

THE PUPIL TRANSPORTATION ACT (EXCERPT)
Act 187 of 1990

257.1853 Drivers of school buses; qualifications; records; background check; smoking; alcoholic liquor or controlled substance; third party reimbursement or certain benefits not required.

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.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 131, Imd. Eff. June 3, 2004;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2010, Act 93, Imd. Eff. June 22, 2010.