

HOUSE BILL NO. 4861

May 18, 2021, Introduced by Rep. O'Malley and referred to the Committee on Transportation.

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending section 53 (MCL 257.1853), as amended by 2010 PA 93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 53. (1) A driver of a school bus shall, at a minimum,
2 meet the following qualifications:
3 (a) The requirements of sections 49 and 51.
4 (b) The requirements to ensure that a person is qualified to
5 operate a school bus found in 49 CFR 391.41 to 391.49, including

1 the appendices of each section. ~~, except that the requirement of 49~~
2 ~~CFR 391.41(b) (3) does not apply if either of the following is true:~~

3 ~~(i) The driver of the school bus has been granted a waiver~~
4 ~~under section 3 of the motor carrier safety act of 1963, 1963 PA~~
5 ~~181, MCL 480.13.~~

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

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

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

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

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

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

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

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

29 ~~(D) The driver knows how to and, to the physician's knowledge,~~

1 ~~does follow his or her meal plan.~~

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

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

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

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

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

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

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

28 ~~(viii) The driver remains under adequate medical supervision.~~

29 ~~(ix) The driver supplies supplemental physician's and driver's~~

1 ~~information surveys annually.~~

2 **(c)** ~~(d)~~—An employer who has reason to believe that a driver is
3 not physically qualified to drive may require a physical
4 examination for that driver at more frequent intervals. If an
5 employer requests a physical examination under this subdivision,
6 the employer shall indicate in writing what physical impairment the
7 driver is to be examined for and shall only be entitled to that
8 portion of the examination results that pertain to that impairment.
9 An examination requested by the employer under this subdivision
10 ~~shall~~ **must** be paid for by the employer.

11 **(d)** ~~(e)~~—A copy of the medical certificate for a driver shall
12 **must** be carried by that driver while he or she is operating a
13 school bus.

14 (2) A record of each employed school bus driver, including a
15 copy of his or her medical certificate, department of education
16 certification, driver license, certificate of road test application
17 for employment, and any other information that relates to driver
18 qualification or ability to safely drive a school bus, ~~shall~~ **must**
19 be maintained in the employer's administrative office.

20 (3) A school shall submit transportation safety related
21 documents, such as driver qualification records, and vehicle
22 maintenance records upon request for inspection and copying to
23 motor carrier officers or vehicle safety inspectors of the
24 department of state police.

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

29 (a) Criminal sexual conduct in any degree.

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

2 (c) An attempt to commit criminal sexual conduct in any
3 degree.

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

6 (e) A violation of section 145c of the Michigan penal code,
7 1931 PA 328, MCL 750.145c.

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

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

11 (7) This section does not require new or additional third
12 party reimbursement or worker's compensation benefits for services
13 rendered.