



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4861 (as passed by the House)  
Sponsor: Representative Jack O'Malley  
House Committee: Transportation  
Senate Committee: Transportation and Infrastructure

Date Completed: 10-27-21

### **CONTENT**

#### **The bill would amend the Pupil Transportation Act to eliminate requirements that a school bus driver with diabetes would have to meet to be qualified as a bus driver.**

Generally, the Act prescribes the minimum qualifications that a school bus driver must meet. Among other things, a school bus driver must meet the requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49 (which are regulations pertaining to physical qualifications and examinations under the Federal Motor Carrier Safety Act), including the appendices of each section, except that the requirements of 49 CFR 391.41(b)(3) do not apply if the school bus driver has been granted a waiver under the Motor Carrier Safety Act or the school bus driver is employed as a school bus driver on a certain date, diabetes is noted at the time of the examination, and certain other requirements are met. The bill would delete the exception from requirement of 49 CFR 391.41(b)(3).

(Under 49 CFR 391.41(b)(3), a person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently treated with insulin for control, unless the person meets certain requirements as prescribed by Federal law.)

For a school bus driver with diabetes to be exempt from the requirements of 49 CFR 391.41(b)(3) as described above, the Act requires all the following to apply:

- The driver has been evaluated and treated for diabetes by a physician and has visited the physician at least two times in the year before the physician completes a survey as required below.
- The physician described above has completed the physician's information survey about the driver on the form prepared by the State Board of Education.
- The answers to the physician's information survey indicate that the driver knows certain information about his or her medical condition.
- The physician's information survey indicates that the driver has not had a hypoglycemic reaction severe enough to interfere with the ability to drive and control safely a school bus in the year before the physician completed the survey, unless the reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.
- 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 survey, unless the

reaction occurred when therapy was initiated and the driver has learned how to manage therapy without incident.

- The physician's information survey indicates that in the physician's professional opinion, the driver's diabetes is at least adequately controlled.
- 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.
- The driver remains under adequate medical supervision.
- The driver supplies supplemental physician's and driver's information surveys annually.

The bill would delete the requirements described above.

MCL 257.1853

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Cory Savino

SAS\S2122\s4861sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.