

Department of Transportation**Proposed Permanent Rules Relating to Transportation for Elderly, Disabled****8840.5100 DEFINITIONS.**

[For text of subparts 1 and 1a, see Minnesota Rules]

Subp. 1b. **Certificate of course completion.** "Certificate of course completion" means a certificate that includes the:

[For text of items A to E, see Minnesota Rules]

F. name, trainer number, and signature of the instructor.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 4a. **Day.** "Day" means calendar day unless otherwise specified.

[For text of subpart 5, see Minnesota Rules]

Subp. 5a. **Driver.** "Driver" means a person who transports passengers in special transportation service vehicles, but who is not a volunteer driver. ~~A volunteer driver is one who transports passengers in a private automobile, and is not subject to the direction or control of a provider.~~

Subp. 6. **Elderly.** "Elderly" means Minnesotans age 55 and 60 or older.

[For text of subpart 6a, see Minnesota Rules]

Subp. 7. **Disability.** "Disability" means having a physical or mental impairment that limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

Subp. 8. **Major life activities.** "Major life activities" means ~~functions~~ activities of daily living such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

[For text of subpart 9, see Minnesota Rules]

Subp. 10. [See repealer.]

[For text of subparts 11 and 12, see Minnesota Rules]

Subp. 12a. **Protected transport.** "Protected transport" means motor vehicle transportation provided in a vehicle designated as protected transport under Minnesota Statutes, section 256B.0625, subdivision 17.

[For text of subparts 13 to 16, see Minnesota Rules]

Subp. 17. **Special transportation service.** "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private person that is designed exclusively or primarily to serve individuals who are elderly or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in Minnesota Statutes, section 144E.001, subdivision 3. Special transportation service includes, but is not limited to, service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles. Special transportation service also includes those nonemergency medical transportation services under Minnesota Statutes, section 256B.0625, subdivision 17, that are subject to the operating standards for special transportation service under Minnesota Statutes, sections 174.29 to 174.30, and this chapter as provided for in Minnesota Statutes, section 174.29, subdivision 1.

[For text of subpart 18, see Minnesota Rules]

Subp. 18a. **Stretcher transport.** "Stretcher transport" means motor vehicle transportation in a prone or supine position provided in a vehicle designated as necessary for stretcher transport under Minnesota Statutes, section 256B.0625, subdivision 17.

[For text of subparts 19 and 20, see Minnesota Rules]

Subp. 21. **Volunteer driver.** "Volunteer driver" has the meaning given in Minnesota Statutes, section 65B.472, subdivision 1, paragraph (h).

Subp. 22. **Wheelchair.** "Wheelchair" means a mobility aid belonging to any class of three- or four-wheeled devices and that is usable indoors and designed for and used by individuals with mobility impairments, whether operated manually or powered.

8840.5300 SCOPE.

Subpart 1. **Service criteria.** Except as provided in Minnesota Statutes, sections 174.29 to 174.315, the standards in parts 8840.5100 to 8840.6400 apply to special transportation service as defined in part 8840.5100 and provided by a an entity or person receiving grants or other financial assistance from the state or federal government, or both, to provide or assist in providing the service.

Subp. 1a. **Applicability.** The standards in parts 8840.5100 to 8840.6400 apply to organizations, providers, office staff, drivers, and attendants through the certificate of compliance under which they are listed. Any person or vehicle listed under a certificate of compliance operates under the authority granted to the holder of the certificate.

[For text of subparts 2 and 3, see Minnesota Rules]

8840.5400 CERTIFICATE OF COMPLIANCE, GENERAL REQUIREMENTS.

Subpart 1. **Certificate of compliance required.** A person shall not provide special transportation service without a current annual certificate of compliance issued by the commissioner. No vehicle may be used to provide special transportation service until it has been inspected as required by part 8840.5700 and Minnesota Statutes, section 299A.14, and displays a valid decal as required by Minnesota Statutes, section 174.30, subdivision 4.

The commissioner shall issue a certificate of compliance to a provider who transports an occupied wheelchair in a vehicle only if the vehicle has been issued a current, numbered

certificate by the commissioner pursuant to Minnesota Statutes, section 174.30, subdivisions 3 and 4.

The commissioner shall issue a certificate of compliance to a provider who provides protected transport only after ensuring the safety provisions in Minnesota Statutes, section 256B.0625, subdivision 17, are in working order.

[For text of subpart 2, see Minnesota Rules]

8840.5450 RESTRICTIONS ON NAME AND DESCRIPTION OF SERVICE.

A special transportation service provider subject to Minnesota Statutes, section 174.30, shall not use, in its name or in advertisements or information describing the service, the words "medical," "emergency," "life support," "ambulance," or other forms of those words or any other similar words that offer, suggest, or imply the availability of ambulance service, as defined in Minnesota Statutes, section 144E.001, subdivision 4~~3~~, unless it is licensed as an ambulance service under Minnesota Statutes, section 144E.10.

A special transportation service provider may use the phrase "nonemergency medical transportation" in its name or advertisements or information describing the service.

8840.5500 CERTIFICATE OF COMPLIANCE APPLICATION.

Subpart 1. **Forms.** Application for a certificate of compliance or for renewal of an existing certificate of compliance must be made on forms provided by the commissioner. Application forms for certificates of compliance may be obtained from the Department of Transportation. Applications must be delivered ~~or~~, mailed, or delivered electronically to the Minnesota Department of Transportation.

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

A. a provider application form containing the following information:

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

(2) the applicant's business United States Department of Transportation (USDOT) number. If the applicant does not have a USDOT number, the applicant shall apply for the number from the Federal Motor Carrier Safety Administration at the time of application;

~~(2)~~ (3) the applicant's name; the name of the business, including any assumed name filed with the secretary of state as provided in Minnesota Statutes, sections 333.01 to 333.06; the type of business entity; the business address; the telephone and facsimile (fax) numbers; and the Internet ~~e-mail~~ email address;

~~(3)~~ (4) whether the passengers served are elderly or disabled;

~~(4)~~ (5) for each vehicle used:

(a) make, year, vehicle identification number (VIN), and license plate number of the vehicle;

(b) seating capacity and manufacturer's gross vehicle weight rating; ~~and~~

(c) whether the vehicle is equipped with an approved wheelchair securement device and the number of wheelchair securement positions for each vehicle;

(d) whether the vehicle is equipped for stretcher transport; and

(e) whether the vehicle is equipped for protected transport;

~~(5)~~ (6) the name ~~and telephone number, including each cellular, email address,~~ primary telephone number, and alternate telephone number, of the person who is responsible for the day-to-day operation of the proposed provider's special transportation service;

~~(6)~~ (7) the legal name and, address, and driver's license number of each driver, stating whether each complies with the standards in parts 8840.5100 to 8840.6300;

~~(7)~~ (8) ~~the names of corporate directors and officers, general partners and limited partners, limited liability company board members, or owners of the applicant's business~~ the legal names of each individual who is not a driver but for whom the provider is required to initiate a background study, pursuant to Minnesota Statutes, section 174.30, subdivision 10;

~~(8)~~ (9) whether the applicant or any of the applicant's corporate directors or officers, general and limited partners, limited liability company board members, or owners of the applicant's business ~~have had~~ hold or previously held a certificate of compliance ~~suspended, denied, canceled, or revoked during the preceding year~~ and, if so, the certificate number of the applicable certificate;

~~(9)~~ (10) if the applicant is not a Minnesota corporation, but is authorized to transact business in Minnesota, the name and address of its registered agent; ~~and~~

~~(10)~~ (11) the location in Minnesota where the records required by part 8840.6100 will be available for inspection and copying; and

(12) any organizations with which the applicant has an agreement to provide special transportation service; and

[For text of item B, see Minnesota Rules]

Subp. 2a. **Signature required.** The application must be signed physically or electronically by a corporate officer, general partner, limited liability company board member, or sole proprietor verifying that the information on the application is true. The application may be delivered in person, by mail, or by fax. In lieu of a required document completed on paper, the commissioner may accept an electronically transmitted document authenticated by an electronic signature.

[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5. **Information on certificate.** When a certificate is granted, the commissioner shall issue to the provider a numbered certificate of compliance that shows the month and year in which the certification expires. This certificate may be stored physically or electronically but must be producible upon demand from the commissioner.

Subp. 6. **Record.** The commissioner shall maintain a record of all certificates of compliance showing the date issued, renewed, suspended, or revoked. If the commissioner determines that an application for a new certificate of compliance is for an organization with one or more corporate directors or officers, limited liability company board members, or employees as a provider that is currently suspended or revoked, the commissioner shall reject the application.

[For text of subpart 7, see Minnesota Rules]

8840.5525 ISSUANCE AND EXPIRATION OF CERTIFICATE OF COMPLIANCE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Issuance or denial of certificate.** The commissioner shall issue a certificate of compliance to an applicant who meets the requirements in parts 8840.5100 to 8840.6400, except the commissioner shall not issue a certificate of compliance if:

- A. the applicant had a certificate revoked during the preceding 180 days;
- B. the application for certification contains a statement that is false, misleading, or fraudulent; ~~or~~
- C. the applicant fails to provide all required or requested data; or
- D. the applicant or any person listed on the application is disqualified by the background study required in Minnesota Statutes, section 174.30, subdivision 10.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Certificate denied, revoked, or canceled.** If a provider's certificate of compliance is denied, revoked, or canceled, and the provider wishes to reapply, the applicant must submit a new application under part 8840.5500. If a certificate is denied, revoked, or canceled for containing information that is false, misleading, or fraudulent, the provider is prohibited from reapplying for 180 days.

[For text of subpart 5, see Minnesota Rules]

8840.5640 INITIAL SPECIAL TRANSPORTATION SERVICE PROVIDER EDUCATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Initial education sources and topics.** The initial education materials must be through an education seminar or, if approved by the department, through a personal contact with a representative of the department. ~~The initial education must consist of a discussion of the statutes, rules, and regulations that apply to special transportation service providers. Topics discussed must include~~ approved by the commissioner and detail applicable statutes, rules, and regulations, including the following topics:

[For text of items A to I, see Minnesota Rules]

8840.5700 INSPECTION AND AUDIT.

Subpart 1. **Commissioner shall inspect vehicles.** The commissioner shall inspect or provide for the inspection of each vehicle at least annually; and may inspect a vehicle on receipt of a complaint about the condition of the vehicle or its equipment. ~~The commissioner shall examine vehicle inspection, repair, and maintenance records for each vehicle at least annually.~~ The commissioner may conduct an unannounced inspection for compliance with parts 8840.5100 to 8840.6300 but must not do so in a way that unduly interferes with the transportation of a passenger. The commissioner may inspect the vehicle, its equipment, or any documents required to be in the vehicle or the driver's possession for compliance with

parts 8840.5100 to 8840.6300 and state or federal law. The results of an inspection of vehicles or records must be documented and a copy given to the provider. The commissioner shall direct a provider to immediately remove a vehicle from service on determining the vehicle is in a condition that is in violation of a provision of Minnesota Statutes, sections 169.46 to 169.75, and is likely to cause an accident or break down. The ~~"North American Uniform Vehicle Out-Of-Service Criteria," as adopted under Minnesota Statutes, section 221.031,~~ Department of Transportation's "Minnesota Vehicle Requirements for Special Transportation Services and Limousines" must be followed in determining whether a vehicle is likely to cause an accident or break down. If the vehicle is equipped with a wheelchair securement device, the inspection form must state whether the device is certified by the commissioner. If the vehicle is designated as protected transportation, the inspection form must state whether the safety provisions in Minnesota Statutes, section 256B.0625, subdivision 17, are in working order. Providers directed to repair or replace defective equipment shall provide written evidence of compliance to the commissioner of transportation. When the provider has taken the required corrective action, the provider may return the vehicle to service.

Subp. 1a. **Commissioner shall audit records.** The commissioner may examine any documents or records required by parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30. The commissioner shall examine vehicle inspection, repair, and maintenance records for each vehicle operated under the provider's certificate of compliance at least annually. The commissioner shall examine driver and attendant records at least annually. The results of an audit of records shall be documented and given to the provider.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. Failure to permit inspection. Failure to permit an inspection or audit as provided in this part is grounds for immediate suspension of the provider's certificate of compliance until the provider permits the inspection.

8840.5800 ENFORCEMENT: VIOLATIONS, SUSPENSIONS, REVOCATIONS, AND CANCELLATIONS.

Subpart 1. **Notice and opportunity for correction.** When a provider is found in violation of parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30, and the violation is not likely to cause a breakdown or accident, the provider must be given a 15-day written notice to correct the violation.

A. When a provider is found to be operating a vehicle that is in violation of a provision of Minnesota Statutes, sections 169.46 to 169.75, and is likely to break down or cause an accident, the provider shall remove the vehicle from operation immediately. The provider shall correct the defect before returning the vehicle to service.

[For text of item B, see Minnesota Rules]

C. If a provider is found to be using a driver or attendant who has not completed the training required by part 8840.5910 or a driver or attendant who does not meet the standards provided in part 8840.5900 and Minnesota Statutes, section 174.30, the commissioner shall direct the provider to stop, and the provider shall stop using the driver or attendant immediately. Before returning the driver or attendant to service, a provider must give the commissioner written evidence that the driver or attendant meets the requirements of parts 8840.5900 and 8840.5910. If the provider is found to be using any other person associated with the organization in a way that violates parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30, the commissioner shall direct the provider to stop, and the provider shall stop using that person immediately. Before returning the person to service, the provider must give the commissioner written evidence that the person meets the requirements of parts 8840.5100 to 8840.6300 and Minnesota Statutes, section 174.30.

D. When a provider is found to be using a vehicle equipped with a wheelchair lift, ramp, or securement system that does not meet the requirements of part 8840.5925, the

provider shall not use that vehicle to provide transportation of passengers that require the use of such equipment until the provider submits written evidence to the department that the vehicle meets the requirements of part 8840.5925.

Subp. 2. **Violation determination.** After 15 days, the commissioner may conduct an inspection to determine whether the violation has been corrected. The provider may mail, deliver, or email evidence of compliance to the department or ~~provide written~~ mail, deliver, or email notice that the vehicle has been removed from service. If an inspection report was issued, providers must mail, deliver, or email a copy of the inspection report when providing evidence of compliance.

Subp. 3. **Suspension.** No provider may provide special transportation service or operate a special transportation service vehicle without correcting a violation of parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30, as provided in subpart 1 or providing notice that a defective vehicle has been removed from service as provided in subpart 2. The commissioner ~~shall~~ may suspend a provider's certificate of compliance until the provider complies with parts 8840.5100 to 8840.6300 and Minnesota Statutes, section 174.30, if the commissioner determines a provider has:

[For text of items A to C, see Minnesota Rules]

- D. failed to permit an inspection as provided in part 8840.5700; ~~or~~
- E. failed to maintain insurance as provided in part 8840.6000; or
- F. failed to pay a decal fee after the commissioner has sent notice.

In determining whether to suspend a provider's certificate of compliance under this subpart, the commissioner shall consider the number of violations found, the provider's history of the same types of violations, and the provider's general history of violations. The commissioner shall develop violation history review criteria and guidelines and post them on the department's website.

Subp. 3a. **Revocation.** The commissioner shall revoke the certificate of compliance of a provider who:

[For text of items A and B, see Minnesota Rules]

C. has committed a pattern of violating the standards ~~that~~ contained in parts 8840.5100 to 8840.6300 or Minnesota Statutes, section 174.30, which shows a willful or reckless disregard for the health and safety of persons who use special transportation service.

[For text of subpart 3b, see Minnesota Rules]

Subp. 3c. **Cancellation.** The commissioner shall cancel the certificate of compliance of a provider who:

[For text of item A, see Minnesota Rules]

B. knowingly made a material statement that was false or fraudulent regarding the standards provided in this chapter or Minnesota Statutes, section 174.30; or

[For text of item C, see Minnesota Rules]

[For text of subpart 3d, see Minnesota Rules]

Subp. 3e. **Application for another certificate after a false or fraudulent statement.** If the commissioner cancels a provider's certificate for knowingly having made a material statement that was false or fraudulent under subpart 3c, the provider is prohibited from reapplying for a new certificate for at least 180 days from the date of the cancellation.

[For text of subparts 4 and 5, see Minnesota Rules]

Subp. 6. **Notice of suspension, revocation, or cancellation.** The commissioner shall mail notice of suspension, revocation, or cancellation of a certificate of compliance under this chapter to the ~~provider's last known~~ address listed on the provider's certificate of compliance by certified mail. The notice must include:

[For text of items A to D, see Minnesota Rules]

8840.5900 DRIVER QUALIFICATIONS.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Waiver ~~for~~ of physical defects qualification.** A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b), clause (1) ~~or~~, (2), (3), (10), or (11), and who is otherwise qualified to drive a motor vehicle, may drive a special transportation service vehicle if the commissioner grants a waiver to that person under Minnesota Statutes, section 221.0314, subdivisions 3, 3a, and 3b. A copy of the waiver must be given to the provider who employs the driver and must be in the driver's possession while operating a special transportation service vehicle.

Subp. 7. **Other evidence of physical ~~qualifications~~ qualification.** A driver who has a valid commercial driver's license or a driver's license with a valid school bus endorsement issued under Minnesota Statutes, section 171.321, or the rules of the commissioner of public safety, may furnish the provider with a copy of that endorsement instead of furnishing the medical examiner's certificate described in subpart 5.

[For text of subparts 8 and 9, see Minnesota Rules]

Subp. 10. **Age ~~and~~ experience.** A driver must be at least 18 years ~~of age and have not less than one year of experience as a licensed driver~~ old.

Subp. 11. **Driving record.** A driver must, for the past three years:

[For text of item A, see Minnesota Rules]

B. have a driving record clear of ~~convictions~~ a conviction for driving a motor vehicle without a valid current license for the class of vehicle driven; and

C. have a driving and criminal record clear of ~~convictions~~ a conviction for driving under the influence of alcohol or a controlled substance under Minnesota Statutes, section

169A.20, or an ordinance in conformity with that section, of alcohol-related driving by commercial vehicle drivers under Minnesota Statutes, section 169A.20, and of driver's license revocations under Minnesota Statutes, sections 169A.51 to 169A.53.

Subp. 12. [Repealed, L 2015 c 71 art 11 s 65]

Subp. 13. **Provider responsibility; employee's driver's license.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review a copy of the driver's license and driving record showing that the driver has a valid driver's license and was not disqualified under this part at the time the review is performed.

Subp. 13a. **Provider responsibility; status of employee's driver's license.** The provider must annually obtain the driving record for each driver the provider employs, stating the driver is still not disqualified under this part.

Subp. 13b. **Provider responsibility; background study eligibility.** Before using or hiring a driver to provide special transportation service, a provider must review documentation from the Department of Human Services showing the driver is eligible or has received a set-aside from the commissioner of human services in compliance with the background study required under Minnesota Statutes, section 174.30, subdivision 10, paragraph (b). Upon receiving documentation that a driver who was previously eligible is no longer eligible, a provider shall immediately stop using the driver to provide special transportation service.

Subp. 14. [Repealed, L 2015 c 71 art 11 s 65]

Subp. 15. **Provider responsibility; statement of physical ~~qualifications~~ qualification.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review a copy of the statement of physical ~~qualifications~~ qualification or other evidence of physical ~~qualifications~~ qualification listed in subpart 5 or 6 that the driver meets the physical ~~qualifications~~ qualification in subpart 1.

The provider must periodically review a copy of each driver's valid medical examiner's certificate or other evidence of physical qualification listed in subpart 5 or 6 as required in subpart 1. This review must be performed in such a way as to ensure the driver is not used to perform services without a current and valid medical examiner's certificate or other evidence of physical qualification. The provider must keep a record of this review in the driver's file under part 8840.6100.

Subp. 16. **Provider responsibility; failure to maintain qualifications**
qualification. If, during the time a provider is using or employing a driver, the driver no longer meets the standards of this part, the provider shall immediately stop using or employing the driver as a special transportation vehicle driver or attendant and shall report the withdrawal, the reason the driver no longer meets the standards, or both, to the commissioner.

Subp. 17. **Complaint records.** A provider shall keep a record of a complaint, report, or allegation of misconduct made against a driver or attendant it uses or employs. The record must contain a copy of the complaint or report or a detailed written summary of the allegation. A provider shall investigate the accuracy of the complaint, report, or allegation and shall include a summary of the investigation and resulting action taken, if any, in the record. These records must be included in the driver's or attendant's file or in a separate file kept by the provider.

8840.5910 DRIVER AND ATTENDANT TRAINING REQUIREMENTS.

Subpart 1. **Training required before ~~driving~~ providing special transportation service.** Before providing special transportation service, each driver and attendant must ~~reeive~~ complete:

A. ~~passenger assistance training described in subpart 5, items E to I~~ orientation to common issues and instructions related to transporting passengers;

B. instruction in operating the radio, cellular telephone, or other means of two-way communication required by part 8840.5925, subpart 1, item C ~~D~~;

[For text of item C, see Minnesota Rules]

D. instruction in what to do and whom to call in a medical emergency or an accident, including training in the use of the fire extinguisher and use of emergency triangles under part 8840.5950, subpart 4; ~~and~~

E. except for attendants, instruction in conducting the daily vehicle inspection required by part 8840.5950, subpart 1, item B;

F. instruction in maintaining the cleanliness of the vehicle, sanitization of the vehicle, and proper use of the body fluids cleanup kit under part 8840.5925, subpart 1, item C; and

G. for drivers, evaluation of behind-the-wheel skills, including defensive driving, merging, lane changing, right turns, left turns, backing, railroad crossing, and parking.

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

[For text of items A to C, see Minnesota Rules]

D. the passenger assistance training described in subpart 5 or 6 and 5a or 6a if the driver or attendant will transport passengers in stretchers or child seats.

Subp. 3. [Repealed, 28 SR 1578]

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

[For text of items A to E, see Minnesota Rules]

F. recognition of sudden illness such as stroke, heart attack, convulsions, fainting, and seizures; ~~and~~

G. recognition of medical complications related to diabetes, hyperglycemia, and hypoglycemia;

H. mental health first aid, including recognizing signs of a mental health emergency or panic attack; and

~~G. I.~~ I. when and how to summon emergency medical assistance services.

Subp. 5. **Passenger assistance training.** Each driver and attendant who transports passengers seated in wheelchairs or who assists passengers in transferring from a wheelchair to a vehicle shall complete a minimum of eight hours of training in the techniques of transporting and assisting the elderly and passengers with physical disabilities. Passenger assistance training must include:

[For text of item A, see Minnesota Rules]

B. description of the uses, functions, and limitations of common assistive devices used by the elderly and persons with disabilities and the proper means of providing assistance to persons using those devices as well as securing those devices and common periphery items;

C. discussion of attitudes toward the elderly, children, and persons with mental and physical disabilities, which ~~must include,~~ when possible, includes the participation of the elderly and persons with disabilities;

D. discussion of strategy and available resources for situations where communications may be limited due to language barriers;

~~D.~~ E. discussion of the effect of mobility impairments, medication, mental health, and past experiences on passengers and how to behave in a sensitive and professional manner;

~~E.~~ F. discussion, demonstration, and practice by students in methods of:

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

(2) folding and unfolding manual wheelchairs; and

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

~~F.~~ G. if the service transfers passengers from a wheelchair to a seat, discussion and demonstration of communicating with, moving, lifting, and transferring passengers, including assisted and unassisted transfers, two-handed transfers, and standing transfers;

~~G.~~ H. instruction in guidelines for appropriate handling of a vehicle transporting persons with disabilities that includes instruction that passengers may have balance or mobility problems and may not be able to grab railings or brace themselves for sudden stops, sharp turns, or other uneven or abrupt maneuvers;

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

~~I.~~ J. discussion and demonstration of the assistance to be offered to ambulatory passengers, including assistance for standing, sitting, and going up and down steps and curbs; ~~and~~

~~J.~~ K. discussion of common assistive devices including:

(1) manual and electric wheelchairs and electric scooters;

(2) canes;

- (3) crutches;
- (4) walkers;
- (5) leg braces, prostheses, and slings; and
- (6) guide dogs, and other service animals; and

L. discussion of properly communicating safety concerns related to assistive and mobility devices during transportation.

Subp. 5a. **Stretcher transportation assistance training.** In addition to the training required under subpart 5, each driver and attendant who transports passengers on a stretcher shall complete a minimum of two hours of training in the techniques of transporting the elderly and passengers with disabilities who use or require a stretcher for transportation.

[For text of subpart 6, see Minnesota Rules]

Subp. 6a. **Child seat training.** Each driver and attendant who transports passengers that require a child passenger restraint system shall complete a minimum of three hours of training in the techniques of the use of child passenger restraint systems and proper securement of child passengers.

[For text of subparts 7 and 8, see Minnesota Rules]

Subp. 9. **Refresher course and continuing education.** Each driver and attendant shall successfully complete within three years from the date the driver or attendant completed the training required in subpart 2, and every three-year period thereafter:

[For text of item A, see Minnesota Rules]

- B. two hours of abuse prevention training;
- C. two hours of training in proper securement for the modes of transportation the driver or attendant provide;

- ~~B. D.~~ except for attendants, two hours of classroom instruction in defensive driving;
- ~~C. E.~~ two hours of training in issues relating to passenger assistance and abuse prevention; and
- ~~D. F.~~ seven three hours of continuing education related to providing special transportation service.

Subp. 10. **Commissioner to consider training equivalents.** If a provider employs a driver or attendant who has previously completed a training the provider believes is equivalent to, or is more extensive than, the requirements of this part, the provider may submit evidence to the commissioner. The commissioner shall follow the same procedures as in part 8840.6200 in determining whether the training taken meets or exceeds the requirements of this part. The commissioner shall send the requesting provider written notification of the decision within 30 days. If the training is found to meet or exceed the requirements of this part, the provider must keep the commissioner's notification in the affected driver's or attendant's file.

Subp. 11. **Course content.** All training courses described in this part must include some form of proficiency testing. When possible, courses must be taught in person. Distance learning and online learning are permitted but must first be approved by the commissioner pursuant to the procedures under part 8840.6200.

8840.5925 VEHICLE EQUIPMENT.

Subpart 1. **Safety equipment.** When in use, each vehicle must carry the following safety equipment:

[For text of items A and B, see Minnesota Rules]

C. The vehicle must carry a body fluids cleanup kit in a dust-proof container. The kit must be labeled in a way that indicates it is a body fluids cleanup kit.

~~E. D.~~ The vehicle must be equipped with a working radio, cellular telephone, or other means of two-way communication. If a cellular telephone is used to satisfy this requirement, the vehicle must meet the hands-free standards under Minnesota Statutes, section 169.475.

~~D. E.~~ The vehicle must carry an operable flashlight.

~~E. F.~~ When a vehicle carries ~~children~~ a child under the age of ~~four~~, ~~a child-restraint system that meets the requirements of federal motor vehicle safety standard number 213, Code of Federal Regulations, title 49, section 571.213, as amended, which is incorporated by reference, must be available in the vehicle~~ eight and shorter than four feet nine inches, the child must be transported in a manner that complies with Minnesota Statutes, section 169.685.

~~G.~~ When necessary for proper securement of passengers, the vehicle must include a seat belt extender that meets the specifications of the manufacturer.

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

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

~~H. J.~~ Vehicles with interior fuse boxes must carry extra electrical fuses.

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

[For text of subparts 2 to 5, see Minnesota Rules]

Subp. 6. **Vehicle identification.** Every vehicle must display on both sides the provider's business name and the provider's United States Department of Transportation (USDOT) number ~~or if the provider does not have a USDOT number the special transportation service certificate number preceded by the letters "STS"~~. The name and numbers must be marked in colors that sharply contrast with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The markings may be shown by use of a removable device if that device meets the identification and legibility requirements of this subpart.

8840.5940 VEHICLE CONSTRUCTION STANDARDS.

[For text of subparts 1 to 2, see Minnesota Rules]

Subp. 3. **Holes.** The vehicle must ~~not have~~ be free from unnecessary holes that admit exhaust gases or openings.

[For text of subparts 4 and 5, see Minnesota Rules]

8840.5950 STANDARDS FOR OPERATION OF VEHICLES.

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

[For text of item A, see Minnesota Rules]

B. Providers shall conduct or cause to be conducted, a daily visual safety inspection. The provider shall maintain a record that shows the date and mileage at each safety inspection and a notation of needed repairs and replacements. The record must be maintained on a form prescribed by the commissioner or on a form that is substantially the same. The safety inspection must include inspection of the:

- ~~(1) coolant level;~~
- ~~(2) lights, turn signals, hazard flashers;~~
- (1) vehicle brake;

- (2) parking brake;
- (3) steering mechanism;
- (4) lighting devices and reflectors;
- ~~(3)~~ (5) tires;
- (6) horn;
- ~~(4)~~ (7) windshield wipers and washer fluid;
- ~~(5)~~ (8) mirrors; and
- (6) fuel level.
- (9) emergency equipment;
- (10) wheelchair ramps and lifts and lift electrical systems, lubrication points, and fluid reservoirs, if applicable; and
- (11) wheelchair securement or stretcher securement device, if applicable.

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

- ~~(1) coolant level;~~
- ~~(2) oil level;~~
- ~~(3) lights, turn signals, hazard flashers;~~
- ~~(4) tires and tire pressure;~~

- (5) ~~brake, parking brake, and brake fluid level, if visible in the engine compartment;~~
- (6) ~~instrument panel;~~
- (7) ~~horn;~~
- (8) ~~windshield wipers and washer fluid;~~
- (9) ~~fan belt;~~
- (10) ~~mirrors, inside and outside;~~
- (11) ~~wheelchair ramps and lifts and lift electrical systems, lubrication points, and fluid reservoirs, if applicable;~~
- (12) ~~wheelchair securement or stretcher securement device, if applicable;~~
- (13) ~~emergency doors or windows. Tests must be conducted to ensure that the emergency doors or windows function properly;~~
- (14) ~~steering mechanism;~~
- (15) ~~exhaust system;~~
- (16) ~~frame;~~
- (17) ~~suspension;~~
- (18) ~~wheels and rims; and~~
- (19) ~~fuel system.~~

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

If this subpart is violated, the provider must have the vehicle thoroughly cleaned so as to be odor free before returning the vehicle to service.

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

Subp. 3a. **Heating and air conditioning.** All heating and air conditioning units the vehicle is equipped with must be fully functional.

[For text of subpart 4, see Minnesota Rules]

Subp. 5. **Emergency policy.** Each provider shall develop a written policy that describes what action the driver or attendant must take in the event of an accident or emergency. If a driver or attendant fails to follow this written policy, the driver or attendant must retake the training under part 8840.5910, subpart 1, item D, before the driver or attendant can be used by the provider to perform special transportation service.

8840.5975 STANDARDS FOR MAINTENANCE.

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

[For text of items A to C, see Minnesota Rules]

D. The interior of vehicles must be kept clean so as to be free from debris, tripping hazards, dirt, grease, body fluids, and other offensive matter and in good repair.

[For text of subpart 2, see Minnesota Rules]

8840.6000 INSURANCE.

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

A. basic economic loss benefits as required by Minnesota Statutes, chapter 65B;

B. residual liability coverage in the following ~~minimum amounts:~~ amount of \$500,000 combined single limit; and

~~(1) for private providers \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injuries to or the death of two or more persons in a single accident, and \$50,000 for destruction of or damage to property in a single accident, or if the policy is written on a single limit basis, \$300,000 per occurrence;~~

~~(2) for municipalities \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$300,000 for bodily injury to or death of two or more persons in a single accident, and \$50,000 for destruction of or damage to property in a single accident; or~~

~~(3) for the state \$100,000 for bodily injury to or death of any one person in a single accident, subject to a maximum of \$500,000 for bodily injury to or death of two or more persons in a single accident, and \$100,000 for destruction of or damage to property in a single accident; and~~

[For text of item C, see Minnesota Rules]

[For text of subparts 2 to 10, see Minnesota Rules]

8840.6100 RECORDS.

Subpart 1. **Availability to commissioner.** A provider shall keep the records required in this chapter and in Minnesota Statutes, section 174.30. The records must be kept on a

form prescribed by the commissioner or on a form substantially the same as the commissioner's prescribed form. Records may be kept electronically but must be kept in such a manner that they may be presented upon request by the commissioner at the provider's principal place of business ~~and make the records available for inspection and copying in Minnesota by the commissioner upon request.~~

Subp. 2. [Repealed, 28 SR 1578]

Subp. 3. **Drivers.** A provider shall maintain for each driver, a file that contains the following information:

A. the name, as it appears on the driver's license, address, and birthdate of the driver;

B. the driver's license number and class of the license;

~~C. whether the driver has had at least one year of driving experience;~~

~~D. C.~~ whether the driver's record meets the standards of part 8840.5900, subpart 11, the date the driver's record was last checked, and the name of the person who checked the driver's record;

~~E. D.~~ the date the driver first provided special transportation service for the provider;

~~F. E.~~ the certificate of course completion showing that:

(1) the driver successfully completed at least four hours of training in first aid as required by part 8840.5910, subpart 4, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;

(2) the driver successfully completed training in the techniques of transporting and assisting the elderly and passengers with physical disabilities as required by part 8840.5910, subpart 5 or 6, whichever is applicable;

(3) the driver received the training required before ~~driving~~ providing special transportation service, described in part 8840.5910, subpart 1;

(4) the driver received the additional training required by part 8840.5910, subpart 2; and

(5) the driver completed the refresher and continuing education courses described in part 8840.5910, subpart 9;

~~G.~~ F. a statement that must:

(1) be signed by the person who conducted the review of a driver's criminal and driving record as required by part 8840.5900, subparts 13 and ~~14~~ 13a;

(2) contain the date the driver's records were checked, the driver's full name and date of birth, and the list of disqualifying offenses, if any;

(3) state whether the driver was found to meet the standards of part 8840.5900, subparts 10 and 11; ~~and~~

(4) if the driver was found not to meet the standards in subitem (3), contain the date the driver became disqualified, the reason for the disqualification, and the date the commissioner was notified; and

(5) include the documents relied upon for the provider's review to determine the driver was or was not disqualified under part 8840.5900;

~~H.~~ G. for each driver, the medical examiner's certificate or ~~school bus endorsement required under part 8840.5900, subpart 5 or 7.~~ other alternate information allowed under Minnesota statutes or rules and a copy of the documents providing that information; and

H. for each driver, documentation from the Department of Human Services determining the eligibility of the driver under the background study required by Minnesota Statutes, section 174.30, subdivision 10, paragraph (b).

Subp. 4. **Attendants.** A provider shall maintain for each attendant, a file that contains the following information:

A. the name, as it appears on government-issued identification, and address of the attendant;

[For text of item B, see Minnesota Rules]

C. the certificate of completion showing that:

[For text of subitems (1) to (4), see Minnesota Rules]

(5) the attendant completed the refresher course and continuing education courses described in part 8840.5910, subpart 9-; and

D. for each attendant, documentation from the Department of Human Services determining the attendant's eligibility.

[For text of subparts 5 to 8, see Minnesota Rules]

Subp. 8a. **Trip records.** A provider shall maintain files that contain records of the date, time, and driver name for each special transportation service trip provided under the provider's certificate of compliance.

Subp. 9. **Safety inspection and maintenance records.** A provider shall maintain files that contain:

[For text of item A, see Minnesota Rules]

B. the certification of compliance with federal motor vehicle safety standard number 216 or 220 or equivalent documentation required by part 8840.5940, subpart 1.

Subp. 10. **Retention.** A provider shall keep the records required under this chapter for a minimum of three years, except that the daily ~~and weekly~~ safety inspection records required under part 8840.5950 must be kept for only a three-month period.

8840.6200 CERTIFICATION OF TRAINING COURSES AND INSTRUCTORS.

[For text of subparts 1 to 3, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

B. Passenger assistance training must be taught by a person who is a licensed physician; registered nurse; registered physical therapist; registered occupational therapist; public health nurse as defined in Minnesota Statutes, section 145A.02, subdivision 18; or other person who has had work experience interacting with physical people who have disabilities, aging, and communication disorders, and their effect on how those disabilities, aging, and communication disorders may affect transportation; or by a team that includes one of those persons.

C. Training required before providing special transportation service and continuing education courses must be taught by a person who is knowledgeable in the specific topic of instruction for the course. The person's qualifications must be documented by specialized training in the subject matter, experience in teaching the subject matter, or experience in working in the subject areas.

[For text of subparts 5 and 5a, see Minnesota Rules]

Subp. 6. [See repealer.]

Subp. 7. **Certificate of course completion.** For each training course given under part 8840.5910, a certificate of course completion must be completed by the instructor or the sponsoring organization for each driver and attendant who successfully completed the training course. The commissioner shall withdraw an instructor's certification for issuing a materially false or fraudulent certificate of course completion.

[For text of subpart 8, see Minnesota Rules]

8840.6250 AUDIT OF COURSES.

Subpart 1. **Auditing authority.** The commissioner may audit courses approved under part 8840.6200. The audit may include course inspection, classroom observation, review of instructor qualifications, and student interviews. Instructors must provide upon the commissioner's request the date, time, and location of upcoming courses.

Subp. 2. **Withdrawing certification.** If, after auditing a course, the commissioner determines that the course materials or instruction do not meet the standards in parts 8840.5910 and 8840.6200, the commissioner must immediately withdraw certification of the course, the instructor, or both.

The commissioner shall withdraw certification if a trainer refuses to allow an audit of a course approved under part 8840.6200.

[For text of subpart 3, see Minnesota Rules]

8840.6300 VARIANCE.

Subpart 1. **Elements.** The commissioner may grant a variance from parts 8840.5100 to 8840.6300, except part 8840.5400. ~~An application for~~ To request a variance must be in writing, state the specific rule part or subpart from which a variance is requested, an applicant must submit a petition according to the requirements of Minnesota Statutes, section 14.056, and show that: demonstrate that the applicant meets the criteria in item A or B.

A. ~~the rationale for the rule or rules in question can be met or exceeded by the specific alternative practice which the applicant proposes to substitute;~~ If the commissioner finds that the rule's requirements, as applied to the circumstances of the applicant, would not serve any of the rule's purposes, the commissioner must grant a variance.

B. ~~the application of the rule in question would impose an excessive burden on the applicant; and~~ If the commissioner finds that failure to grant the variance would result in hardship or injustice to the applicant, the variance would be consistent with the public

interest, and the variance would not prejudice the substantial legal or economic rights of any person or entity, the commissioner may grant a variance according to Minnesota Statutes, section 14.055, subdivision 4.

~~€. the granting of the variance will not adversely affect the public health and safety.~~

[For text of subparts 1a to 5, see Minnesota Rules]

Subp. 6. **Conditions and duration.** The commissioner may impose conditions on the granting of a variance according to Minnesota Statutes, section 14.055. The commissioner may limit the duration of a variance and may renew a variance.

REPEALER. Minnesota Rules, parts 8840.5100, subpart 10; and 8840.6200, subpart 6, are repealed.