

Recent Legislation Affecting School Bus Drivers

By: John D. Moran, Principal Analyst
November 30, 2020 | 2020-R-0321

Issue

This report summarizes the legislation enacted from 2016–2020 that affects school bus drivers. The information is provided by year to help reflect the changes over time.

2016

Driving Under the Influence (DUI) When Driving a School Bus

The legislature enacted a law that increased the criminal penalties for DUI when driving a school bus, student transportation vehicle, or other motor vehicle designated for carrying children, with or without a child passenger. The law did so by creating specific crimes for these offenses, with increased penalties compared to the previous DUI statute. Among other changes, the penalties include longer mandatory minimum and maximum prison terms and required probation for first offenses ([PA 16-126](#)).

2017

State Oversight of School Bus Company Driver Monitoring

A law passed in 2017 requires the Department of Motor Vehicles (DMV) commissioner to ensure that school bus companies (i.e., school transportation carriers) fulfill their duty to review, twice a month, the commissioner's periodic reports on school bus drivers who have had their licenses withdrawn, suspended, or revoked (i.e., the suspended bus driver report). To do this the commissioner must conduct random compliance audits of bus companies, maintain records of each review for the previous two years, and make them publicly available upon request (the audit and records requirements were later eliminated in 2019, see below). This is in addition to the

existing law that imposes a civil penalty on any bus company that fails to review the commissioner's suspended bus driver report ([PA 17-68](#), § 15).

2018

Suspended Bus Driver Report Check

A 2018 law further modified the requirement to check the DMV's suspended bus driver report. It requires that school bus carriers check the report once during each of the first and third weeks of each month, rather than twice per month. It also requires carriers to, immediately after reviewing the report, prohibit any employee who appears on the list from driving a school bus, rather than within 48 hours of reviewing it ([PA 18-164](#), § 12).

Fingerprinting School Bus Endorsement Applicants

By law, a person must submit to a fingerprint-based criminal history records check before he or she may be issued a license endorsement to drive a school bus (i.e., an "S" endorsement). A 2018 law specifies that S endorsement applicants' fingerprints may be captured electronically or by other means approved by the State Police Bureau of Identification ([PA 18-164](#), § 26).

School Bus Driver Training for Allergic Reactions

Also in 2018, the legislature passed a law that requires school transportation carriers to train all school bus drivers in how to handle serious food allergy reactions. The training must include instruction on identifying anaphylaxis symptoms and administering epinephrine by a cartridge injector (e.g., EpiPen). The law also extended the Good Samaritan Law's protections to cover school bus drivers rendering certain emergency first aid in response to a student's allergic reaction ([PA 18-185](#), §§ 3 & 7).

2019

Carriers Transporting Students and the Suspended School Bus Driver Report

By law, DMV must periodically provide to school districts and transportation carriers a report listing the names and driver's license numbers of each public passenger endorsement holder whose license or endorsement has been suspended or revoked. Carriers must review DMV's report at least once during the first and third week of each month.

A 2019 law eliminated the requirement that DMV ensure that each carrier is reviewing the report, specifically that it (1) conduct random compliance audits of carriers, (2) maintain record of carrier

report review, and (3) make the record publicly available upon request. It instead requires carriers to (1) register with DMV on and after October 1, 2019, and (2) provide the name of the employee or agent responsible for checking the suspended and revoked driver list.

Under the law, failure to register is subject to a civil penalty of \$1,000 for a first violation and \$2,500 for each subsequent violation, but the penalty may be reduced with justification ([PA 19-119](#), §§ 6 & 7).

Mobile Telephone and Electronic Device Use by School Bus Drivers

The law generally prohibits school bus drivers, while driving a bus carrying passengers, from using a hand-held mobile telephone or other electronic device, even with hands-free accessories, except to (1) place emergency calls to school officials or (2) use such a telephone to have emergency communications with emergency response operators, other similar emergency personnel, or medical or public safety personnel.

A 2019 modification to this law additionally allows these drivers to use a hand-held mobile telephone or device in the same manner as a two-way radio for any real-time communication with school officials and those professionals and entities listed above ([PA 19-119](#), § 15).

Driver Physical Qualification Standards

A 2019 law makes minor and technical changes related to certain school bus and student transportation driver physical qualification standards and removes an obsolete training course for such drivers. It requires the physical qualification standards for people seeking a state-issued public passenger endorsement on their driver's license, and, more specifically, for school bus and student transportation vehicle drivers, to be the same as those under federal regulations, conforming to existing law and DMV practice ([PA 19-119](#), §§ 5, 9, 19, 20 & 21).

2020

None.

JM:kl