

Act No. 131
Public Acts of 2004
Approved by the Governor
June 3, 2004
Filed with the Secretary of State
June 3, 2004
EFFECTIVE DATE: June 3, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman

ENROLLED SENATE BILL No. 979

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

The People of the State of Michigan enact:

Sec. 53. (1) All regular drivers and substitute drivers of school buses transporting passengers and pupil transportation vehicles used for the regularly scheduled transportation of passengers to and from home shall, at a minimum, meet the following qualifications:

(a) The requirements of sections 49 and 51.

(b) For a school bus or pupil transportation vehicle operating in intrastate transportation, the annual physical requirements for school bus and pupil transportation vehicle drivers as authorized by the superintendent of public instruction. In meeting these physical requirements, the driver shall be examined by a licensed physician, physicians' assistant, or certified nurse practitioner and shall present the medical certificate to the employer.

(c) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver in accordance with subdivision (b) at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment covered under the requirements of subdivision (b) the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision shall be paid for by the employer.

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

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

(3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle inspectors of the department of state police.

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

- (a) Criminal sexual conduct in any degree.
- (b) Assault with intent to commit criminal sexual conduct.
- (c) An attempt to commit criminal sexual conduct in any degree.
- (d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.
- (e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.
- (5) A person shall not smoke on a school bus or pupil transportation vehicle.

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

(7) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor