

## SCHOOL BUS DRIVER MEDICAL QUALIFICATIONS

Phone: (517) 373-8080  
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**House Bill 4861 as introduced**  
**Sponsor: Rep. Jack O'Malley**  
**Committee: Transportation**  
**Complete to 6-7-21**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4861 would amend the Pupil Transportation Act to revise a provision concerning school bus drivers who have diabetes treated with insulin. This revision is related to recent changes made to the federal regulations that apply to medical qualifications for interstate commercial drivers. The bill would remove state provisions under which a school bus driver may obtain a waiver related to a federal restriction for drivers with insulin-treated diabetes. The applicable federal regulations have been amended to provide certification at the federal level to a driver with insulin-treated diabetes who has a medical evaluation by his or her doctor and an annual examination by a medical examiner and meets other criteria. The bill would eliminate the state waiver process for drivers with insulin-treated diabetes and instead require that a driver must meet the revised federal regulations.

The Pupil Transportation Act prescribes several requirements that must be met by a school bus driver. Among other things, as prescribed by section 53 of the act, the driver must meet the physical qualification requirements found in 49 CFR 391.41 to 391.49 (including appendices). These are rules of the Federal Motor Carrier Safety Administration (FMCSA) that apply to the medical certification of interstate commercial drivers.

Section 53 of the Pupil Transportation Act was last amended by 2010 PA 93.<sup>1</sup> That amendatory act eliminated a requirement that a school bus driver must meet medical standards of the Michigan Department of Education and added the current requirement that the driver must meet the federal rules described above. As the federal rules existed at that time, 49 CFR 391.41(b)(3) provided that a person was physically qualified to drive a commercial motor vehicle as long as he or she did not have an established medical history or clinical diagnosis of diabetes requiring insulin for control. Generally speaking, the rules prohibited a driver with insulin-treated diabetes from driving commercial motor vehicles in interstate commerce unless they obtained an exemption from FMCSA.

In adopting the federal requirements, 2010 PA 93 also provided a process under which drivers subject to 49 CFR 391.41(b)(3) who were otherwise medically qualified could apply for a waiver from 49 CFR 391.41(b)(3) in meeting the school bus driver qualifications.<sup>2</sup> These provisions are the current law that House Bill 4861 would amend. To be eligible for a waiver, a driver must meet certain specified requirements, such as providing an annual statement from his or her doctor that the driver's diabetes is adequately controlled and that the driver knows both how to recognize signs of hypoglycemia and what to do in the event of a hypoglycemic reaction.

<sup>1</sup> <http://legislature.mi.gov/doc.aspx?2009-HB-5363>

<sup>2</sup> See [https://www.michigan.gov/documents/mde/InsulinDependentSchool\\_Bus\\_Driver\\_371249\\_7.pdf](https://www.michigan.gov/documents/mde/InsulinDependentSchool_Bus_Driver_371249_7.pdf)

2011 PA 156 amended the Motor Carrier Safety Act to allow the Motor Carrier Safety Appeal Board, which hears and decides applications for waivers from federal medical requirements for certain commercial drivers, to also hear and decide applications for a medical waiver for school bus drivers, as described above.

In 2018, FMCSA amended the federal regulations concerning the certification of individuals with insulin-treated diabetes as interstate commercial drivers.<sup>3</sup> The new rules, with some exceptions, generally allow drivers with a stable insulin regimen and properly controlled insulin-treated diabetes to be qualified to drive commercial vehicles in interstate commerce if a certified medical examiner determines upon examination that they meet FMCSA physical qualification standards.<sup>4</sup> This examination must take place at least annually. The driver must also be evaluated by the doctor who is treating his or her diabetes,<sup>5</sup> and the certified medical examiner takes that evaluation into account in his or her examination and determination. (These provisions are found in 49 CFR 391.46.) As a result of these federal rule changes, medical waivers are no longer required for drivers with insulin-treated diabetes. The federal diabetes exemption program has been ended, and the Michigan Motor Carrier Safety Appeal Board advises that medical waivers are no longer required for commercial drivers with insulin-treated diabetes.<sup>6</sup>

The bill would amend the Pupil Transportation Act to eliminate the waiver program for school bus drivers with insulin-treated diabetes and to remove references to the federal restriction contained in 49 CFR 391.41(b)(3).

The bill would provide that a driver of a school bus, among the act's other requirements, must meet the requirements to ensure that a person is qualified to operate a school bus that are found in 49 CFR 391.41 to 391.49 (including appendices).

MCL 257.1853

#### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: E. Best  
Fiscal Analyst: Michael Cnossen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>3</sup> See <https://www.diabetes.org/sites/default/files/2019-08/FMCSA%20Final%20Rule%20FAQ.pdf>

<sup>4</sup> <https://www.govinfo.gov/content/pkg/FR-2018-09-19/pdf/2018-20161.pdf>

<sup>5</sup> See <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/medical/422521/itdm-assessment-form-final.pdf>

<sup>6</sup> [https://www.michigan.gov/msp/0,4643,7-123-72297\\_59877\\_62894---,00.html](https://www.michigan.gov/msp/0,4643,7-123-72297_59877_62894---,00.html)