

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1874

SPONSOR: Senator Miller

SUBJECT: Bus Drivers

DATE: February 17, 2002 REVISED: 02/17/02 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Fav/1 amendment
2.			ED	
3.			AED	
4.			AP	
5.				
6.				

## I. Summary:

This bill requires driving records of all school bus drivers and drivers of nonpublic sector buses to be checked at least once a year to ascertain whether the driver has a suspended or revoked driver's license. The bill requires school districts to check the records of school bus drivers and employers to check the records of drivers of nonpublic sector buses.

The bill also authorizes the Commissioner of Education to assess a civil penalty of up to \$5,000 with respect to each failure of a school district to comply with these provisions. The Department of Transportation is authorized to assess the same penalty against a nonpublic sector bus operator who fails to comply with these provisions.

According to the Department of Education, existing statutory and rule requirements generally exceed the requirements contained in the bill, as they relate to school district employed or contracted drivers. However, the proposed statutory changes would ensure that drivers of nonpublic sector buses, including buses serving private schools, also comply with the license check requirement.

This bill substantially amends the following sections of the Florida Statutes: 316.615 and 316.70.

## II. Present Situation:

### *School Bus Drivers*

Section 316.615, F.S., provides that a person may not operate a motor vehicle when transporting school children unless the operator has met the physical examination requirements established by law and by rule adopted by the Commissioner of Education. The operator of a motor vehicle

transporting school children must pass an annual physical examination and have posted in the vehicle a certificate to drive the vehicle.

Section 234.101, F.S., requires each school bus driver to be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease. The bus driver must also possess other qualifications prescribed by the Commissioner of Education and hold a valid commercial driver's license with a passenger endorsement. These requirements are adopted by the Commissioner of Education in Rule 6A—3.0141, F.A.C.

Rule 6A—3.0141(2), F.A.C., provides that at the time of initial employment, the school board must assure the driver of a school bus meets the following requirements: (1) has five (5) years of licensed driving experience; (2) has submitted to the superintendent a written application for employment in a form prescribed by the school board; and (3) has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

Rule 6A—3.0141(4), F.A.C., specifies that prior to transporting students on a school bus each driver must meet the following requirements:

- Hold a valid commercial driver license with passenger endorsement.
- Has successfully completed forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Driver Curriculum.
- Demonstrate the ability to prepare required written reports.
- Be physically capable of operating the vehicle as determined by a physical examination, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district.
- Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus driver.

In addition, Rule 6A—3.0141(6), F.A.C., requires each school district to obtain a driver's history record from the Department of Highway Safety and Motor Vehicles (DHSMV) for each regular school bus driver, substitute driver, or any other individual certified to drive a school bus by the district. The rule further specifies a schedule for reviewing these records must be prior to initial employment and prior to the first day of the fall semester. Thereafter, the district must continuously screen driver records using the automated weekly updates, ensuring proper retrieval documentation for every week. The rule does not specify any required action to be taken with regard to the findings of such reviews but does provide that any district employee with a suspended or revoked license who operates a school bus must be subject to dismissal by the school board.

The rule also specifies that records must be requested in a manner prescribed by DHSMV using the Automated School Bus Driver's License Record Check System through the DOE's database. The rule further requires all school districts to obtain and review records for bus drivers using the automated database system. For any driver licensed in another state, the district must obtain and review the driver's history record from the appropriate state. Each school district is required to establish a school board policy that specifies which infractions of the traffic code will deem an

applicant unqualified for hire and infractions that causes any employee to be subject to a prescribed follow up action. At a minimum, the policy must state that any district employee who knowingly operates a school bus with a suspended or revoked license must be subject to dismissal by the school board.

### ***Standards for Nonpublic Sector Buses***

Section 316.70, F.S., specifies that the Department of Transportation must establish and revise standards to assure the safe operation of nonpublic sector buses to assure:

- Nonpublic sector buses are safely maintained, equipped, and operated.
- Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.
- Florida license tags are purchased for nonpublic sector buses.

Currently, this section authorizes the Department of Transportation to assess a civil penalty of up to \$5,000 per infraction against anyone who violates any of the above listed provisions or who violates any rule or order of the Department of Transportation.

According to DHSMV, although it is not required by current law for employers of nonpublic sector bus drivers to annually obtain driving records of their bus drivers, the insurance companies who insure the vehicles require drivers license checks on all drivers. Generally, the driving records are checked when the driver is initially employed and on each renewal of the policy.

### **III. Effect of Proposed Changes:**

The bill amends s. 316.615, F.S., adding a provision that requires each school district to check the driving records of all school bus drivers at least once a year to ascertain whether the driver has a suspended or revoked driver's license. The bill also authorizes the Commissioner of Education to assess a civil penalty of up to \$5,000 with respect to each failure of a school district to comply.

The bill amends s. 316.70, F.S., adding a provision that requires the employers of nonpublic sector bus drivers to check the driving records of each nonpublic sector bus driver at least once a year to ascertain whether the driver has a suspended or revoked driver's license.

According to the Department of Education, existing requirements of s. 234.101, F.S., and Rule 6A—3.0141, F.A.C., entitled, *Employment of School Bus Drivers*, exceed the requirements in the bill, as they relate to school district employed or contracted drivers. According to the Department of Education, the proposed changes to s. 316.70, F.S., would ensure that drivers of nonpublic sector buses, including buses serving private schools, also comply with the license check requirement.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The fiscal impact of the bill on nonpublic sector bus operators will be minimal since such entities are generally required by their insurers to conduct periodic driver license checks.

**C. Government Sector Impact:**

According to DOE, current state requirements and school district practices exceed the provisions contained in the bill. Therefore, any fiscal impact would be minimal.

According to DHSMV, this bill has no fiscal impact on their Department because the school districts are currently checking driving records of all school bus drivers. The DHSMV further indicated that while it is not required by current law for employers of nonpublic sector bus drivers to annually obtain driving records of their bus drivers, the insurance companies who insure the vehicles require driver license checks on all drivers. Driving records are generally checked when the driver is initially employed and on each renewal of the policy.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Transportation Committee:

Removes the provision requiring each school district to check the driving records of all school bus drivers at least once each year to ascertain whether the driver has a suspended or revoked drivers' license.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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