

House Research Act Summary

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SESSION: 2009 Regular Session

TOPIC: Type III vehicle regulation

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This act modifies a law enacted in 2008 that established regulations for drivers of type III vehicles, which are certain passenger autos, vans, and buses with a capacity of ten or fewer people (including the driver), and a maximum gross vehicle weight of 10,000 pounds. The changes are to:

- Modify the exemption from some of the type III driver requirements, so that all drivers must (1) undergo a background check, (2) have their license annually verified by the employer, and (3) notify the employer if convicted for certain DWI and traffic regulation offenses;
- Clarify the exemptions from the physical exam and drug and alcohol testing provisions, to replace the “normal duties” test with an exemption that applies to all school and school district employees who are “not employed for the sole purpose of operating a type III vehicle;”
- Clarify that holders of any class of commercial driver’s license may operate a type III vehicle without a school bus endorsement (if the other requirements are met);
- Specify that the school district or employer’s driver training and certification has to include information on the requirement that the driver report convictions for certain DWI and traffic regulation offenses;
- Clarify that the driver’s employer must require pre-employment drug and alcohol testing (unless the driver is exempted), and that drivers must comply with any employer’s program for random or reasonable suspicion testing; and
- Make technical changes.

Under the 2008 law, the requirements to be able to transport students without a commercial license are that:

- the type III vehicle operator is an employee of the school bus owner, lessor, or contractor;
- the employer (e.g., school district or bus transport contractor) has a program for training and certification;

- there is a background investigation (which does not apply to occasional type III vehicle drivers when the driver's "normal duties do not include operating a type III vehicle");
- the driver receives a physical examination (except for occasional drivers);
- the employer has a mandatory drug and alcohol testing program for job applicants, and may have random testing and reasonable suspicion testing for employees (except for occasional drivers);
- the driver's license is annually verified (except for occasional drivers);
- the driver has not been recently convicted of various automotive and DWI-related offenses;
- the driver notifies his or her employer within ten days of a conviction for any of the offenses that prevent operating the vehicle (except for occasional drivers);
- students receive school bus passenger training;
- the district or school bus contractor maintains documentation that the requirements are being met; and
- the vehicle has a State Patrol inspection certificate. Minn. Stat. § 171.02, subds. 2, 2b.