



## SCHOOL BUS DRIVER LICENSING AND DUI SUSPENSIONS

By: Heather Poole, Legislative Analyst I

### ISSUE

What are the requirements for issuing school bus driver licenses and suspending those held by school bus drivers convicted of driving under the influence (DUI) offenses?

### IS THERE A DIFFERENCE IN CONNECTICUT BETWEEN A COMMERCIAL DRIVER'S LICENSE (CDL) AND A BUS DRIVER'S LICENSE?

To operate any commercial vehicle, including a school bus, an operator is required to hold a CDL that qualifies him or her to drive a vehicle of a specific size. Certain commercial vehicle activities have additional training requirements (e.g., transporting passengers or hazardous materials, or using air brakes), and the law requires operators to obtain, in addition to a CDL, an endorsement that certifies they are qualified to perform that activity. To drive a school bus in Connecticut, a person must hold a CDL with a passenger endorsement (P endorsement) and a school bus endorsement (S endorsement) ([CGS § 14-44](#)).

### UNDER WHAT CONDITIONS CAN SCHOOL BUS DRIVER'S LICENSES BE SUSPENDED?

If a school bus driver commits a crime or other offense that would have disqualified him or her from obtaining or renewing a CDL or endorsement, his or her CDL and endorsement may be suspended or revoked entirely. This can happen for many different types of crimes and violations (e.g., DUI, vehicular manslaughter, or child abuse). [Conn. Agencies Regs. § 14-44-6](#) details instances in which a passenger endorsement holder (including school bus drivers) could have his or her CDL or endorsement suspended or revoked and the procedures for doing so.

## **WHAT HAPPENS TO A SCHOOL BUS DRIVER THAT IS ARRESTED OR CONVICTED FOR DUI?**

If a school bus driver is convicted for DUI, he or she is disqualified from operating a commercial vehicle and his or her S endorsement is suspended. But, as explained below, a bus driver's license can be suspended for DUI before the driver is convicted. DUI arrests and convictions are based on the driver's blood alcohol content (BAC) at the time the driver was operating the vehicle. School bus drivers are subject to the same penalties regardless of whether they were driving a passenger or commercial vehicle at the time they were driving under the influence, but the threshold over which a driver is considered to be intoxicated is lower while he or she is driving a commercial vehicle (.04% BAC, as opposed to .08% BAC for passenger vehicle operators).

### ***Suspension After Conviction***

Upon the first DUI conviction, a school bus driver is disqualified from driving any commercial vehicle for a year and his or her S endorsement is suspended for five years ([CGS § 14-44k](#); [Conn. Agencies Regs. § 14-44-4](#)). CDL holders, as of January 1, 2014, are ineligible for the Pretrial Alcohol Education Program (PAEP) regardless of whether or not they were driving a commercial vehicle at the time. By law, someone charged with DUI for the first time may apply to the court for admission to the PAEP. If the defendant satisfactorily completes the assigned program, he or she may apply for dismissal of the charges ([CGS § 54-56g](#)). According to the Federal Motor Carrier Safety Administration (FMCSA), which administers the CDL program, the use of such a program for CDL or commercial driver's instruction permit holders "masks" what otherwise would be their first conviction. Under federal regulation, such masking is illegal (49 CFR 384.226).

After a second DUI conviction, a school bus driver is disqualified from holding a CDL for life, but may request a hearing to have his or her license reinstated after 10 years. The license may be reinstated if the driver has participated in alcohol rehabilitation programs and has not had an alcohol-related offense in 10 years. After a third DUI conviction, a driver is permanently banned from driving a commercial vehicle and is not entitled to a license reinstatement hearing ([CGS § 14-44k\(h\)](#)).

### ***Administrative Per Se Suspension***

CDLs are also subject to administrative suspensions. If any motorist is arrested for DUI, his or her license may be suspended before they are convicted. Under [CGS § 14-227b](#), motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers

who refuse to submit to a test or whose test results indicate an elevated BAC. These provisions are called "implied consent" and "administrative per se," respectively. Administrative per se suspensions are imposed in addition to any criminal penalty for conviction of DUI.

According to the DMV, it receives a report from police within a week from when a driver is arrested for DUI. After receiving the report, DMV sends a notice to the driver that his or her license will be suspended, and the driver has the opportunity to request a hearing. DMV states that nearly all license suspensions go into effect within 45 days of the initial arrest. The length of administrative suspension depends on a person's BAC and the number of previous convictions. More information on administrative suspensions is available on DMV's [website](#).

## **WHAT DOES IT MEAN WHEN A CONVICTION IS EXPUNGED FROM ONE'S RECORD?**

Generally, if a conviction for any offense is expunged from one's record, the conviction is treated as though it never occurred. However, CDL holders' DUI convictions are not expunged.

Before January 1, 2014, CDL holders were eligible for the PAEP after their first DUI offense, provided they were driving a passenger vehicle and not a commercial vehicle at the time. If a CDL holder participated in the program, DUI charges could be dismissed, but his or her participation in the program remained on his or her record for 10 years.

As of January 1, 2014, CDL holders are no longer eligible for the PAEP and, consequently, they are unable to get charges dismissed by participating in the program. According to DMV, DUI convictions remain on a CDL holder's record for 55 years.

## **DOES CONNECTICUT REQUIRE BACKGROUND CHECKS OF SCHOOL BUS DRIVERS?**

### ***Pre Employment***

The law requires school buses to be driven by people with a valid CDL and S endorsement and prohibits employers from allowing someone who is disqualified from driving a commercial vehicle to do so ([CGS § 14-276](#); [§ 14-44k](#)). DMV requires that an S endorsement applicant undergo a state and national criminal records and a driver history records check for each state in which he or she has held a license in the previous 10 years ([CGS § 14-44](#); [§ 14-44g](#)). The applicant also must prove, prior to receiving an endorsement, that he or she has not been

convicted for DUI in the past five years and does not appear on the child abuse and neglect registry. If a criminal record is found, the DMV commissioner may refuse to issue an endorsement ([CGS § 14-44](#)). [CGS § 14-44\(f\)](#) specifically prohibits the DMV commissioner from issuing a license with an S endorsement to someone convicted of a "serious criminal offense" (as defined by the commissioner in [Conn. Agencies Regs. § 14-44-4](#)) and requires that she suspend any endorsement that has been issued after the endorsement holder commits a serious criminal offense.

We did not find any laws or regulations that required schools or private companies to conduct an additional background check before hiring school bus drivers. However, carriers (i.e., school districts or the districts' transportation contractor) are required to conduct urinalysis drug testing on any person it intends to hire ([CGS § 14-276a](#)).

### ***Post Employment***

The DMV commissioner is required to provide to boards of education or to any public or private organization that is actively engaged in transporting school children (carriers) the names of people whose CDLs and endorsements have been suspended ([CGS § 14-44\(h\)](#)). Carriers must check the list twice a month to see if any of their employees have had their licenses or endorsements suspended or revoked. If a carrier finds that its employee has had his or her licenses suspended, it must prohibit him or her from operating a school bus ([CGS § 14-276](#)). Carriers must also conduct random urinalysis drug testing on each person it employs to operate school buses ([CGS § 14-276a](#)).

### **DOES CONNECTICUT REQUIRE DAILY CHECKS OF SCHOOL BUS DRIVERS BEFORE THEY OPERATE A BUS?**

Connecticut has no laws or regulations that require school bus drivers to check in with a supervisor before operating a school bus. However, according to Leslie Sheldon from the Connecticut School Transportation Association, most school districts or bus companies do so in practice, which varies according to location and district size. In general, most school districts and bus companies require their drivers to check in at the central facility to fill out their time cards and ensure the bus goes out according to schedule, among other things.

## **HOW DO OTHER STATES' LAWS ADDRESS THESE ISSUES?**

### ***Federal Law***

States must substantially comply with specific federal regulations concerning licensing commercial vehicle drivers, records checks, and DUI offenses (49 U.S.C. § 384). Among other things, these regulations:

1. require school bus drivers to obtain a CDL and an S endorsement;
2. require (1) states to check a CDL applicant's driving record in all states before issuing a CDL, and (2) employers to request 10 years employment history before hiring someone to operate a commercial vehicle;
3. set .04% as the BAC threshold while driving a commercial vehicle;
4. require a driver to notify his or her employer (1) within 30 days of any traffic violation, and (2) by the next business day if his or her license is suspended, revoked, or canceled, or if he or she is disqualified from driving;
5. disqualify CDL holders from operating commercial vehicles for (1) one year after their first DUI offense, and (2) life after a second or subsequent DUI offense;
6. prohibit employers from knowingly allowing someone who is disqualified to operate a commercial vehicle; and
7. require states to retain records of CDL holders' violations and convictions for at least three years.

Federal law also requires CDL disqualification for many other violations and crimes. More information on disqualifications can be found on the FMCSA's website.

### ***Other States' Requirements***

In addition to complying with federal regulations, states have passed their own laws and regulations governing school bus driver licensing and disqualification. We checked nearby states' laws to provide some examples of these requirements.

The table below describes different states' laws regarding (1) required record checks and (2) the consequences of a first-time DUI offense (this includes refusing to take a test or receiving test results that indicate an elevated BAC, as well as conviction). Because the consequences for second and subsequent DUI offenses are controlled by federal regulation, we did not include them in the table.

**Table 1: School Bus Driver Record Checks and DUI Consequences**

<b>State</b>	<b>Record Checks Required Before Endorsement</b>	<b>Record Checks Required Before Hiring</b>	<b>Consequence of 1<sup>st</sup> DUI**</b>
Maine (Me. Rev. Stat. Ann tit.29-A, § 2452)	<ul style="list-style-type: none"> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• Three-year S endorsement suspension</li> <li>• Permanent S endorsement suspension if driving bus at the time of offense</li> </ul>
Massachusetts* (Mass. Gen. Laws Ann., ch. 90, § 8A)	<ul style="list-style-type: none"> <li>• Criminal background</li> <li>• Driving record</li> <li>• Sex offender and child abuse registry</li> </ul>	<ul style="list-style-type: none"> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• Five-year S endorsement suspension</li> </ul>
New Hampshire* (N.H. Rev. Stat. Ann. § 263:29; N.H. Code Admin. R. Ann. Saf-C 1304.03 et seq.)	<ul style="list-style-type: none"> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal background</li> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• 10-year school bus certificate loss</li> </ul>
New Jersey (N.J. Stat. Ann. § 18A:39-19.1; N.J. Admin. Code § 13:21-23.15)	<ul style="list-style-type: none"> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal background</li> <li>• Driving record</li> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• Two-year S endorsement suspension</li> </ul>
New York (N.Y. Vehicle and Traffic Law § 509-d et seq.)	<ul style="list-style-type: none"> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal background</li> <li>• Driving record</li> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• Five-year S endorsement suspension</li> </ul>
Rhode Island* (R.I. Admin. Code 47-1-3)	<ul style="list-style-type: none"> <li>• Criminal background</li> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Employment record</li> <li>• Must pass certification hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Five-year school bus certificate loss</li> </ul>
Vermont (Conforms to federal law)	<ul style="list-style-type: none"> <li>• Driving record</li> </ul>	<ul style="list-style-type: none"> <li>• Employment record</li> </ul>	<ul style="list-style-type: none"> <li>• No additional suspension</li> </ul>

\*These states require a school bus certificate in addition to the federally-required S endorsement to drive a school bus

\*\*In addition to the federally-mandated one-year disqualification from driving a commercial vehicle

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