

**CHAPTER 7470
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION
SCHOOL BUS INSPECTION CERTIFICATES**

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7470.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Certificate.** "Certificate" means a school bus inspection certificate required by the provisions of Minnesota Statutes, section 169.451, subdivision 2.

Subp. 3. **Rejection sticker.** "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes. The size of the rejection sticker may not be larger than the inspection certificate.

Subp. 4. **State patrol.** "State patrol" means the Minnesota state patrol, or an individual state trooper thereof or a state patrol law compliance representative II (LCR II) employed pursuant to Minnesota Statutes, section 299D.06.

Subp. 5. **Temporary certificate.** "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

7470.0200 PURPOSE AND AUTHORITY.

The purpose of this chapter is to establish rules governing the issuance and display of school bus inspection certificates, consistent with the provisions of Minnesota Statutes, section 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature.

7470.0300 ISSUANCE OF CERTIFICATE.

The certificate shall be issued for an individual bus on an annual basis when the state patrol has inspected the vehicle and the inspection indicates that the school bus adequately complies with laws and rules relating to construction, design, equipment, and color of school bus.

7470.0400 DISPLAY OF CERTIFICATE.

Subpart 1. **Certificate to be affixed.** The certificate issued for each individual school bus shall be immediately affixed to the school bus by the inspecting state patrol trooper or LCR II.

Subp. 2. **Certificate must be current.** Only the certificate that is valid for the current time period may be displayed.

Subp. 3. **Where displayed.** The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

Subp. 4. **Rejection sticker; display; removal.** A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from an LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

7470.0500 TIMES OF INSPECTION.

Subpart 1. **Scheduled inspection.** All school buses shall be inspected for compliance with applicable laws and with rules of the Department of Children, Families and Learning as stated in parts 3520.2400 to 3520.5800 of the Department of Children, Families and Learning.

Subp. 2. **Other inspections.** In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This subpart shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

7470.0600 SCORING FOR INSPECTIONS.

Subpart 1. **Point system.** The point system contained in part 7470.0700 shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with point values established in part 7470.0700.

Subp. 2. **Score of 96 to 100.** Any school bus with an inspection score of 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of 96 is achieved, no inspection certificate shall be affixed to the bus at the next annual inspection unless the inadequacies from the previous inspection have been corrected.

Subp. 3. **Score of 80 to 95.** Any school bus with an inspection score of 80 to 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design

or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

Subp. 4. **Score below 80.** Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or a designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

7470.0700 TABLE OF POINTS TO BE DEDUCTED.

In accordance with part 7470.0600, subparts 1 to 3, defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

<u>Equipment Defect</u>	<u>Points</u>
Tires, Front	each 25
Tires, Rear	each 25
Exhaust	
Inadequate Pipe	25
Leak in system	5
Muffler Deflective	5
(treat like leak in system)	
School bus color	
Not basic yellow or orange	25
Improper trim color	2
Required lettering	
No school bus sign (type I&II)	25
Stop at railway crossing (type III only)	25
Other lettering-nicknames	2
Stop arm (octagonal)	25
Reflective material cracked, scratched, or separated	5
Optional lamps on stop arm	2
Crossover mirror	
Missing or inoperable	25
If only line of vision is distorted, flaking or cracked	5
Headlamps out of adjustment	5
(allow mechanic time to adjust)	
Headlamp out	5
Both low beams out	25
One low beam out or either or both	

high beams out	each	5
Dimmer switch inoperable		5
Turn signals inoperable		25
Eight lamp warning system		
Lamp system not working		25
Eight-lamp indicator malfunctioning		10
Indicator lamps		
High beam		2
Turn signals		5
Clearance lamps or optional white strobe lamp	each	1
Rear lamps		
One out		5
Both out		25
Stop lamps (minimum of 2 required)		
Not working	each	15
auxiliary stop lamp not working	each	2
Back-up lamps		5
Brakes-service (foot)		
Not working		25
Hose blistered but no fluid leakage	each hose	5
Brakes-emergency (auxiliary)		25
Defective or no warning horn		25
Rear view mirror		
Interior		15
Exterior		25
Slight crack, discolored or flaking		5
Windshield wipers (not working at all)		25
Wiper blade only		5
One speed not working on left side or the right side not working		10
Windshield glass		10
Steering		25
One king pin bad (more than 1/2 inch)		15
Two king pins bad (more than 1/2 inch)		25
Driver seat belt, missing or not usable		25
Entrance door, out of adjustment		5
Interior lamps		
Step-well		2
Other interior lamps (mention only)		0
First aid kit		
Missing		25
Short supply-per unit missing		1
Fire extinguisher, missing or in inoperable range		15
Flags and flares (electric or reflector) (for up to three missing)		5
Side glass and rear glass-each defect		5
Loose objects interior	each	2
Seats loose (floor mount)	each	5
Seat condition	each	2
Bus interior (cleanliness)		2
Carbon monoxide		25
Emergency exit, inoperable		25

Emergency lettering missing	2
Bad door gasket	5
Speedometer	10
Suspension, main leaf	25
Other than main leaf, 25 percent or more of the remaining leaves broken	25
Other than main leaf, less than 25 percent broken	10
Loose or leaking shocks	10
Wheels	25
One stud nut missing if less than 20 percent of stud nuts on wheel	10
20 percent or more of stud nuts are missing on wheel	25
Body condition	2
Hazardous protuberance or sharp edge	25
Two cross members bad, must be replaced	2
Cross members rusted, to be written up	0
Drive shaft guard	25
Frame	25
Defroster fan or heaters in excess of one in multiple heater buses	each 5
Battery	10
Body mounting	10
Fuel system	10

CHAPTER 299A
DEPARTMENT OF PUBLIC SAFETY

299A.11 Vehicles Transporting Wheelchair User; Definitions.

The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) "Wheelchair securement device" or "securement device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

(d) "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

299A.12 Wheelchair Securement Devices.

Subdivision 1. **General requirements.** Except as provided in subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Subd. 2. **Strength requirements.** The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one-half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

Subd. 3. **Maximum number of persons transported.** A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Subd. 4. **Transit vehicles; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

299A.13 Additional Safety Requirements.

Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

299A.14 Vehicle Inspection.

Subdivision 1. **Inspection certificate required.** No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. **Wheelchair securement device.** Inspection shall be made by personnel in the department of public safety assigned to the state patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, subdivisions 1 and 4, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in

need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. **Certificate display and contents.** A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. **When inspections required.** Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

299A.15 Aid and License Withheld.

No agency of the state, political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 299A.11 to 299A.14.

299A.16 Evidence.

Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or operation of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

299A.17 Misdemeanor.

For each failure to comply with any requirement of sections 299A.12, 299A.13 or 299A.14 an operator is guilty of a misdemeanor.

**CHAPTER 7450
DEPARTMENT OF PUBLIC SAFETY
STATE PATROL DIVISION
WHEELCHAIR SAFETY DEVICES**

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7450.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7450.0100 to 7450.0800 have the meanings given them in this part.

Subp. 2. **Anchorage.** "Anchorage" means the provision for transferring wheelchair securement loads to the vehicle structure.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety or an authorized agent.

Subp. 3a. **FMVSS.** "FMVSS" means federal motor vehicle safety standard No. 209 or No. 210, found in Code of Federal Regulations, title 49, section 571.209 or 571.210. respectively, as amended through December 31, 1991.

Subp. 3b. **Gross vehicle weight rating.** "Gross vehicle weight rating" means the value specified by the vehicle manufacturer as the maximum loaded weight of the vehicle.

Subp. 4. **Interior paneling.** "Interior paneling" means the material used to finish the interior of a vehicle, not including the floor.

Subp. 5. **Occupant restraint.** "Occupant restraint" means a seat belt assembly and/or upper torso restraint intended to hold the occupant of a wheelchair in a generally seated position during transportation by motor vehicle.

Subp. 6. **Operator.** "Operator" has the meaning given in Minnesota Statutes, section 299A.11, paragraph (b).

Subp. 6a. **Transit vehicle.** "Transit vehicle" means a bus with a gross vehicle weight rating greater than 15,000 pounds. Transit vehicle does not include a school bus as defined in Minnesota Statutes, section 169.01, subdivision 6.

Subp. 7. **Wheelchair.** "Wheelchair" means a mobility aid belonging to any class of three- or four-wheeled devices and that are usable indoors and designed for and used by individuals with mobility impairments, whether operated manually or powered.

Subp. 8. **Wheelchair securement device; securement device.** "Wheelchair securement device" or "seurement device" has the meaning given in Minnesota Statutes, section 299A.11, paragraph (a).

7450.0200 PURPOSE, AUTHORITY, AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7450.0100 to 7450.0800 is to establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seat belt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

Subp. 2. **Authority.** Parts 7450.0100 to 7450.0800 are adopted pursuant to the authority granted by Minnesota Statutes sections 299A.01, subdivision 6; 299A.12, subdivision 4; and 299A.18.

Subp. 3. **Scope.** Parts 7450.0100 to 7450.0800 apply to the transportation by motor vehicle of a disabled person while occupying a wheelchair. This transportation is offered or provided by an operator to the public, to its employees, or in connection with any other service offered by the operator including schooling or nursing homes and convalescent or child care services.

Subp. 4. **Exception.** Parts 7450.0100 to 7450.0800 do not apply to a school bus manufactured before January 1, 1988, and subject to regular school bus inspection under Minnesota Statutes, section 169.451, nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than as provided in subpart 3.

7450.0250 TYPE OF SECUREMENT REQUIRED.

Subpart 1. **Transit vehicle.** An occupied wheelchair transported in a transit vehicle must be secured with an approved securement device that is either:

- A. a frame-attached device that meets the requirements of parts 7450.0300 and 7450.0400; or
- B. a user-friendly device that meets the requirements of parts 7450.0430 and 7450.0460.

Subp. 2. **Vehicle other than transit vehicle.** An occupied wheelchair transported in a vehicle other than a transit vehicle must be secured with an approved frame-attached securement device that meets the requirements of parts 7450.0300 and 7450.0400.

7450.0300 FRAME-ATTACHED WHEELCHAIR SECUREMENT.

Subpart 1. **Sufficient strength.** A frame-attached securement device must be of sufficient strength to prevent forward, backward, lateral, or vertical movement of the wheelchair when the device is engaged and the vehicle is in motion, accelerating, or braking.

Subp. 2. **Attached to frame.** A frame-attached wheelchair securement device must attach to the frame of the wheelchair without damaging the frame. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair, but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness.

Subp. 3. **Limitation.** A frame-attached wheelchair securement device must not be attached to a wheel of a wheelchair.

7450.0400 MINIMUM STANDARDS FOR FRAME-ATTACHED DEVICES.

Each frame-attached wheelchair securement device must meet the requirements of items A to G.

A. It must attach to the wheelchair frame on at least three points. The three points of contact must be spaced to provide effective securement. Alternatively, a securement device meeting all other requirements of this chapter may attach to two widely spaced points on the wheelchair frame if the wheel tires or the wheelchair frame abuts an unyielding surface in a manner that meets the approval requirements of part 7450.0500.

B. It must consist of at least two webbing-type belts described in sub-item (1) or at least two all-metal devices described in sub-item (2) or one or more of each type of device.

- (1) Webbing-type devices must be assemblies that meet or exceed Type 2 pelvic restraint seat belt requirements as specified in S4.2(b) of FMVSS No. 209, or be certified by the manufacturer that the device meets or exceeds assembly strength of 5,000 pounds in loop fashion or 2,500 pounds on each anchorage leg.
 - (a) Certification may be the specification listed in catalogs or publications by the manufacturer.
 - (b) New construction of these securement devices and repairs to webbing must conform with standards established by the manufacturer of the webbing.
- (2) All-metal securement devices must be designed and constructed to provide wheelchair securement strength that is at least equal to the strength of a webbing-type device comprised of three separate attachments and anchorages.

C. It must be free of sharp edges, corners, and jagged projections to minimize injury to persons in the event of unintentional contact.

D. It must be capable of retraction, and be readily removable or otherwise suitably storable when not in use.

E. It must be anchored to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts.

- (1) Bolts used must be not less than 3/8-inch in diameter and of National Fine Thread SAE grade 5 designation or equivalent.
- (2) Where anchorage bolts do not pierce the vehicle frame, subframe, bodypost, or equivalent metal structure, a metal reinforcement plate or washer 1/16-inch thick and not less than four square inches or 2-1/4 inches in diameter respectively, is required.
- (3) Interior paneling may not be used to constitute anchorage for a point of securement.
- (4) A metal track, rail, or similar device permitting attachment of the securement device at optional points on it may be used to anchor the securement device, only if:
 - (a) the track, rail, or other device is secured to the vehicle in compliance with anchorage requirements of this part; and
 - (b) the attachment of the securement device to the anchor point is by means of a positive attachment metal fitting.

F. The method or device that provides attachment of the securement device to the wheelchair frame and the method or device locking the securement device in the load-holding mode must each be of a strength and design that will ensure performance of their intended function until the securement device is intentionally released.

G. Buckles, anchorage fittings, and other components essential to the functioning of the securement device must be integrated into the securement device in accordance with recognized practices and in a manner that preserves the overall strength of the securement device.

7450.0430 USER-FRIENDLY WHEELCHAIR SECUREMENT.

Subpart 1. **Nominal movement.** A user-friendly securement device must limit movement of an occupied wheelchair when the vehicle is in normal operation. An occupied wheelchair loaded with a restrained weight of 250 pounds may not move more than two inches in any

direction at any point of contact with the floor when the vehicle is being operated under the following conditions:

A. full-throttle acceleration on dry pavement from a standstill to a speed of 25 miles per hour with the vehicle at its curb weight plus one occupied wheelchair;

B. maximum braking from a speed of 22 miles per hour to a standstill on dry pavement with the vehicle at its curb weight plus one occupied wheelchair; and

C. driving both clockwise and counterclockwise with the outer, front wheel around one of the following:

- (1) a 50-foot diameter circle at a minimum steady speed of 12 miles per hour;
- (2) a 75-foot diameter circle at a minimum steady speed of 14 miles per hour; or
- (3) a 100-foot diameter circle at a minimum steady speed of 16 miles per hour.

Subp. 2. **Attachment.** A user-friendly securement device must attach to the wheelchair without damaging it during normal vehicle operations. "Damage" includes effects harmful to the strength, integrity, or serviceableness of the wheelchair but does not include minor dents, scratches, or other cosmetic blemishes not materially affecting serviceableness. A bent wheel or broken spokes for example is "damage."

Subp. 3. **Release.** A user-friendly securement device must be designed so as to prevent an unintended mechanical release.

Subp. 4. **User-friendly.** A user-friendly securement device must be designed so that it can be readily engaged and released by the user, or remotely by the vehicle driver, subject to the following conditions:

A. The manual operating control for the user must be located within the upper 33 inches of a 48-inch cube occupied by the secured wheelchair.

B. The force required by the user to engage and release may not exceed five pounds of force and may not require tight grasping, pinching, or twisting of the wrist.

C. When a device is manually engaged, the reach, force, and dexterity required to manually release the device may not exceed that required to manually engage it.

D. The device may be automatically engaged by the wheelchair or remotely by the vehicle driver, but a manual release must be available that meets the specifications of items A and B. A device that may be remotely engaged or released by the driver must have an indicator light to inform the driver that the device has engaged or released the wheelchair.

E. A user-friendly device does not need to be able to secure all types of wheelchairs. A user-friendly device must secure all types of wheelchairs for which it is approved by the commissioner.
7450.0460 MINIMUM STANDARDS FOR USER-FRIENDLY DEVICES.

Subpart 1. **Force to be restrained.** A user-friendly securement device must be able to restrain force as follows:

A. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of 30,000 pounds or more must withstand a force in a forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds total for each wheelchair.

B. A user-friendly securement device and its attachments used on a vehicle with a gross vehicle weight rating of over 15,000 pounds but less than 30,000 pounds must withstand a force in a forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds total for each wheelchair.

Subp. 2. **Attachment to vehicle.** A user-friendly securement device must be attached to a part of the vehicle that can, when attached, withstand the forces specified in subpart 1. The device must be installed according to the manufacturer's installation instructions approved under part 7450.0500.

Subp. 3. **Damage to device.** After the test modes in subpart 1 have been removed, a user-friendly securement device must be operable to the extent that it will release a wheelchair, as specified in part 7450.0430, subpart 4.

7450.0500 APPROVAL PROCEDURE.

Subpart 1. **Application.** Application for approval of a wheelchair securement device must be made in writing to the commissioner and must be accompanied by the manufacturer's actual or proposed written installation and use instructions and photographs or drawings clearly depicting the construction of the device and its physical characteristics, including all mounting hardware. The application must also include the labeling used for identifying the manufacturer and the model designation. An application for approval of a user-friendly securement device must also include a test report or engineering document certifying that the device and its attachment to the vehicle can withstand the forces specified in part 7450.0460, or the manufacturer's specifications to the same effect listed in catalogs or publications by the manufacturer.

Subp. 2. **Demonstration of frame-attached securement device.** When requested by the commissioner, and applicant for approval of a frame-attached securement device shall provide a vehicle with the securement device installed in it, and demonstrate the device by attaching it to a wheelchair provided by the applicant. The commissioner may load the wheelchair to 140 pounds and require that the vehicle be accelerated, driven around corners, and subjected to

hard braking at speeds of 30 miles per hour or less. Movement of the wheelchair more than one inch in any direction, including vertically, during the test is grounds for refusing approval. Measurement of movement must be at the points where wheelchair wheels contact the floor. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 2a. Demonstration of user-friendly securement device.

When requested by the commissioner, an applicant for approval of a user-friendly securement device shall provide a vehicle with a wheelchair and with the securement device installed in the vehicle and demonstrate compliance of the device to the requirements of parts 7450.0430 and 7450.0460. Damage to the wheelchair or other property or injury to a person during the test is the responsibility of the applicant.

Subp. 3. Approval. On determining that the securement device meets the requirements of this chapter, the commissioner shall issue a certificate of approval authorizing use of the device. If a user-friendly device does not secure all types of wheelchairs, the certificate must state the types of wheelchairs for which the device is approved.

Subp. 4. Denial and revocation. The commissioner shall deny or revoke an approval upon a showing that the securement device does not meet a requirement of parts 7450.0100 to 7450.0800. The commissioner shall notify the applicant in writing of a denial or revocation of approval.

Subp. 5. Label. Each wheelchair securement device must be permanently labeled with the name, initials, or trademark of the manufacturer and the model designation of the device. The label must be readily visible and legible from the outside of the device when it is properly mounted to the vehicle and in use.

7450.0600 OCCUPANT RESTRAINT.

Subpart 1. Seat belt assembly. Each vehicle equipped with a wheelchair securement device must be equipped with a Type 2 seat belt assembly with a detachable upper torso portion at each wheelchair position in the vehicle or, in the alternative, must be equipped with a Type 1 pelvic restraint assembly and a length of Type 1 or Type 2 seat belt webbing, with buckle, adequate to encircle the chest of the wheelchair occupant and the backrest of the wheelchair.

Subp. 2. Standard. Type 1 and Type 2 seat belt assemblies must meet the requirements of S1 to S4.4 of FMVSS No. 209.

Subp. 3. Installation and anchorage. Type 1 and Type 2 seat belt assemblies and the detachable upper torso restraint, if a detachable upper torso restraint is installed instead of using a length of seat belt webbing to encircle the chest of the occupant and the backrest of the wheelchair, must be installed and anchored in accordance with S1 to S4.3.2 of FMVSS No. 210.

7450.0700 USE OF SECUREMENT DEVICE.

The driver of a vehicle equipped with a wheelchair securement device has the following duties:

A. The driver or a person designated by the driver shall ensure that an occupied wheelchair is properly secured before the driver sets the vehicle in motion.

B. When requested by the wheelchair user, when the wheelchair user is unable to communicate, when seat belt usage is required of all passengers in the vehicle, or when the vehicle is a school bus, the driver or a person designated by the driver shall ensure that the seat belt assembly, and upper torso restraint if so equipped, is fastened around the wheelchair user, before the driver sets the vehicle in motion. The seat belt assembly or the upper torso restraint must not be fastened, however, if the wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the wheelchair user. If the physical condition would be aggravated by the use of but one of the devices, the device that would have no adverse effect on the physical condition must be fastened in the required manner.

C. The driver or a person designated by the driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

7450.0800 INSPECTION, REMOVAL, AND CORRECTION.

Subpart 1. **Inspection.** Annual inspections of securement devices must be performed in accordance with Minnesota Statutes, section 299A.14.

Subp. 2. **Removal, correction.** The commissioner shall order the removal or correction of a securement device upon determining that the device, without regard to date of installation:

A. is not capable of sustaining loads imposed on it in restraining an occupied wheelchair;

B. permits excessive movement of an occupied wheelchair; or

C. does not meet the requirements of parts 7450.0100 to 7450.0800.

CHAPTER 7414

DEPARTMENT OF PUBLIC SAFETY

DRIVER AND VEHICLE SERVICES DIVISION

SCHOOL BUS DRIVER QUALIFICATIONS

7414.0100 DEFINITIONS

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

Subp. 2. **Charter carrier.** "Charter carrier," as used in the definition of "school bus" has the meaning given in Minnesota Statutes, section 221.011, subdivision 21.

Subp. 3. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 4. **Driver.** "Driver" has the meaning given in Minnesota Statutes, section 171.01, subdivision 6.

Subp. 5. **Head Start Bus.** "Head Start bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 27.

Subp. 6. **Head Start Bus Driver.** "Head Start bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (d).

Subp. 7. **License.** "License" has the meaning given in Minnesota Statutes, section 171.01, subdivision 14.

Subp. 8. **Motor Vehicle.** "Motor vehicle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 3.

Subp. 9. **Parent of guardian.** "Parent" or "guardian," as used in the definition of "school bus," means a person having legal custody of a school-age child or pupil.

Subp. 10. **School.** "School" has the meaning given in Minnesota Statutes, section 120A.22.

Subp. 11. **School bus.** "School bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 21.

Subp. 12. **School bus driver.** "School bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (b).

Subp. 13. **School children or pupil.** "School children" or "pupil," as used in the definition of "school bus" and in Minnesota Statutes, section 171.321, subdivision 1, means:

A. an individual meeting the qualifications for admission to a public school as specified in Minnesota Statutes, section 120A.20; or;

B. an individual admitted to or enrolled in a school as defined in Minnesota Statutes, section 120A.22.

Subp. 14. **School-related trip or activity.** "School-related trip or activity," as used in the definition of "school bus," is a function undertaken, sanctioned, sponsored, endorsed, or authorized by a school or school district.

Subp. 15. **School district.** "School district" has the meaning given in Minnesota Statutes, section 120A.05.

7414.0200 BASIC REQUIREMENT; APPLICABILITY.

Every person required by Minnesota Statutes, section 171.321 to have a school bus endorsement on the person's driver's license must meet the requirements specified in this chapter.

A. A person who operates a motor vehicle with a seating capacity for ten or fewer persons used as a school bus is not required to have a school bus endorsement if:

- (1) the motor vehicle operated by the individual is not outwardly equipped or identified as a school bus; and
- (2) the driver possesses a valid class driver's license in accordance with Minnesota Statutes, section 171.02, subdivision 2.

B. The driver of a vehicle operated as a Head Start bus is not subject to the qualifications in this chapter for a school bus endorsement, except that the driver is subject to the disqualification provisions applicable to a Head Start bus driver in Minnesota Statutes, section 171.3215.

C. The transportation of persons by a charter carrier is not subject to the provisions of this chapter.

7414.0300 TESTS.

Subpart 1. **Initial endorsement.** To obtain an initial school bus endorsement to drive a school bus, a person must satisfactorily pass a written test and a road test administered by the department.

Subp. 2. **Written Test.** The applicant for a school bus endorsement on the driver's license must satisfactorily pass a written test administered by the department.

A. The written test must be based on:

- (1) chapters 7414 and 7470;
- (2) Minnesota Statutes, chapter 169, and sections 171.321 to 171.322; and
- (3) a general knowledge of the operation of school buses, including knowledge of the equipment, devices, laws, and rules peculiar to the operation of school buses.

B. The written test must contain at least 50 questions.

C. There must be at least two forms of the test with the questions arranged in different order on each form.

D. The written test is satisfactorily passed if a score of at least 80 percent is obtained.

Subp. 3. **Road test.** The applicant must satisfactorily pass a road test administered by the department in a school bus that represents the least restrictive category of a school bus the applicant expects to operate.

A. The road test must evaluate knowledge of the school bus, bus-related equipment, operation of the motor vehicle in accordance with Minnesota Statutes, chapter 169, and the rules contained in chapter 7470, and include:

- (1) a pretrip inspection;
- (2) placing the vehicle in operation;
- (3) use of the vehicle's controls and emergency equipment;
- (4) operating the vehicle in traffic and while passing other vehicles;
- (5) turning the vehicle;
- (6) braking, and slowing the vehicle by means other than braking;
- (7) backing and parking the vehicle;

- (8) loading and unloading pupils; and
- (9) proper procedures at railroad crossings.

B. The road test is satisfactorily passed if a score of at least 80 percent is obtained.

C. In determining whether a score of at least 80 percent has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

7414.0350 ENDORSEMENT CATEGORIES.

An endorsement to drive a school bus on a Minnesota driver's license must be issued by the department in one of the categories specified in items A to D. The endorsement must be issued based on the passenger capacity of the school bus and the gross vehicle weight (GVW) of the motor vehicle used by the applicant to take the road test.

A. An "A" category endorsement is unrestricted. The license holder may drive a school bus with a GVW of more than 26,000 pounds as well as a school bus described in item B, C, or D.

B. A "B" category endorsement is restricted. The license holder may drive a school bus designed to transport 24 or more passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus in item C or D.

C. A "C" category endorsement is restricted. The license holder may drive a school bus with 16 to 23 passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus in item D.

D. A "D" category endorsement is restricted. The license holder may only drive a school bus designed to transport 15 or fewer passengers.

7414.0400 DRIVER BACKGROUND CHECK

Subpart 1. **Scope.** Before issuing or renewing a driver's license with a school bus endorsement, the department shall conduct a background check to investigate the applicant's criminal and driving records. The department shall use the criteria listed in subpart 3 and Minnesota Statutes, section 171.3215, when issuing or denying an application for a new school bus endorsement or when renewing or canceling an existing endorsement.

Subp. 1a. **Temporary endorsement.** An otherwise qualified applicant seeking a temporary endorsement on the driver's license to drive a school bus pursuant to Minnesota Statutes,

section 171.321, subdivision 3, paragraph (b), shall present to the department at the time of application for the temporary endorsement, the affidavits described in this subpart.

A. The applicant shall sign and have notarized an affidavit attesting:

- (1) that the applicant is not currently charged with a felony against another and has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215; and
- (2) as to the states in which the applicant has resided in the past five years immediately before the date of application.

B. The applicant shall submit a signed and notarized affidavit from an authorized individual of a school district or a contractor employed by a school or school district:

- (1) attesting that a criminal records check has been conducted on the applicant;
- (2) specifying the source of the criminal records check; and
- (3) attesting that the applicant is not currently charged with a felony against another or has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215.

C. For an individual who has resided in the state for the past five years immediately before the date of application, the criminal history check must be obtained by the department through the state criminal records repository of the Bureau of Criminal Apprehension.

D. For an individual who has been a resident of a state other than Minnesota at any time in the five years immediately before the date of application, a criminal history check must be obtained from:

- (1) a government agency performing the same function as the Bureau of Criminal Apprehension in each resident state other than Minnesota;
- (2) the Federal Bureau of Investigation; or
- (3) a private source acceptable to the commissioner of public safety.

Subp. 2. (Repealed)

Subp. 3. **Felony charges.** The department shall not consider the application for an initial school bus endorsement of an

individual charged with a felony against another until that individual is found not guilty of the charge.

A driver with a school bus endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

Subp. 4. (Repealed)

7414.1100 PHYSICIAN'S CERTIFICATE.

An applicant for a school bus driver's endorsement shall be in good physical and mental health, able-bodied, and free from communicable disease. As evidence of physical fitness and mental alertness, the applicant shall submit to a physical examination by a reputable physician designated by the local school authorities; and the physician's certificate of physical fitness and mental alertness shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

7414.1200 PHYSICAL QUALIFICATIONS REQUIREMENT, GENERALLY.

The department shall consider an applicant for an initial school bus endorsement or for renewal of a school bus endorsement to be physically qualified for endorsement to operate a school bus when the applicant provides evidence of being examined and the evidence shows that the examiner has determined that the applicant meets the requirements in Code of Federal Regulations, title 49, section 391.41, which are incorporated by reference.

7414.1300 EXAMINATION FORM AND CERTIFICATE.

The examination form used by the physician to record the physical condition of the applicant must substantially comply with the form prescribed in Code of Federal Regulations, title 49, section 391.43, paragraph (f). A form may be obtained from the department or from any driver examining station. The certificate of the examining physician must be substantially in accordance with the certificate in Code of Federal Regulations, title 49, section 391.43, paragraph (g).

7414.1400 PERIODIC PHYSICAL REEXAMINATION.

Each driver with a school bus endorsement shall take and pass a physical examination every two years to retain the school bus endorsement.

A. The two-year reexamination period starts from the examination date of the most recent physical examination certificate submitted by a driver with a school bus endorsement.

B. The department will send a physical examination certificate to a driver with a school bus endorsement.

C. A driver with a school bus endorsement shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before the expiration of the two-year period, to the department.

D. If the driver fails to pass the physical examination or return the physical examination certificate within two years of the date of the last physical examination filed with the department, the commissioner of public safety shall cancel the school bus endorsement from the Minnesota driver's license.

E. If a person's school bus endorsement is canceled because of a failure to submit the certificate verifying physical reexamination within two years after the initial or a subsequent physical examination, the person is allowed up to three years after the date of the last physical examination to submit the required certificate of physical examination without having to retake the written test and road test for school bus endorsement.

7414.1410 PHYSICAL QUALIFICATIONS WAIVER; REQUEST, APPLICATION.

Subpart 1. **Waiver request, generally.** An individual who does not meet the physical qualifications for a school bus endorsement because of a failure to meet the requirements in Code of Federal Regulations, title 49, section 391.41, may request a waiver from the commissioner of public safety according to the procedures and criteria specified in parts 7414.1410 to 7414.1570.

Subp. 2. **Application.** An application for a waiver must be submitted by the applicant seeking the school bus endorsement. The application must be submitted to the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

7414.1420 APPLICATION CONTENTS FOR WAIVER, GENERALLY.

An application for a waiver must:

A. contain the applicant's name, address, birth date, driver's license number, and the date of license expiration;

B. specify the physical qualification for which a waiver is requested;

C. describe the applicant's disability or impairment;

D. describe the school bus the applicant intends to drive including the passenger capacity of the vehicle and gross vehicle weight, if known;

E. estimate the period of time per day the driver will driving and on duty;

F. contain the driving record for the last three years, if any, the applicant has operated a commercial vehicle and the driving record for the last three years the applicant has operated all types of motor vehicles from each state the applicant has had a driver's license or permit;

G. contain a copy of the form for the physical examination performed according to Code of Federal Regulations, title 49, section 391.41, and a copy of the certificate from the examining physician attesting that the applicant is otherwise qualified, except for the disability or impairment for which a waiver is requested.

H. contain a copy of the applicant's road test as prescribed by the department's Driver and Vehicle Services Division;

I. describe the alternative measures; modification of policies, practices, or procedures; or the provision of auxiliary aids or services that will be taken to ensure that there is no significant risk to the health and safety of the public and pupils if the waiver is granted; and

J. contain the signature of the applicant and the date.

7414.1430 LIMB IMPAIRMENT WAIVER; ADDITIONAL INFORMATION

The application of an applicant seeking a waiver because of the failure to meet the physical qualifications in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (1) or (b) (2), must also contain;

A. a description of the vehicle the applicant intends to drive that specifies:

- (1) whether the transmission is automatic or manual and, if manual, the number of forward speeds;
- (2) the type of brake system;
- (3) whether the steering is manual or power assisted; and
- (4) whether vehicle modification has been or will be made for the applicant; and

B. a medical waiver summary completed by either a doctor of physical medicine or orthopedic surgeon that includes:

- (1) an assessment of the applicant's functional capabilities as they relate to the applicant's ability

to perform the normal tasks associated with operating the school bus in question;

- (2) a statement by the examining physician that the applicant is capable of safely performing normal school bus driver operations required; and
- (3) an assessment and medical opinion of whether the impairment or disability is likely to remain medically stable over the applicant's lifetime.

7414.1440 VISION WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the vision requirements in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (10), must also contain a letter signed and dated from an optometrist or ophthalmologist that:

- A. identifies and defines the visual deficiency;
- B. certifies that the applicant's visual acuity is at least 20/40 Snellen, corrected or uncorrected, in the better eye;
- C. certifies that the applicant has a field of vision of no less than 120 degrees of field in one or both eyes together as demonstrated on a Goldman perimeter using a IIIe target, or equivalent full field test using an automated perimeter;
- D. certifies that the individual recognizes the colors of red, green, and amber in traffic signals in an actual field test if the subject fails a color screening test or a comparable color contrast sensitivity test; and
- E. certifies that in the examiner's opinion the applicant can safely perform the normal school bus driver operations required.

7414.1450 DIABETES WAIVER; ADDITIONAL INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (3), relating to diabetes mellitus currently requiring insulin for control must also contain:

- A. a letter signed and dated from a physician licensed under Minnesota Statutes, chapter 147, attesting that:
 - (1) the physician is familiar with the applicant's medical history;
 - (2) the applicant does not suffer from hypoglycemia unawareness;
 - (3) within the last three years the applicant has not had a hypoglycemic reaction that resulted in a change in

mental or physical status that precludes the applicant from safely performing normal school bus operations;

- (4) the applicant's diabetic condition will not adversely impact the applicant's ability to perform normal school bus operations safely;
- (5) the applicant has been educated on diabetes and its management, thoroughly informed on and understands the procedures to follow to monitor and manage the diabetes, and what procedures to follow if complications arise; and
- (6) the applicant has the ability and has demonstrated a willingness to properly monitor and manage the diabetes; and

B. a signed statement from an examining ophthalmologist indicating that the applicant:

- (1) has been examined within the preceding six weeks;
- (2) does not have unstable proliferative diabetic retinopathy; and
- (3) has stable distant visual acuity of at least 20/40 Snellen in each eye separately, with or without corrective lenses.

7414.1460 EPILEPSY, LOSS OF CONTROL WAIVER; MORE INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (8), relating to epilepsy or any other condition likely to cause loss of consciousness or loss of ability to control a motor vehicle safely, must also contain the information in this subpart. The applicant shall provide a letter signed and dated from a physician licensed under Minnesota Statutes, chapter 147, attesting that:

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

B. any neurological or neuromuscular condition is controlled;

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

D. the applicant is knowledgeable about the condition; and

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

- (1) there has been a single, nonrecurring episode of altered consciousness or loss of bodily control that occurred more than two years prior to application, the cause has been identified, and no further treatment is required; or
- (2) a seizure disorder has been diagnosed but the person has been episode free for at least five years preceding application and has not required treatment for at least five years preceding application.

7414.1470 GENERAL CRITERIA FOR GRANTING WAIVER.

The commissioner shall grant a waiver if:

- A. the waiver was requested in the manner prescribed by parts 7414.1410 to 7414.1460;
- B. the waiver will have no potential adverse effect on public or pupil safety;
- C. any alternative measures; the modification of policies, practices, or procedures; or the provision of auxiliary aids or services, if any, are equivalent or superior to those prescribed in rules; and
- D. the waiver does not waive a statutory standard.

7414.1490 GRANTING WAIVER FOR DIABETES MELLITUS.

A waiver that is granted to the applicant who fails to meet the physical requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (3), relating to diabetes mellitus currently requiring insulin for control, must require the applicant to:

- A. carry, use, and record in a log the readings from a portable, self-monitoring blood glucose device equipped with a computerized memory or, if the device is capable of printing paper tape reports, the paper tape reports may be used instead of a log;
- B. monitor blood glucose one hour before going on duty and approximately every four hours while on duty;
- C. make log records or tapes available to any authorized enforcement official upon request;
- D. carry and use when on duty a source of rapidly absorbable glucose;
- E. carry insulin and the equipment of materials necessary to administer this medication;

F. report in writing within 15 calendar days to the Minnesota Department of Public Safety, Driver and Vehicle Services Division:

- (1) any citation for a moving traffic violation involving the operation of a school bus along with a photocopy of the citation;
- (2) the judicial or administrative disposition of a citation for a moving violation involving a school bus along with a photocopy of the notice of disposition; and
- (3) the involvement in any accident whatever while operating a school bus and include any state, insurance company, or motor carrier accident reports and any attending physician's and laboratory reports of treatment arising from the accident;

G. submit a signed statement from an ophthalmologist no later than 15 days before the renewal date of the waiver and the endorsement that indicates the applicant:

- (1) was examined within the six-week period immediately preceding the renewal date of the waiver;
- (2) was found not to have unstable proliferative diabetic retinopathy; and
- (3) has a stable visual acuity of at least 20/40 Snellen in each eye, corrected or uncorrected; and

H. comply with the provisions of part 7410.2610 for reporting a diabetes-related episode involving the loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

7414.1500 ADDITIONAL EXAMINATIONS.

Pursuant to Minnesota Statutes, section 171.13, subdivisions 1 and 3, the commissioner may require a medical examination of an applicant for a school bus endorsement or licensed driver with a school bus endorsement to determine incompetency, physical or mental disability or disease, or any other condition that might affect the driver in exercising reasonable and ordinary control over a motor vehicle.

7414.1510 GRANTING WAIVER FOR EPILEPSY, LOSS OF CONTROL.

A waiver that is granted to the applicant who fails to meet the physical requirement in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (8), relating to epilepsy, or any other condition likely to cause loss of consciousness or control, must require the applicant to:

- A. meet the requirements specified in part 7414.1460;

B. obtain a recommendation to grant a waiver from the department's seizure subcommittee of neurologists established under part 7410.3000; and

C. comply with the reporting provisions of part 7410.2500, subparts 2 and 2a.

7414.1520 NO WAIVER FOR HEARING.

The hearing qualifications contained in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (11), are not subject to waiver for a person applying for a school bus endorsement.

7414.1530 GRANTING WAIVER FOR VISION.

A waiver from the vision qualifications contained in Code of Federal Regulations, title 49, section 391.41, paragraph (b) (10), relating to vision, may be granted only if the requirements in part 7414.1440, are met.

7414.1550 EFFECT OF WAIVER.

A waiver has only future effect. Alternative measures, conditions, or limitations attached to the waiver have the force and effect of the applicable law or rule.

A. The driver or applicant must have the waiver in possession whenever operating a school bus.

B. If the driver violates the alternative measures, conditions, or limitations attached to the waiver, the applicant is subject to the enforcement actions and penalties provided in the applicable law or rule. The applicant shall notify the commissioner in writing within 30 days of any material change in the conditions upon which the waiver was granted.

7414.1560 RENEWAL OF WAIVER.

Subpart 1. **Request.** A request for a renewal of a waiver must be submitted by the driver to the commissioner of public safety in writing at least 30 days before its expiration date. The renewal request must contain the current information specified in parts 7414.1410 to 7414.1460.

Subp. 2. **Renewal upon satisfactory compliance.** The commissioner shall renew the waiver if the applicant continues to satisfy the criteria contained in this part and demonstrates compliance with any alternative measures, conditions, or limitations imposed at the time the original waiver was approved.

Subp. 3. **Material change.** Subpart 2 does not apply if there has been any material change in the conditions upon which the variance was granted, such as a change in the type or category

of school bus to be driven or a material change in the applicant's medical condition.

7414.1570 NOTICE OF DENIAL, REVOCATION, REFUSAL TO RENEW; APPEALS.

Subpart 1. **Notification.** The commissioner of public safety shall notify the applicant in writing of the commissioner's decision to grant or deny the waiver.

A. If the waiver is granted, the notice shall specify the period of time for which the waiver is effective and any alternative measures, conditions, or limitations the applicant or driver must meet.

B. If the waiver is denied, the commissioner shall specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by a medical review panel established under 7410.3000.

Subp. 2. **Action.** The commissioner shall deny, revoke, or refuse to renew a waiver if the commissioner determines the criteria and conditions in parts 7414.1470 to 7414.1560 are not met.

Subp. 3. **Appeal.** An applicant or driver may appeal the denial, revocation, or refusal to renew a waiver, by requesting in writing a review of the commissioner's decision by the medical review board established under part 7410.3000.

7414.1600 FEDERAL COMMERCIAL CARRIER MEDICAL EXAMINATION.

Subpart 1. **Exemption.** An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement is exempt from parts 7414.1100, 7414.1200, 7414.1300, and 7414.1400, upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part 391, subpart E, or Minnesota Statutes, section 221.0314, incorporating those federal regulations. As evidence of being medically examined and certified, the applicant is required to submit, to the Department of Public Safety, the original or photographic copy of the commercial motor carrier physical examination form or the medical examiner's certificate under those federal regulations.

Subp. 2. **Periodic reexamination.** Each school bus driver is required to take and pass a physical examination every two years in order to retain the school bus driver's endorsement. The two-year reexamination period will start from the examination date of the most recent physical examination form or medical examiner's certificate submitted by a school bus driver under subpart 1. A school bus driver must send the original or photographic copy of the completed physical examination form or medical examiner's certificate, along with a \$2 processing fee, on or before the expiration of the two-year period, to the

Department of Public Safety. Failure to pass the physical examination and submit the physical examination form or medical examiner's certificate will result in cancellation of the school bus driver's endorsement from the Minnesota driver's license.

RENEWAL OF SCHOOL BUS ENDORSEMENT

7414.2100 RENEWAL REQUIREMENTS.

Subpart 1. **Written examination.** Every four years a school bus driver applying for the renewal of a driver's license and school bus endorsement shall pass a written examination containing only such material as the commissioner of public safety deems necessary to determine if the licensee is entitled to retain the endorsement previously issued.

Subp. 2. **Noncompliance.** Failure to comply with any of the requirements of this part shall result in the cancellation or denial of the school bus driver's endorsement.

CHAPTER 171
MINNESOTA STATE LAW
QUALIFICATIONS FOR SCHOOL BUS DRIVERS

171.321 Qualifications of school bus driver.

Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting school children to or from school or upon a school related trip or activity without having a valid class A, class B, or class C driver's license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus.

Subd. 2. **Rules.** (a) The commissioner of public safety shall prescribe rules governing the physical qualifications of school bus drivers and tests required to obtain a school bus endorsement. The rules must provide that an applicant for a school bus endorsement or renewal is exempt from the physical qualifications and medical examination required to operate a school bus upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part 391, subpart E, or rules of the commissioner of transportation incorporating those federal regulations. The commissioner shall accept physical examinations for school bus drivers conducted by medical examiners authorized as provided by Code of Federal Regulations, title 49, chapter 3, part 391, subpart E.

(b) The commissioner of public safety, in conjunction with the commissioner of economic security, shall adopt rules prescribing a training program for Head Start bus drivers. The program must provide for initial classroom and behind-the-wheel training, and annual in-service training. The program must provide training in defensive driving, human relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use of safety equipment. The program must provide that the training will be conducted by the contract operator for a Head Start agency, the Head Start grantee, a licensed driver training school, or by another person or entity approved by both commissioners.

Subd. 3. **Records check of applicant.** (a) Before issuing or renewing a school bus endorsement, the commissioner shall conduct a criminal and driver's license records check of the applicant. The commissioner may also conduct the check at any time while a person is so licensed. The check must consist of a criminal records check of the state criminal records repository and a check of the driver's license records system. If the applicant has resided in Minnesota for less than five years, the check must also include a criminal records check of information from the state law enforcement agencies in the states where the person resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The

applicant's failure to cooperate with the commissioner in conducting the records check is reasonable cause to deny an application or cancel a school bus endorsement. The commissioner may not release the results of the records check to any person except the applicant or the applicant's designee in writing.

(b) The commissioner may issue to an otherwise qualified applicant a temporary school bus endorsement, effective for no more than 180 days, upon presentation of (1) an affidavit by the applicant that the applicant has not been convicted of a disqualifying offense and (2) a criminal history check from each state of residence for the previous five years. The criminal history check may be conducted and prepared by any public source or private source acceptable to the commissioner. The commissioner may reissue the temporary endorsement if the National Criminal Records Repository check is timely submitted but not completed within the 180-day period.

Subd. 4. **Training.** (a) No person shall drive a Class A, B, C, or D school bus when transporting school children to or from school or upon a school-related trip or activity without having demonstrated sufficient skills and knowledge to transport students in a safe and legal manner.

(b) A bus driver must have training or experience that allows the driver to meet at least the following competencies:

- (1) safely operate the type of school bus the driver will be driving;
- (2) understand student behavior, including issues relating to students with disabilities;
- (3) encourage orderly conduct of students on the bus and handle incidents of misconduct appropriately;
- (4) know and understand relevant laws, rules of the road, and local school bus safety policies;
- (5) handle emergency situations;
- (6) safely load and unload students.

(c) The commissioner of public safety, in conjunction with the commissioner of children, families and learning, shall develop a comprehensive model school bus driver training program and model assessments for school bus driver training competencies, which are not subject to chapter 14. A school district may use alternative assessments for bus driver training competencies with the approval of the commissioner of public safety. The employer shall keep the assessment for the current period available for inspection by representatives of the commissioner.

Subd. 5. **Annual evaluation.** A school district's pupil transportation safety director, the chief administrator of a nonpublic school or private contractor shall certify annually to the school board or governing board of a nonpublic school that, at a minimum, each school bus driver meets the school bus driver training competencies under subdivision 4. A school district, nonpublic school, or private operator also shall provide in-service training annually to each school bus driver.

171.3215 Canceling bus endorsement for certain offenses.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "School bus driver" means a person possessing a school bus driver's endorsement on a valid Minnesota driver's license or a person possessing a valid Minnesota driver's license who drives a vehicle with a seating capacity of ten or less persons used as a school bus.

(c) "Disqualifying offense" includes any felony offense, any misdemeanor, gross misdemeanor, or felony violation of chapter 152, or any violation under section 609.3451, 609.746, subdivision 1, or 617.23, or while driving, operating, or being in physical control of a school bus or a Head Start bus, in violation of section 169A.20 or a similar statute or ordinance from another state.

(d) "Head Start bus driver" means a person possessing a valid Minnesota driver's license:

- (1) with a passenger endorsement, who drives a Head Start Bus;
- (2) with a school bus driver's endorsement, who drives a Head Start bus;
- (3) who drives a vehicle with a seating capacity of ten or fewer persons used as a Head Start bus,

Subd. 2. Cancellation for disqualifying and other offenses.

Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a disqualifying offense, the commissioner shall permanently cancel the school bus driver's endorsement on the offender's driver's license and in the case of a nonresident, the driver's privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or privilege to operate a school bus in Minnesota has been permanently canceled may not apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a violation of section 169A.20, or a similar statute or ordinance from another state, and within ten days of revoking a school bus driver's license under section 169A.52, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota for five years. After five years, a school bus driver may apply to the commissioner for reinstatement. Even after five years, cancellation of a school bus driver's endorsement or a nonresident's privilege to operate a school bus in Minnesota for a violation under section 169A.20, sections 169A.50 to 169A.53, or a similar statute or ordinance from another state, shall remain in effect until the driver provides proof of successful completion of an alcohol or controlled substance treatment program. For a first offense, proof of completion is required only if treatment was ordered as part of a chemical use assessment. Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a

nonresident driver, that a school bus driver has been convicted of a fourth moving violation in the last three years, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota until one year has elapsed since the last conviction. A school bus driver who has no new convictions after one year may apply for reinstatement. Upon canceling the offender's school bus driver's endorsement, the commissioner shall immediately notify the licensed offender of the cancellation in writing, by depositing in the United States post office a notice addressed to the licensed offender at the licensed offender's last known address, with postage prepaid thereon.

Subd. 2a. **Cancellation for crime against minor.** Within ten days of receiving notice that a Head Start bus driver has committed a crime against a minor, the commissioner shall permanently cancel the passenger endorsement on the offender's driver's license. Upon canceling the offender's passenger endorsement, the commissioner shall immediately notify the licensed offender of the cancellation in writing, by depositing in the United States post office a notice addressed to the licensed offender at the licensed offender's last known address, with postage prepaid thereon. For purposes of this subdivision, "crime against a minor" means an act committed against a minor victim that constitutes a violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, subdivision 1, 609.221, 609.222, 609.223, 609.342, 609.343, 609.344, 609.345, 609.352, or a felony violation of section 609.322, 609.324, or 609.377.

Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school bus driver's endorsement, the commissioner shall conduct an investigation to determine if the applicant has been convicted of committing a disqualifying offense, four moving violations in the previous three years, a violation of section 169A.20 or a similar statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169A.52. The commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if the applicant has been convicted of committing a disqualifying offense. The commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if, within the previous five years, the applicant has been convicted of committing a violation of section 169A.20, or a similar statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169A.52, or if, within the previous three years, the applicant has been convicted of four moving violations. An applicant who has been convicted of violating section 169A.20, or a similar statute or ordinance from another state, or who has had a license revocation under section 169A.52 within the previous ten years must show proof of successful completion of an alcohol or controlled substance treatment program in order to receive a bus driver's endorsement. For a first offense, proof of completion is required only if treatment was ordered as part of a chemical use assessment. A school district or contractor that employs a nonresident school bus driver must conduct a background check of the employee's driving record and criminal history in both Minnesota and

the driver's state of residence. Convictions for disqualifying offenses, gross misdemeanors, a fourth moving violation within the previous three years, or violations of section 169A.20, or a similar statute or ordinance in another state, must be reported to the department of public safety.

Subd. 4. **Waiver of permanent cancellation.** (a) The commissioner of public safety or the commissioner's designee, in consultation with the division of driver and vehicle services, may waive the permanent cancellation requirement of this section for a person convicted of a misdemeanor, a gross misdemeanor, a nonfelony violation of chapter 152, or a felony that is not a violent crime under section 609.1095.

(b) After notice to the requesting school district and contract provider of school bus transportation, the commissioner may waive the permanent cancellation requirement after ten years have elapsed since the person was convicted of a violation of section 609.582, subdivision 2, 3, or 4.

RULES

OPERATION OF SCHOOL BUSES

7470.1000 OPERATION OF TYPE A, B, C, AND D SCHOOL BUSES.

Subpart 1. **Application.** Parts 7470.1000 to 7470.1700 govern the operation of Type A, B, C, and D school buses used for transporting pupils to or from school or school-related activities when the buses are owned and operated by a school district or nonpublic school, or privately owned and operated under a contract or agreement with a school district or nonpublic school.

Subp. 2. **Transportation of pupils.** Pupils are not to be evicted from the bus along the route for a breach of discipline. All breaches of discipline must be reported by the bus driver to the authorized person.

The entrance door must be closed at all times when transporting pupils and the bus is in motion.

All buses must load and unload in the right lane of the roadway, at pupil stops on bus routes approved by the authorized person. Loading or unloading in a designated turn lane or in a lane immediately adjacent to a designated turn lane is prohibited unless the turn lane is a designated school bus stop at which pupils are not required to cross the road. Under these circumstances, the bus must stop at the extreme right-hand side of the turn lane and the eight-light system and stop arm should not be used. Loading and unloading students within an intersection is prohibited.

No pupils may be in the bus while the fuel tank is being filled. On leaving the vehicle when pupils are in the bus, the driver shall stop the motor, remove the ignition key, set the brakes, and otherwise render the bus immobile.

The authorized person shall see that no materials, including guns, loaded or unloaded; gasoline cans, empty or full; animals, except service dogs accompanying persons with disabilities; or any other object of a dangerous or objectionable nature are transported in the school bus when pupils are being transported.

Subp. 3. **Driving on school grounds.** Buses must not be run backwards on the school grounds or at any other point if it can be avoided. If necessary to run a bus backwards, the driver should have adequate visibility to determine if any moving vehicles are within 500 feet in either direction, when on roadways. When there is a pupil pick-up or unloading at a backing point, the driver shall always load before backing and

unload after backing. No pupils may be outside the bus when it is backing.

Subp. 4. **In case of accidents.** In case of an accident or breakdown of the bus the driver shall not leave the bus, but shall send two of the patrol or other responsible pupils to the nearest house to summon help.

Immediate reports of all accidents, however slight, involving the school bus must be made by the driver to the authorized person and to any other authorities required by law, rule, or regulation. The driver shall prepare and keep all records and reports required by the authorized person.

7470.1100 DRIVER OF TYPE A, B, C, OR D BUS.

The driver of a type A, B, C, or D school bus shall:

A. bring the bus to a full stop and disengage gears by shifting into neutral or park before loading and unloading pupils;

B. use the prewarning amber flashing signals, flashing red signals, and stop signal arm in accordance with Minnesota Statutes, section 169.443;

C. maintain at least a 50-foot interval when following another bus entering or leaving the school ground, and at least 500 feet when traveling on the highway, in accordance with Minnesota Statutes, section 169.18, subdivision 8, paragraph (b);

D. load or unload pupils only where the view is unobstructed to the motorist for 500 feet in either direction on a roadway with a speed limit of 35 miles per hour or greater and where the view is unobstructed for at least 100 feet where the speed limit is less than 35 miles per hour;

E. be responsible for safely delivering the pupils who must cross the highway to the left side of the road by one of the following methods: the pupil shall pass around in front of the vehicle and cross the road only upon receiving word or signal from the driver; or the pupil shall pass around in front of the bus and be conducted across the road by the school bus patrol or the bus monitor; or the driver shall personally conduct the pupils across the road; and

F. stop at all railroad crossings whether carrying passengers or not in accordance with Minnesota Statutes, section 169.28. The driver shall activate the four-way hazard warning lights not less than 100 feet from the nearest rail, and stop not less than ten feet from the nearest rail. While so stopped, the driver shall open the driver's window and service door to look and listen in both directions along the track for any approaching train. Eight-lamp prewarning alternately flashing

amber signals and flashing red stop signals must not be used at railroad crossings. Hazard warning signals should be used.

7470.1200 FLAGGING AT RAILROAD GRADE CROSSINGS

A school bus must not be flagged across railroad grade crossings except at such railroad grade crossings as the local school authorized person may designate.

Flagging must be done in the following manner.

The pupil or bus monitor shall take a position so as to have a clear view of the railroad tracks in both directions. If a train is approaching, the pupil or monitor shall not cross the track but shall face the bus and signal the bus not to proceed by holding up both hands above his head. On making certain that the track is clear and safe for crossing, the pupil or monitor shall signal the driver to cross the tracks by a forward motion of an upraised arm. The driver must be sure to check for approaching trains and be certain it is safe to cross before driving the bus across the tracks. The pupil or monitor shall not reenter the bus until the bus has crossed the tracks to a safe distance.

7470.1300 EQUIPMENT, INSPECTION AND USE.

No school bus shall be driven unless the driver or other designated person has inspected the vehicle to ensure that, at a minimum, the following parts and accessories are in good working order: service brakes, including trailer brake connections; parking (hand) brakes; steering mechanism; lighting devices and reflectors; tires; fluid levels; horn; windshield wiper or wipers; rear-vision and crossover mirrors, including their proper adjustment; eight-lamp system; and stop arm. A copy of the current daily pretrip inspection report must be carried in the bus.

7470.1400 OPERATION OF TYPE III SCHOOL BUSES.

The operating rules in parts 7470.1000 to 7470.1500 govern the operation of Type III school buses used for transporting pupils when owned and operated by a school district or nonpublic school, or privately owned and operated under an agreement with a school district or nonpublic school. Type III school buses are restricted to automobiles, station wagons, and other vehicles having a manufacturer's rated seating capacity of ten or fewer people including the driver, and a gross vehicle weight rating of 10,000 pounds or less.

7470.1500 DRIVER OF TYPE III BUSES

The driver of a Type III school bus shall not:

- A. operate vehicle as a Type A, B, C, or D school bus;
- B. not stop traffic.
- C. load or unload in a vehicular traffic lane or on the shoulder, but is restricted to curb, non-traffic side (normal parking lane), off-street loading areas, driveways, yard service, and other areas to avoid any hazardous conditions.
- D. load or unload in the right-hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated turn lane.
- E. load or unload so that a pupil has to cross the road except where not possible or impractical, then the driver or aide shall personally escort the pupil across the road;
- F. escort a pupil across the road under item E unless the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile;
- G. load or unload before making a complete stop and disengaging gears by shifting into neutral or park; or
- H. operate the vehicle as a school bus, whether carrying pupil passengers or not, without displaying the "Vehicle Stops At RR Crossings" sign and stopping at all railroad crossings. The sign may be covered or removed when vehicle is not operating as a school bus.

7470.1600 TRANSPORTING PUPILS WITH DISABILITIES.

Subpart 1. **Services provided.** Minnesota Statutes, sections 125A.03 to 125A.24, requires school districts to provide special education and services for a school age resident with a disability. Accordingly, free transportation services must be provided to any child with a disability who requires special transportation services because of the child's disabling conditions or special program needs.

Parts 7470.1600 and 7470.1700 apply to transportation of a child with a disability, as defined in Minnesota Statutes, section 125A.02, when the disabling conditions of the child are such that the child cannot be safely transported on the regular school bus route or when the child is transported on a special route for the purpose of attending an approved special education program.

Parts 7470.1600 and 7470.1700 are not applicable to parents who transport their own child under contract with a school district or nonpublic school.

Subp. 2. **Appeal process.** Any parent of a child with a disability who believes that the transportation services provided for that child are not in compliance with parts 7470.1600 and 7470.1700 may utilize the due process procedures provided for in Minnesota Statutes, sections 125A.03 to 125A.24.

Subp. 3. **Length of transit time.** The length of time a pupil with a disability is transported must be appropriate to the physical, mental, and emotional well being of the pupil. In general, a pupil with a disability should not spend more time in transit than a pupil without a disability except as may be required because of the unique location of the pupil's educational program.

Subp. 4. **Type of vehicle.** The school district shall determine the type of vehicle used to transport pupils with a disability on the basis of the disabling conditions of those pupils. These vehicles must comply with Minnesota Statutes, section 169.4504.

Subp. 5. **Additional assistance; determination.** Vehicles used to transport pupils with a disability must be equipped with a two-way communications system or have a responsible aide, or both, to provide necessary assistance and supervision that cannot safely be provided by the driver. A school district may determine that an aide is required. The determination of whether an aide is required must reflect the needs of the pupils and be based on such factors as disabilities of pupils transported, distance traveled, density of population, terrain, and other factors that may affect the safety of the pupil passengers. Exceptions to this subpart may be made upon mutual agreement between the parents and the school district.

Subp. 6. **Special equipment.** Specially adapted seats, support, or protective devices must be provided for all pupils who require the devices to ensure their safe transportation. These devices must be selected by the school district in consultation with the pupil's parents and on the basis of the specific needs of the individual pupil with a disability.

Subp. 7. **Wheelchair securement.** A school bus used to transport pupils in wheelchairs must be equipped with fastening devices that will hold the wheelchairs securely in a fixed position.

7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.

Subpart 1. **Drivers generally.** Each driver of a vehicle for pupils with a disability shall be carefully selected to assure the driver can perform the requirements of the job. Drivers must be assigned to each route on a regular basis whenever possible.

Subp. 2. **Information necessary.** Each aide assigned to a vehicle transporting pupils with a disability, or driver if no aide is assigned, or both, shall have available to them in the vehicle a typewritten card indicating:

- A. the pupil's name and address;
- B. the nature of the pupil's disabilities;
- C. emergency health care information; and
- D. the names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency.

Subp. 3. **Training.** Each driver and aide assigned to a vehicle transporting pupils with a disability must:

- A. be instructed in basic first aid and procedures for the pupils under their care;
- B. within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities;
- C. assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and
- D. ensure that protective safety devices, as required in part 7470.1600, subpart 6, are in use and fastened properly.