

**As Reported by the Senate Government Oversight and Reform  
Committee**

**132nd General Assembly**

**Regular Session  
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**Am. 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**

**Senator Coley**

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**A BILL**

To amend sections 3327.10, 3713.022, and 3713.99 of 1  
the Revised Code to modify the law governing 2  
medical examinations for school bus drivers and 3  
to amend the law related to mesh crib liners. 4

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

**Section 1.** That sections 3327.10, 3713.022, and 3713.99 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 3327.10.** (A) No person shall be employed as driver of 7  
a school bus or motor van, owned and operated by any school 8  
district or educational service center or privately owned and 9  
operated under contract with any school district or service 10  
center in this state, who has not received a certificate from 11  
either the educational service center governing board that has 12  
entered into an agreement with the school district under section 13  
3313.843 or 3313.845 of the Revised Code or the superintendent 14

of the school district, certifying that such person is at least 15  
eighteen years of age and is of good moral character and is 16  
qualified physically and otherwise for such position. The 17  
service center governing board or the superintendent, as the 18  
case may be, shall provide for an annual physical examination 19  
that conforms with rules adopted by the state board of education 20  
of each driver to ascertain the driver's physical fitness for 21  
such employment. Any certificate may be revoked by the authority 22  
granting the same on proof that the holder has been guilty of 23  
failing to comply with division (D) (1) of this section, or upon 24  
a conviction or a guilty plea for a violation, or any other 25  
action, that results in a loss or suspension of driving rights. 26  
Failure to comply with such division may be cause for 27  
disciplinary action or termination of employment under division 28  
(C) of section 3319.081, or section 124.34 of the Revised Code. 29

(B) No person shall be employed as driver of a school bus 30  
or motor van not subject to the rules of the department of 31  
education pursuant to division (A) of this section who has not 32  
received a certificate from the school administrator or 33  
contractor certifying that such person is at least eighteen 34  
years of age, is of good moral character, and is qualified 35  
physically and otherwise for such position. Each driver shall 36  
have an annual physical examination which conforms to the state 37  
highway patrol rules, ascertaining the driver's physical fitness 38  
for such employment. The examination shall be performed by one 39  
of the following: 40

(1) A person licensed under Chapter 4731. or 4734. of the 41  
Revised Code or by another state to practice medicine and 42  
surgery ~~or~~, osteopathic medicine and surgery, or chiropractic; 43

(2) A physician assistant; 44

(3) A certified nurse practitioner;	45
(4) A clinical nurse specialist;	46
(5) A certified nurse-midwife;	47
<u>(6) A medical examiner who is listed on the national</u>	48
<u>registry of certified medical examiners established by the</u>	49
<u>federal motor carrier safety administration in accordance with</u>	50
<u>49 C.F.R. part 390.</u>	51
Any written documentation of the physical examination	52
shall be completed by the individual who performed the	53
examination.	54
Any certificate may be revoked by the authority granting	55
the same on proof that the holder has been guilty of failing to	56
comply with division (D) (2) of this section.	57
(C) Any person who drives a school bus or motor van must	58
give satisfactory and sufficient bond except a driver who is an	59
employee of a school district and who drives a bus or motor van	60
owned by the school district.	61
(D) No person employed as driver of a school bus or motor	62
van under this section who is convicted of a traffic violation	63
or who has had the person's commercial driver's license	64
suspended shall drive a school bus or motor van until the person	65
has filed a written notice of the conviction or suspension, as	66
follows:	67
(1) If the person is employed under division (A) of this	68
section, the person shall file the notice with the	69
superintendent, or a person designated by the superintendent, of	70
the school district for which the person drives a school bus or	71
motor van as an employee or drives a privately owned and	72

operated school bus or motor van under contract. 73

(2) If employed under division (B) of this section, the 74  
person shall file the notice with the employing school 75  
administrator or contractor, or a person designated by the 76  
administrator or contractor. 77

(E) In addition to resulting in possible revocation of a 78  
certificate as authorized by divisions (A) and (B) of this 79  
section, violation of division (D) of this section is a minor 80  
misdemeanor. 81

(F) (1) Not later than thirty days after June 30, 2007, 82  
each owner of a school bus or motor van shall obtain the 83  
complete driving record for each person who is currently 84  
employed or otherwise authorized to drive the school bus or 85  
motor van. An owner of a school bus or motor van shall not 86  
permit a person to operate the school bus or motor van for the 87  
first time before the owner has obtained the person's complete 88  
driving record. Thereafter, the owner of a school bus or motor 89  
van shall obtain the person's driving record not less frequently 90  
than semiannually if the person remains employed or otherwise 91  
authorized to drive the school bus or motor van. An owner of a 92  
school bus or motor van shall not permit a person to resume 93  
operating a school bus or motor van, after an interruption of 94  
one year or longer, before the owner has obtained the person's 95  
complete driving record. 96

(2) The owner of a school bus or motor van shall not 97  
permit a person to operate the school bus or motor van for ten 98  
years after the date on which the person pleads guilty to or is 99  
convicted of a violation of section 4511.19 of the Revised Code 100  
or a substantially equivalent municipal ordinance. 101

(3) An owner of a school bus or motor van shall not permit 102  
any person to operate such a vehicle unless the person meets all 103  
other requirements contained in rules adopted by the state board 104  
of education prescribing qualifications of drivers of school 105  
buses and other student transportation. 106

(G) No superintendent of a school district, educational 107  
service center, community school, or public or private employer 108  
shall permit the operation of a vehicle used for pupil 109  
transportation within this state by an individual unless both of 110  
the following apply: 111

(1) Information pertaining to that driver has been 112  
submitted to the department of education, pursuant to procedures 113  
adopted by that department. Information to be reported shall 114  
include the name of the employer or school district, name of the 115  
driver, driver license number, date of birth, date of hire, 116  
status of physical evaluation, and status of training. 117

(2) The most recent criminal records check required by 118  
division (J) of this section has been completed and received by 119  
the superintendent or public or private employer. 120

(H) A person, school district, educational service center, 121  
community school, nonpublic school, or other public or nonpublic 122  
entity that owns a school bus or motor van, or that contracts 123  
with another entity to operate a school bus or motor van, may 124  
impose more stringent restrictions on drivers than those 125  
prescribed in this section, in any other section of the Revised 126  
Code, and in rules adopted by the state board. 127

(I) For qualified drivers who, on July 1, 2007, are 128  
employed by the owner of a school bus or motor van to drive the 129  
school bus or motor van, any instance in which the driver was 130

convicted of or pleaded guilty to a violation of section 4511.19 131  
of the Revised Code or a substantially equivalent municipal 132  
ordinance prior to two years prior to July 1, 2007, shall not be 133  
considered a disqualifying event with respect to division (F) of 134  
this section. 135

(J) (1) This division applies to persons hired by a school 136  
district, educational service center, community school, 137  
chartered nonpublic school, or science, technology, engineering, 138  
and mathematics school established under Chapter 3326. of the 139  
Revised Code to operate a vehicle used for pupil transportation. 140

For each person to whom this division applies who is hired 141  
on or after November 14, 2007, the employer shall request a 142  
criminal records check in accordance with section 3319.39 of the 143  
Revised Code and every six years thereafter. For each person to 144  
whom this division applies who is hired prior to that date, the 145  
employer shall request a criminal records check by a date 146  
prescribed by the department of education and every six years 147  
thereafter. 148

(2) This division applies to persons hired by a public or 149  
private employer not described in division (J) (1) of this 150  
section to operate a vehicle used for pupil transportation. 151

For each person to whom this division applies who is hired 152  
on or after November 14, 2007, the employer shall request a 153  
criminal records check prior to the person's hiring and every 154  
six years thereafter. For each person to whom this division 155  
applies who is hired prior to that date, the employer shall 156  
request a criminal records check by a date prescribed by the 157  
department and every six years thereafter. 158

(3) Each request for a criminal records check under 159

division (J) of this section shall be made to the superintendent 160  
of the bureau of criminal identification and investigation in 161  
the manner prescribed in section 3319.39 of the Revised Code, 162  
except that if both of the following conditions apply to the 163  
person subject to the records check, the employer shall request 164  
the superintendent only to obtain any criminal records that the 165  
federal bureau of investigation has on the person: 166

(a) The employer previously requested the superintendent 167  
to determine whether the bureau of criminal identification and 168  
investigation has any information, gathered pursuant to division 169  
(A) of section 109.57 of the Revised Code, on the person in 170  
conjunction with a criminal records check requested under 171  
section 3319.39 of the Revised Code or under division (J) of 172  
this section. 173

(b) The person presents proof that the person has been a 174  
resident of this state for the five-year period immediately 175  
prior to the date upon which the person becomes subject to a 176  
criminal records check under this section. 177

Upon receipt of a request, the superintendent shall 178  
conduct the criminal records check in accordance with section 179  
109.572 of the Revised Code as if the request had been made 180  
under section 3319.39 of the Revised Code. However, as specified 181  
in division (B) (2) of section 109.572 of the Revised Code, if 182  
the employer requests the superintendent only to obtain any 183  
criminal records that the federal bureau of investigation has on 184  
the person for whom the request is made, the superintendent 185  
shall not conduct the review prescribed by division (B) (1) of 186  
that section. 187

(K) (1) Until the effective date of the amendments to rule 188  
3301-83-23 of the Ohio Administrative Code required by the 189

second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

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

**Sec. 3713.022.** (A) No person shall recklessly manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering a mesh crib liner intended for placement between a crib mattress and one or more of the crib's inner sides that does not comply with consumer product safety standards governing such liners that are promulgated after October 9, 2016, by the United States consumer product safety commission (pursuant to section 104 of the "Consumer Product Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for the purpose of ensuring sufficient permeability and breathability so as to prevent infant suffocation.

(B) In the absence of standards described in division (A) 220  
of this section, ~~no a person shall, beginning three years after~~ 221  
~~the effective date of this section, recklessly may~~ manufacture, 222  
offer for sale, sell, deliver, or possess for the purpose of 223  
manufacturing, selling, or delivering a mesh crib liner. 224

(C) The superintendent of industrial compliance shall 225  
issue a notice of violation to any person found to have violated 226  
division (A) ~~or (B)~~ of this section. 227

**Sec. 3713.99.** (A) Whoever violates division (A), (B), or 228  
(D) of section 3713.02 of the Revised Code is guilty of a 229  
misdemeanor of the fourth degree. 230

(B) Whoever violates division (C) of section 3713.02 of 231  
the Revised Code is guilty of a misdemeanor of the third degree. 232

(C) A person who, after receiving a notice issued under 233  
division (B) of section 3713.021 of the Revised Code or division 234  
~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to 235  
violate the applicable division of either of those sections is 236  
subject to a fine of not more than five hundred dollars. Each 237  
day of violation constitutes a separate offense. 238

**Section 2.** That existing sections 3327.10, 3713.022, and 239  
3713.99 of the Revised Code are hereby repealed. 240