver applicant must retake either the applicable
10.22 knowledge test or the applicable road test, or both, under chapter 7410.

10.23 Subp. 3. Failure to pass required test; cancellation. The commissioner shall
10.24 cancel the CDL privilege of a CDL holder or driver applicant described in subpart 2 if
10.25 the CDL holder or driver applicant does not pass the required tests within 30 days of the

11.1 date of the notice. The commissioner shall not reinstate the CDL privilege until the driver
11.2 applicant satisfies the CDL testing requirements under chapter 7410.

11.3 Subp. 4. **Appeal.** A person who disagrees with the commissioner's decision under
11.4 subpart 2 may request a contested case hearing. The request for a contested case hearing
11.5 must be submitted in writing to the commissioner within 15 days of the written notification
11.6 under subpart 5. The request for a contested case hearing must set out in detail the
11.7 reasons why the person contends the decision of the commissioner should be reversed
11.8 or modified. If the commissioner receives a written request for a contested case hearing,
11.9 the commissioner shall schedule a hearing within 30 days after the request is received
11.10 under the procedures in Minnesota Statutes, sections 14.57 to 14.62, and the contested
11.11 case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The
11.12 decision of the administrative law judge shall be submitted to the commissioner for the
11.13 commissioner's consideration. The commissioner's decision of the issue under appeal is
11.14 the final decision of the department.

11.15 Subp. 5. **Notice.** The commissioner shall send written notice to the CDL holder or
11.16 driver applicant upon disqualifying the CDL privilege under subpart 1 or upon cancelling
11.17 the CDL privilege under subpart 2. The notice must state the duration of any applicable
11.18 disqualification period.

11.19 **7421.0800 NOTICE OF INTENT TO DOWNGRADE COMMERCIAL DRIVER'S**
11.20 **LICENSE.**

11.21 Subpart 1. **Warning notice of medical status expiring.** The commissioner shall
11.22 send written notice to a CDL holder 60 days prior to the expiration of the CDL holder's
11.23 medical certification status that states:

11.24 A. the medical examiner's certificate or the medical waiver will expire within
11.25 60 days of the date of the notice;

12.1 B. the commissioner will change the medical status to "Not Certified" on the
12.2 CDL holder's driving record; and

12.3 C. the CDL privilege will no longer be valid, unless the CDL holder submits:

12.4 (1) current medical documents; or

12.5 (2) a new self-certification form indicating that the CDL holder is exempt
12.6 from medical requirements under Minnesota Statutes, section 171.162.

12.7 Subp. 2. Notice of medical certificate status updated to not certified. The
12.8 commissioner shall send written notice to a CDL holder who fails to submit a valid
12.9 medical examiner's certificate or a current medical waiver before either expires, or fails to
12.10 submit a new self-certification in which the CDL holder certifies that the CDL holder is
12.11 exempt from the medical examination requirements under Minnesota Statutes, section
12.12 171.162. The notice must state:

12.13 A. the CDL medical certification status has been updated to "NOT
12.14 CERTIFIED";

12.15 B. the CDL privilege is not valid; and

12.16 C. the CDL will be downgraded to a class D license unless, within 30 days of
12.17 the date of notice, the CDL holder submits the medical documentation required under
12.18 Minnesota Statutes, section 171.162.

12.19 Subp. 3. CDL downgrade.

12.20 A. A driver whose CDL has been downgraded to a class D license for less than
12.21 one year may seek reinstatement of the CDL privilege by submitting either:

12.22 (1) a self-certification form in which the driver certifies that the CDL
12.23 holder is exempt from the medical examination requirements under Minnesota Statutes,
12.24 section 171.162; or

13.1 (2) the valid medical examiner's certificate or current medical waiver
13.2 required under Minnesota Statutes, section 171.162, subdivision 3.

13.3 B. A driver whose CDL has been downgraded to a class D license for more
13.4 than one year and who seeks reinstatement of the CDL privilege is subject to the testing
13.5 requirements under part 7421.0900.

13.6 **7421.0900 TESTING REQUIRED AFTER CDL DOWNGRADE.**

13.7 Subpart 1. Requirements after CDL downgrade. A driver applicant for a
13.8 commercial driver's license whose license has been downgraded to a class D license
13.9 for more than one year must pass applicable required knowledge tests and a road test
13.10 administered by the commissioner.

13.11 Subp. 2. Knowledge tests. A driver applicant must pass all the knowledge tests
13.12 required for the class of license and endorsements required for the vehicle that the driver
13.13 applicant expects to operate.

13.14 Subp. 3. Road test.

13.15 A. A driver applicant must pass a road test administered by the commissioner in
13.16 a commercial motor vehicle that represents the class of license required for the vehicle
13.17 that the driver applicant expects to operate.

13.18 B. A driver applicant for a passenger endorsement must pass a road test
13.19 administered by the commissioner in a qualifying bus within the meaning of Minnesota
13.20 Statutes, section 169.011, subdivision 11.

13.21 C. A driver applicant for a school bus endorsement must pass a road test
13.22 administered by the commissioner in a school bus within the meaning of Minnesota
13.23 Statutes, section 169.011, subdivision 71.

13.24 **EFFECTIVE DATE; CONTINUATION OF EXISTING EPILEPSY WAIVER. An**
13.25 **epilepsy waiver issued under parts 7414.1460 and 7414.1510 before the effective date**

- 14.1 of these rules remains effective on and after the effective date of these rules as long as
14.2 the CDL holder to whom the waiver was issued continues to meet the requirements of
14.3 the waiver without interruption.