

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1390**

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending section 53 (MCL 257.1853).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53. (1) All regular drivers and substitute drivers of
2 school buses transporting passengers and pupil transportation
3 vehicles used for the regularly scheduled transportation of pas-
4 sengers to and from home shall, at a minimum, meet the following
5 qualifications:
6 (a) The requirements of sections 49 and 51.
7 (b) For a school bus or pupil transportation vehicle operat-
8 ing in intrastate transportation, the annual physical require-
9 ments for school bus and pupil transportation vehicle drivers as
10 authorized by the superintendent of public instruction. In
11 meeting these physical requirements, the driver shall be examined

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1 by a licensed physician or PHYSICIANS' ASSISTANT and shall
2 present the physician's certificate to the employer.

3 (c) An employer who has reason to believe that a driver is
4 not physically qualified to drive may require a physical examina-
5 tion for that driver in accordance with subdivision (b) at more
6 frequent intervals. If an employer requests a physical examina-
7 tion under this subdivision, the employer shall indicate in writ-
8 ing what physical impairment covered under the requirements of
9 subdivision (b) the driver is to be examined for and shall only
10 be entitled to that portion of the examination results which per-
11 tain to that impairment. An examination requested by the
12 employer under this subdivision shall be paid for by the
13 employer.

14 (d) A copy of the physician's certificate for a driver shall
15 be carried by that driver while he or she is operating a school
16 bus or pupil transportation vehicle.

17 (2) A record of each employed school bus or pupil transpor-
18 tation vehicle driver, including a copy of his or her physician's
19 certificate, department of education certification, driver
20 license, certificate of road test application for employment, and
21 any other information that relates to driver qualification or
22 ability to safely drive a school bus or pupil transportation
23 vehicle, shall be maintained in the employer's administrative
24 office.

25 (3) A school shall submit transportation safety related doc-
26 uments, such as driver qualification records, and vehicle
27 maintenance records upon request for inspection and copying to

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1 motor carrier officers or vehicle inspectors of the department of
2 state police.

3 (4) Upon receipt of an application from a person for the
4 position of school bus driver or pupil transportation vehicle
5 driver, a school shall request from the department of state
6 police a background check to determine whether the person was
7 convicted of any of the following offenses:

8 (a) Criminal sexual conduct in any degree.

9 (b) Assault with intent to commit criminal sexual conduct.

10 (c) An attempt to commit criminal sexual conduct in any
11 degree.

12 (d) Felonious assault on a child, child abuse, or cruelty,
13 torture, or indecent exposure involving a child.

14 (e) A violation of section 145c of the Michigan penal code,
15 ~~Act No. 328 of the Public Acts of 1931, being section 750.145c~~
16 ~~of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.145C.

17 (5) A person shall not smoke on a school bus or pupil trans-
18 portation vehicle. ~~within 1 hour before use of the school bus or~~
19 ~~pupil transportation vehicle by pupils.~~

20 (6) A person shall not possess or consume alcoholic liquor
21 or a controlled substance on a school bus or pupil transportation
22 vehicle.