

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Rep. O'Malley

ENROLLED HOUSE BILL No. 4861

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," by amending section 53 (MCL 257.1853), as amended by 2010 PA 93.

The People of the State of Michigan enact:

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

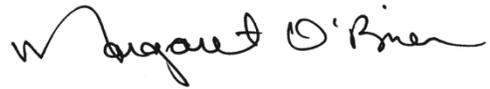
- (a) The requirements of sections 49 and 51.
 - (b) The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section.
 - (c) An employer who has reason to believe that a driver is not physically qualified to drive 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 must be paid for by the employer.
 - (d) A copy of the medical certificate for a driver must 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, must 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.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor