

Act No. 93  
Public Acts of 2010  
Approved by the Governor  
June 22, 2010  
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June 22, 2010  
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**STATE OF MICHIGAN**  
**95TH LEGISLATURE**  
**REGULAR SESSION OF 2010**

**Introduced by Reps. Haines, Terry Brown, Kowall, Wayne Schmidt, Genetski, Agema, Ball, McMillin, Haveman, DeShazor, Lori, Moss, Knollenberg, Meekhof, Espinoza, Hansen, Hammel, LeBlanc, Sheltrown and McDowell**

# **ENROLLED HOUSE BILL No. 5363**

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus 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 sections 51 and 53 (MCL 257.1851 and 257.1853), as amended by 2006 PA 108.

*The People of the State of Michigan enact:*

Sec. 51. (1) A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years. The entry level course shall be available to the school bus driver within 90 days of enrollment. Except as otherwise provided in this subsection, enrollment certificates shall expire 10 days after the end of the entry level course in which the driver is enrolled. A second enrollment certificate shall not be issued. If a person completes the entry level school bus safety education course after June 30 of any given year and before completing the subsequent 6-hour continuing education course, the duration of the entry level certificate may be extended to the completion of the next available subsequent 6-hour continuing education course. The entry level course and subsequent 6-hour continuing education course shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency. The certificate of successful completion of each course shall be prescribed by the superintendent of public instruction and successfully completed by an instructor of the course. Failure to successfully complete the entry level course or to complete the 6-hour continuing education course within 2 years after certification of successful completion of a prior course shall be reported by the instructional agency to the department of education and to the school which employs the driver. A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers.

(2) The person or persons in charge of school bus operations at a school shall have, at a minimum, successfully completed the beginning school bus driver training program in his or her first year serving as the person or persons in charge of the operation. The person or persons in charge of school bus operations at a school shall successfully complete 6 hours of supervisory continuing education every 2 years after the successful completion of the beginning school bus driver training program. The continuing education course or courses shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency.

(3) The cost of any course instruction and the base rate of compensation of the driver shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. Attendance by a person at an entry level course, a continuing education course, or an on-road driver skills test as required by this

section or section 52 shall be considered compensable work time by the school and the person shall be paid at not less than their base rate as determined by their individual contract of employment or their contractual rate as negotiated between the school and the person's collective bargaining representative.

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

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

(a) The requirements of sections 49 and 51.

(b) The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section, except that the requirement of 49 CFR 391.41(b)(3) does not apply if either of the following is true:

(i) The driver of the school bus has been granted a waiver under section 3 of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.13.

(ii) The driver of the school bus is employed as a school bus driver on the effective date of the amendatory act that added this subdivision, diabetes is noted at the time of examination, and the requirements of subdivision (c) are met.

(c) For a school bus driver with diabetes to be exempt from the requirements of 49 CFR 391.41(b)(3) as provided in subdivision (b), in addition to the requirements in subdivision (b), all of the following requirements must apply:

(i) The driver has been evaluated and treated for diabetes by a physician and has visited the physician at least 2 times in the year before the physician completes a survey as required by subparagraph (ii).

(ii) The physician described in subparagraph (i) has completed a physician's information survey about the driver on the form prepared by the state board of education.

(iii) The answers to the physician's information survey indicates that all of the following apply:

(A) The driver knows what to do if he or she has a hypoglycemic reaction.

(B) The driver can accurately describe the type, frequency, and peak action of his or her insulin or oral agent.

(C) The driver understands the importance of spacing meals and snacks and of not misusing meals.

(D) The driver knows how to and, to the physician's knowledge, does follow his or her meal plan.

(E) The physician has discussed with the driver the driver's history of hypoglycemic reactions.

(F) The driver is able to recognize signs or symptoms of hypoglycemia in himself or herself.

(G) The driver always carries an easily accessible source of sugar or simple carbohydrate.

(iv) The physician's information survey indicates that the driver has not had a hypoglycemic reaction severe enough to interfere with the ability to safely drive and control a school bus in the year before the physician completed the physician's survey. This subparagraph does not apply if the reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.

(v) The physician's information survey indicates that the driver has not been admitted to a hospital or been seen in an emergency department or urgent care facility for a severe hypoglycemic reaction in the year before the physician completed the physician's survey. This subparagraph does not apply if the reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.

(vi) The physician's information survey indicates that in the physician's professional opinion, the driver's diabetes is at least adequately controlled.

(vii) If the driver is using insulin or other hypoglycemic agents, the driver has completed a driver's information survey on the form prepared by the state board of education.

(viii) The driver remains under adequate medical supervision.

(ix) The driver supplies supplemental physician's and driver's information surveys annually.

(d) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment 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.

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

(2) A record of each employed school bus 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, 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 safety inspectors of the department of state police.

(4) Upon receipt of an application from a person for the position of school bus 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.

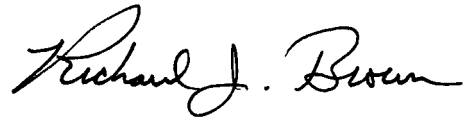
(e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

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

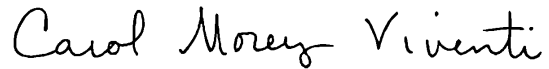
(6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus.

(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.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor