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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1163

02/23/2015 Authored by Zerwas, Cornish, McNamara, Drazkowski and Erhardt

The bill was read for the first time and referred to the Committee on Education Innovation Policy

03/05/2015 Adoption of Report: Re-referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to transportation; modifying requirements for issuance of school bus
1.3 driver's license endorsement; amending Minnesota Statutes 2014, section
1.4 171.321, subdivisions 1, 3, by adding subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 171.321, subdivision 1, is amended to read:

1.7 Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting
1.8 school children to or from school or upon a school-related trip or activity without having a
1.9 valid class A, class B, or class C driver's license with a school bus endorsement except
1.10 that a person possessing a valid driver's license but not a school bus endorsement may
1.11 drive a type III vehicle or a school bus, subject to the requirements of section 171.02,
1.12 subdivisions 2, 2a, and 2b. The commissioner shall utilize the criteria in this section
1.13 and section 171.3215 when issuing or denying a new school bus endorsement, or when
1.14 renewing or canceling an existing endorsement.

1.15 Sec. 2. Minnesota Statutes 2014, section 171.321, subdivision 3, is amended to read:

1.16 Subd. 3. **Records check of applicant.** (a) Before issuing or renewing a school
1.17 bus endorsement, the commissioner shall conduct a criminal history and driver's license
1.18 records check of the applicant. The commissioner may also conduct the check at any time
1.19 while a person is so licensed. The check must consist of a criminal history check of the
1.20 state criminal records repository and a check of the driver's license records system. If the
1.21 applicant has resided in Minnesota for less than five years, the check must also include
1.22 a national criminal history check. The commissioner shall accept the national criminal
1.23 history check request and the fingerprints of the applicant and is authorized to exchange

2.1 fingerprints with the Federal Bureau of Investigation and request the Federal Bureau of
 2.2 Investigation to conduct a criminal history check. The applicant's failure to cooperate
 2.3 with the commissioner in conducting the records check is reasonable cause to deny an
 2.4 application or cancel a school bus endorsement. The commissioner may not release the
 2.5 results of the records check to any person except the applicant or the applicant's designee
 2.6 in writing.

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

2.15 Sec. 3. Minnesota Statutes 2014, section 171.321, is amended by adding a subdivision
 2.16 to read:

2.17 Subd. 3a. **Application for temporary endorsement; records check.** (a) The
 2.18 commissioner may issue to an otherwise qualified applicant a temporary school bus
 2.19 endorsement, effective for no more than 180 days, upon presentation of:

2.20 (1) a notarized affidavit from the applicant:

2.21 (i) attesting that the applicant is not currently charged with a felony against another
 2.22 and has not been convicted of a disqualifying offense under section 171.3215; and

2.23 (ii) identifying the states in which the applicant has resided in the five years
 2.24 immediately before the date of application; and

2.25 (2) a notarized affidavit from an authorized individual of a school district or a
 2.26 contractor employed by a school or school district:

2.27 (i) attesting that a criminal records check has been requested on the applicant;

2.28 (ii) specifying the source of the criminal records check; and

2.29 (iii) attesting that the affiant has no knowledge that the applicant is currently charged
 2.30 with a felony against another or has been convicted of a disqualifying offense under
 2.31 section 171.3215.

2.32 (b) The criminal records check must be obtained:

2.33 (1) from the Bureau of Criminal Apprehension state criminal records repository
 2.34 for an individual who has resided in this state for the five years immediately before the
 2.35 date of application; or from a government agency performing the same function as the

3.1 Bureau of Criminal Apprehension in each resident state other than Minnesota for an
3.2 individual who has resided in a state other than Minnesota at any time in the five years
3.3 immediately before the date of application;

3.4 (2) from the Federal Bureau of Investigation; or

3.5 (3) from a private source acceptable to the commissioner.

3.6 (c) The commissioner may reissue the temporary endorsement if the criminal records
3.7 check request is timely submitted but not completed within the 180-day period.

3.8 Sec. 4. Minnesota Statutes 2014, section 171.321, is amended by adding a subdivision
3.9 to read:

3.10 Subd. 3b. **Felony charges.** (a) The commissioner shall not consider the application
3.11 for an initial school bus endorsement of an individual charged with a felony against
3.12 another until that individual is found not guilty of the charge.

3.13 (b) A driver with a school bus endorsement who is charged with a felony against
3.14 another shall notify the employer within seven days of the charge. If the driver fails to
3.15 notify the employer, the commissioner shall revoke the endorsement. If the endorsement is
3.16 revoked under this paragraph, the commissioner shall not reinstate the endorsement until:

3.17 (1) the driver is found not guilty of the charge; or

3.18 (2) the later of five years after final disposition of the case or the applicant's release
3.19 from a correctional facility.