

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

H. B. No. 338

Representative Ginter

Cosponsors: Representatives Brenner, Hambley, Anielski, Antonio, Ashford, Brown, Carfagna, Galonski, Hagan, Hill, Hughes, Johnson, Leland, Lepore-Hagan, Patterson, Patton, Perales, Reineke, Riedel, Ryan, Schaffer, Schuring, Smith, R., Sprague, Stein, Sweeney, Thompson, Young

A BILL

To amend section 3327.10 of the Revised Code 1
regarding medical examinations for school bus 2
drivers. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3327.10 of the Revised Code be 4
amended to read as follows: 5

Sec. 3327.10. (A) No person shall be employed as driver of 6
a school bus or motor van, owned and operated by any school 7
district or educational service center or privately owned and 8
operated under contract with any school district or service 9
center in this state, who has not received a certificate from 10
either the educational service center governing board that has 11
entered into an agreement with the school district under section 12
3313.843 or 3313.845 of the Revised Code or the superintendent 13
of the school district, certifying that such person is at least 14
eighteen years of age and is of good moral character and is 15
qualified physically and otherwise for such position. The 16

service center governing board or the superintendent, as the 17
case may be, shall provide for an annual physical examination 18
that conforms with rules adopted by the state board of education 19
of each driver to ascertain the driver's physical fitness for 20
such employment. Any certificate may be revoked by the authority 21
granting the same on proof that the holder has been guilty of 22
failing to comply with division (D)(1) of this section, or upon 23
a conviction or a guilty plea for a violation, or any other 24
action, that results in a loss or suspension of driving rights. 25
Failure to comply with such division may be cause for 26
disciplinary action or termination of employment under division 27
(C) of section 3319.081, or section 124.34 of the Revised Code. 28

(B) No person shall be employed as driver of a school bus 29
or motor van not subject to the rules of the department of 30
education pursuant to division (A) of this section who has not 31
received a certificate from the school administrator or 32
contractor certifying that such person is at least eighteen 33
years of age, is of good moral character, and is qualified 34
physically and otherwise for such position. Each driver shall 35
have an annual physical examination which conforms to the state 36
highway patrol rules, ascertaining the driver's physical fitness 37
for such employment. The examination shall be performed by one 38
of the following: 39

(1) A person licensed under Chapter 4731. or 4734. of the 40
Revised Code or by another state to practice medicine and 41
surgery ~~or~~, osteopathic medicine and surgery, or chiropractic; 42

(2) A physician assistant; 43

(3) A certified nurse practitioner; 44

(4) A clinical nurse specialist; 45

(5) A certified nurse-midwife;	46
<u>(6) A medical examiner who is listed on the national</u>	47
<u>registry of certified medical examiners established by the</u>	48
<u>federal motor carrier safety administration in accordance with</u>	49
<u>49 C.F.R. part 390.</u>	50
Any written documentation of the physical examination	51
shall be completed by the individual who performed the	52
examination.	53
Any certificate may be revoked by the authority granting	54
the same on proof that the holder has been guilty of failing to	55
comply with division (D) (2) of this section.	56
(C) Any person who drives a school bus or motor van must	57
give satisfactory and sufficient bond except a driver who is an	58
employee of a school district and who drives a bus or motor van	59
owned by the school district.	60
(D) No person employed as driver of a school bus or motor	61
van under this section who is convicted of a traffic violation	62
or who has had the person's commercial driver's license	63
suspended shall drive a school bus or motor van until the person	64
has filed a written notice of the conviction or suspension, as	65
follows:	66
(1) If the person is employed under division (A) of this	67
section, the person shall file the notice with the	68
superintendent, or a person designated by the superintendent, of	69
the school district for which the person drives a school bus or	70
motor van as an employee or drives a privately owned and	71
operated school bus or motor van under contract.	72
(2) If employed under division (B) of this section, the	73
person shall file the notice with the employing school	74

administrator or contractor, or a person designated by the 75
administrator or contractor. 76

(E) In addition to resulting in possible revocation of a 77
certificate as authorized by divisions (A) and (B) of this 78
section, violation of division (D) of this section is a minor 79
misdemeanor. 80

(F) (1) Not later than thirty days after June 30, 2007, 81
each owner of a school bus or motor van shall obtain the 82
complete driving record for each person who is currently 83
employed or otherwise authorized to drive the school bus or 84
motor van. An owner of a school bus or motor van shall not 85
permit a person to operate the school bus or motor van for the 86
first time before the owner has obtained the person's complete 87
driving record. Thereafter, the owner of a school bus or motor 88
van shall obtain the person's driving record not less frequently 89
than semiannually if the person remains employed or otherwise 90
authorized to drive the school bus or motor van. An owner of a 91
school bus or motor van shall not permit a person to resume 92
operating a school bus or motor van, after an interruption of 93
one year or longer, before the owner has obtained the person's 94
complete driving record. 95

(2) The owner of a school bus or motor van shall not 96
permit a person to operate the school bus or motor van for ten 97
years after the date on which the person pleads guilty to or is 98
convicted of a violation of section 4511.19 of the Revised Code 99
or a substantially equivalent municipal ordinance. 100

(3) An owner of a school bus or motor van shall not permit 101
any person to operate such a vehicle unless the person meets all 102
other requirements contained in rules adopted by the state board 103
of education prescribing qualifications of drivers of school 104

buses and other student transportation. 105

(G) No superintendent of a school district, educational 106
service center, community school, or public or private employer 107
shall permit the operation of a vehicle used for pupil 108
transportation within this state by an individual unless both of 109
the following apply: 110

(1) Information pertaining to that driver has been 111
submitted to the department of education, pursuant to procedures 112
adopted by that department. Information to be reported shall 113
include the name of the employer or school district, name of the 114
driver, driver license number, date of birth, date of hire, 115
status of physical evaluation, and status of training. 116

(2) The most recent criminal records check required by 117
division (J) of this section has been completed and received by 118
the superintendent or public or private employer. 119

(H) A person, school district, educational service center, 120
community school, nonpublic school, or other public or nonpublic 121
entity that owns a school bus or motor van, or that contracts 122
with another entity to operate a school bus or motor van, may 123
impose more stringent restrictions on drivers than those 124
prescribed in this section, in any other section of the Revised 125
Code, and in rules adopted by the state board. 126

(I) For qualified drivers who, on July 1, 2007, are 127
employed by the owner of a school bus or motor van to drive the 128
school bus or motor van, any instance in which the driver was 129
convicted of or pleaded guilty to a violation of section 4511.19 130
of the Revised Code or a substantially equivalent municipal 131
ordinance prior to two years prior to July 1, 2007, shall not be 132
considered a disqualifying event with respect to division (F) of 133

this section. 134

(J) (1) This division applies to persons hired by a school 135
district, educational service center, community school, 136
chartered nonpublic school, or science, technology, engineering, 137
and mathematics school established under Chapter 3326. of the 138
Revised Code to operate a vehicle used for pupil transportation. 139

For each person to whom this division applies who is hired 140
on or after November 14, 2007, the employer shall request a 141
criminal records check in accordance with section 3319.39 of the 142
Revised Code and every six years thereafter. For each person to 143
whom this division applies who is hired prior to that date, the 144
employer shall request a criminal records check by a date 145
prescribed by the department of education and every six years 146
thereafter. 147

(2) This division applies to persons hired by a public or 148
private employer not described in division (J) (1) of this 149
section to operate a vehicle used for pupil transportation. 150

For each person to whom this division applies who is hired 151
on or after November 14, 2007, the employer shall request a 152
criminal records check prior to the person's hiring and every 153
six years thereafter. For each person to whom this division 154
applies who is hired prior to that date, the employer shall 155
request a criminal records check by a date prescribed by the 156
department and every six years thereafter. 157

(3) Each request for a criminal records check under 158
division (J) of this section shall be made to the superintendent 159
of the bureau of criminal identification and investigation in 160
the manner prescribed in section 3319.39 of the Revised Code, 161
except that if both of the following conditions apply to the 162

person subject to the records check, the employer shall request 163
the superintendent only to obtain any criminal records that the 164
federal bureau of investigation has on the person: 165

(a) The employer previously requested the superintendent 166
to determine whether the bureau of criminal identification and 167
investigation has any information, gathered pursuant to division 168
(A) of section 109.57 of the Revised Code, on the person in 169
conjunction with a criminal records check requested under 170
section 3319.39 of the Revised Code or under division (J) of 171
this section. 172

(b) The person presents proof that the person has been a 173
resident of this state for the five-year period immediately 174
prior to the date upon which the person becomes subject to a 175
criminal records check under this section. 176

Upon receipt of a request, the superintendent shall 177
conduct the criminal records check in accordance with section 178
109.572 of the Revised Code as if the request had been made 179
under section 3319.39 of the Revised Code. However, as specified 180
in division (B) (2) of section 109.572 of the Revised Code, if 181
the employer requests the superintendent only to obtain any 182
criminal records that the federal bureau of investigation has on 183
the person for whom the request is made, the superintendent 184
shall not conduct the review prescribed by division (B) (1) of 185
that section. 186

(K) (1) Until the effective date of the amendments to rule 187
3301-83-23 of the Ohio Administrative Code required by the 188
second paragraph of division (E) of section 3319.39 of the 189
Revised Code, any person who is the subject of a criminal 190
records check under division (J) of this section and has been 191
convicted of or pleaded guilty to any offense described in 192

division (B) (1) of section 3319.39 of the Revised Code shall not 193
be hired or shall be released from employment, as applicable, 194
unless the person meets the rehabilitation standards prescribed 195
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 196
Administrative Code. 197

(2) Beginning on the effective date of the amendments to 198
rule 3301-83-23 of the Ohio Administrative Code required by the 199
second paragraph of division (E) of section 3319.39 of the 200
Revised Code, any person who is the subject of a criminal 201
records check under division (J) of this section and has been 202
convicted of or pleaded guilty to any offense that, under the 203
rule, disqualifies a person for employment to operate a vehicle 204
used for pupil transportation shall not be hired or shall be 205
released from employment, as applicable, unless the person meets 206
the rehabilitation standards prescribed by the rule. 207

Section 2. That existing section 3327.10 of the Revised 208
Code is hereby repealed. 209