

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5363

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
9 end of the entry level course in which the driver is enrolled. A

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

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

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

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

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

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

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

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

1 (B) THE REQUIREMENTS TO ENSURE THAT A PERSON IS QUALIFIED TO
2 OPERATE A SCHOOL BUS FOUND IN 49 CFR 391.41 TO 391.49, INCLUDING
3 THE APPENDICES OF EACH SECTION, EXCEPT THAT THE REQUIREMENT OF 49
4 CFR 391.41(B) (3) DOES NOT APPLY IF EITHER OF THE FOLLOWING IS TRUE:

5 (i) THE DRIVER OF THE SCHOOL BUS HAS BEEN GRANTED A WAIVER
6 UNDER SECTION 3 OF THE MOTOR CARRIER SAFETY ACT OF 1963, 1963 PA
7 181, MCL 480.13.

8 (ii) THE DRIVER OF THE SCHOOL BUS IS EMPLOYED AS A SCHOOL BUS
9 DRIVER ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
10 SUBDIVISION, DIABETES IS NOTED AT THE TIME OF EXAMINATION, AND THE
11 REQUIREMENTS OF SUBDIVISION (C) ARE MET.

12 (C) FOR A SCHOOL BUS DRIVER WITH DIABETES TO BE EXEMPT FROM
13 THE REQUIREMENTS OF 49 CFR 391.41(B) (3) AS PROVIDED IN SUBDIVISION
14 (B), IN ADDITION TO THE REQUIREMENTS IN SUBDIVISION (B), ALL OF THE
15 FOLLOWING REQUIREMENTS MUST APPLY:

16 (i) THE DRIVER HAS BEEN EVALUATED AND TREATED FOR DIABETES BY A
17 PHYSICIAN AND HAS VISITED THE PHYSICIAN AT LEAST 2 TIMES IN THE
18 YEAR BEFORE THE PHYSICIAN COMPLETES A SURVEY AS REQUIRED BY
19 SUBPARAGRAPH (ii) .

20 (ii) THE PHYSICIAN DESCRIBED IN SUBPARAGRAPH (i) HAS COMPLETED A
21 PHYSICIAN'S INFORMATION SURVEY ABOUT THE DRIVER ON THE FORM
22 PREPARED BY THE STATE BOARD OF EDUCATION.

23 (iii) THE ANSWERS TO THE PHYSICIAN'S INFORMATION SURVEY
24 INDICATES THAT ALL OF THE FOLLOWING APPLY:

25 (A) THE DRIVER KNOWS WHAT TO DO IF HE OR SHE HAS A
26 HYPOGLYCEMIC REACTION.

27 (B) THE DRIVER CAN ACCURATELY DESCRIBE THE TYPE, FREQUENCY,

1 AND PEAK ACTION OF HIS OR HER INSULIN OR ORAL AGENT.

2 (C) THE DRIVER UNDERSTANDS THE IMPORTANCE OF SPACING MEALS AND
3 SNACKS AND OF NOT MISUSING MEALS.

4 (D) THE DRIVER KNOWS HOW TO AND, TO THE PHYSICIAN'S KNOWLEDGE,
5 DOES FOLLOW HIS OR HER MEAL PLAN.

6 (E) THE PHYSICIAN HAS DISCUSSED WITH THE DRIVER THE DRIVER'S
7 HISTORY OF HYPOGLYCEMIC REACTIONS.

8 (F) THE DRIVER IS ABLE TO RECOGNIZE SIGNS OR SYMPTOMS OF
9 HYPOGLYCEMIA IN HIMSELF OR HERSELF.

10 (G) THE DRIVER ALWAYS CARRIES AN EASILY ACCESSIBLE SOURCE OF
11 SUGAR OR SIMPLE CARBOHYDRATE.

12 (iv) THE PHYSICIAN'S INFORMATION SURVEY INDICATES THAT THE
13 DRIVER HAS NOT HAD A HYPOGLYCEMIC REACTION SEVERE ENOUGH TO
14 INTERFERE WITH THE ABILITY TO SAFELY DRIVE AND CONTROL A SCHOOL BUS
15 IN THE YEAR BEFORE THE PHYSICIAN COMPLETED THE PHYSICIAN'S SURVEY.
16 THIS SUBPARAGRAPH DOES NOT APPLY IF THE REACTION OCCURRED WHEN
17 THERAPY WAS INITIATED AND THE DRIVER HAS LEARNED HOW TO MANAGE
18 THERAPY WITHOUT INCIDENT.

19 (v) THE PHYSICIAN'S INFORMATION SURVEY INDICATES THAT THE
20 DRIVER HAS NOT BEEN ADMITTED TO A HOSPITAL OR BEEN SEEN IN AN
21 EMERGENCY DEPARTMENT OR URGENT CARE FACILITY FOR A SEVERE
22 HYPOGLYCEMIC REACTION IN THE YEAR BEFORE THE PHYSICIAN COMPLETED
23 THE PHYSICIAN'S SURVEY. THIS SUBPARAGRAPH DOES NOT APPLY IF THE
24 REACTION OCCURRED WHEN THERAPY WAS INITIATED AND THE DRIVER HAS
25 LEARNED HOW TO MANAGE THERAPY WITHOUT INCIDENT.

26 (vi) THE PHYSICIAN'S INFORMATION SURVEY INDICATES THAT IN THE
27 PHYSICIAN'S PROFESSIONAL OPINION, THE DRIVER'S DIABETES IS AT LEAST

1 ADEQUATELY CONTROLLED.

2 (vii) IF THE DRIVER IS USING INSULIN OR OTHER HYPOGLYCEMIC
3 AGENTS, THE DRIVER HAS COMPLETED A DRIVER'S INFORMATION SURVEY ON
4 THE FORM PREPARED BY THE STATE BOARD OF EDUCATION.

5 (viii) THE DRIVER REMAINS UNDER ADEQUATE MEDICAL SUPERVISION.

6 (ix) THE DRIVER SUPPLIES SUPPLEMENTAL PHYSICIAN'S AND DRIVER'S
7 INFORMATION SURVEYS ANNUALLY.

8 (D) ~~(e)~~—An employer who has reason to believe that a driver is
9 not physically qualified to drive may require a physical
10 examination for that driver ~~in accordance with subdivision (b)~~ at
11 more frequent intervals. If an employer requests a physical
12 examination under this subdivision, the employer shall indicate in
13 writing what physical impairment ~~covered under the requirements of~~
14 ~~subdivision (b)~~ the driver is to be examined for and shall only be
15 entitled to that portion of the examination results that pertain to
16 that impairment. An examination requested by the employer under
17 this subdivision shall be paid for by the employer.

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

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

27 (3) A school shall submit transportation safety related

1 documents, such as driver qualification records, and vehicle
2 maintenance records upon request for inspection and copying to
3 motor carrier officers or vehicle safety inspectors of the
4 department of state police.

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

9 (a) Criminal sexual conduct in any degree.

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

11 (c) An attempt to commit criminal sexual conduct in any
12 degree.

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

15 (e) A violation of section 145c of the Michigan penal code,
16 1931 PA 328, MCL 750.145c.

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

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

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