

HOUSE BILL No. 5363

September 15, 2009, Introduced by Reps. Haines, Terry Brown, Kowall, Wayne Schmidt, Genetski, Agema, Ball, McMillin, Haveman, DeShazor, Lori, Moss, Knollenberg, Meekhof, Espinoza, Hansen, Hammel, LeBlanc, Sheltroun and McDowell and referred to the Committee on Transportation.

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending sections 51 and 53 (MCL 257.1851 and 257.1853), as
amended by 2006 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51. (1) A driver of a school bus transporting passengers
2 shall have in his or her possession a certificate stating that he
3 or she has enrolled in the entry level school bus safety education
4 course or has successfully completed a course in school bus safety
5 education within the immediately preceding 2 years. The entry level
6 course shall be available to the school bus driver within 90 days
7 of enrollment. ~~Enrollment~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
8 **SUBSECTION, ENROLLMENT** certificates shall expire 10 days after the

1 end of the entry level course in which the driver is enrolled. A
2 second enrollment certificate shall not be issued. **IF A PERSON**
3 **COMPLETES THE ENTRY LEVEL SCHOOL BUS SAFETY EDUCATION COURSE AFTER**
4 **JUNE 30 OF ANY GIVEN YEAR AND BEFORE COMPLETING THE SUBSEQUENT 6-**
5 **HOUR CONTINUING EDUCATION COURSE, THE DURATION OF THE ENTRY LEVEL**
6 **CERTIFICATE MAY BE EXTENDED TO THE COMPLETION OF THE NEXT AVAILABLE**
7 **SUBSEQUENT 6-HOUR CONTINUING EDUCATION COURSE.** The entry level
8 course and subsequent 6-hour continuing education course shall be
9 approved by the superintendent of public instruction and shall be
10 provided by an approved educational agency. The certificate of
11 successful completion of each course shall be prescribed by the
12 superintendent of public instruction and successfully completed by
13 an instructor of the course. Failure to successfully complete the
14 entry level course or to complete the 6-hour continuing education
15 course within 2 years after certification of successful completion
16 of a prior course shall be reported by the instructional agency to
17 the department of education and to the school which employs the
18 driver. A driver who fails to successfully complete the entry level
19 course within 90 days after enrollment or to meet the continuing
20 education requirements shall not be permitted to drive a school bus
21 transporting passengers.

22 (2) The person or persons in charge of school bus operations
23 at a school shall have, at a minimum, successfully completed the
24 beginning school bus driver training program in his or her first
25 year serving as the person or persons in charge of the operation.
26 The person or persons in charge of school bus operations at a
27 school shall successfully complete 6 hours of supervisory

1 continuing education every 2 years after the successful completion
2 of the beginning school bus driver training program. The continuing
3 education course or courses shall be approved by the superintendent
4 of public instruction and shall be provided by an approved
5 educational agency.

6 (3) The cost of any course instruction and the base rate of
7 compensation of the driver shall be reimbursed by the state on an
8 equal basis for public and nonpublic schools as provided for by the
9 department of education. Attendance by a person at an entry level
10 course, a continuing education course, or an on-road driver skills
11 test as required by this section or section 52 shall be considered
12 compensable work time by the school and the person shall be paid at
13 not less than their base rate as determined by their individual
14 contract of employment or their contractual rate as negotiated
15 between the school and the person's collective bargaining
16 representative.

17 (4) The legislature shall appropriate the funds necessary to
18 implement this section.

19 Sec. 53. (1) A driver of a school bus shall, at a minimum,
20 meet the following qualifications:

21 (a) The requirements of sections 49 and 51.

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

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1 ~~employer.~~

2 (B) THE REQUIREMENTS TO ENSURE THAT A PERSON IS QUALIFIED TO
3 OPERATE A SCHOOL BUS FOUND IN 49 CFR 391.41 THROUGH 391.49,
4 INCLUDING THE APPENDICES OF EACH PART, EXCEPT THAT THE REQUIREMENT
5 OF 49 CFR 391.41(B)(3) DOES NOT APPLY IF [THE DRIVER OF THE SCHOOL BUS IS
EMPLOYED AS A SCHOOL BUS DRIVER ON THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS SUBDIVISION AND] DIABETES IS NOTED AT THE
TIME OF EXAMINATION AND IS STABILIZED AS PROVIDED IN SUBDIVISION

7 (C).

8 (C) A DRIVER WHO IS DIABETIC MAY BE QUALIFIED FOR 1 YEAR IF
9 THE DRIVER'S HEMOGLOBIN A1C LEVEL IS LESS THAN 8, THE DRIVER IS
10 UNDER MEDICAL SUPERVISION, AND THE DIABETIC CONDITION IS STABILIZED
11 BY THE USE OF INSULIN, HYPOGLYCEMIC DRUGS, OR A DIET THAT CAN BE
12 OBTAINED WHILE A DRIVER IS ON DUTY. IF THE HEMOGLOBIN A1C LEVEL IS
13 8 OR GREATER AND LESS THAN 9, THE DRIVER MAY BE CERTIFIED FOR 6
14 MONTHS. IF THE HEMOGLOBIN A1C LEVEL IS 9 OR ABOVE, THE DRIVER SHALL
15 NOT BE CERTIFIED. QUALIFIED INDIVIDUALS AFFECTED UNDER THIS
16 SUBDIVISION SHALL BE ISSUED A BLUE DEPARTMENT OF EDUCATION MEDICAL
17 CARD, AND ALL OTHER INDIVIDUALS SHALL BE ISSUED A WHITE FEDERAL
18 DEPARTMENT OF TRANSPORTATION MEDICAL CARD.

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

1 this subdivision shall be paid for by the employer.

2 (E) ~~(d)~~—A copy of the medical certificate for a driver shall
3 be carried by that driver while he or she is operating a school
4 bus.

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

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

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

20 (a) Criminal sexual conduct in any degree.

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

22 (c) An attempt to commit criminal sexual conduct in any
23 degree.

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

26 (e) A violation of section 145c of the Michigan penal code,
27 1931 PA 328, MCL 750.145c.

1 (5) A person shall not smoke on a school bus.

2 (6) A person shall not possess or consume alcoholic liquor or
3 a controlled substance on a school bus.

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