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# OHIO LEGISLATIVE SERVICE COMMISSION

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136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. K. Miller

Larry Gunter, Jr., Research Analyst

### SUMMARY

- Authorizes a school district's board of education or a school's governing authority to contract with a transportation network company (TNC) for student transportation to and from school and from school-related activities.
- Exempts a TNC driver providing services under that contract from the rules governing student transportation and driver qualifications adopted by the Department of Education and Workforce and Department of Public Safety.
- Establishes separate driver and vehicle qualifications for student transportation by a TNC, including additional background checks, vehicle inspections, and active GPS monitoring.

### DETAILED ANALYSIS

#### Student transportation

The bill authorizes a board of education of a school district or the governing authority of a public or private school (i.e., a chartered nonpublic school, a community school, a STEM school, or college preparatory boarding school) to contract with a transportation network company (TNC)<sup>1</sup> to provide student transportation to and from school and school-related activities. School-related activities may include extracurricular activities, field trips, and athletic events.<sup>2</sup>

Under current law, the Department of Education and Workforce (DEW) and the Department of Public Safety (DPS) must adopt rules governing both the operation of all vehicles used for student transportation and the qualifications of the drivers that operate those vehicles.<sup>3</sup>

<sup>1</sup> A TNC is a ridesharing service, such as Hop Skip Drive, Uber, Lyft, and similar transportation companies.

<sup>2</sup> R.C. 4925.11 and 4925.12(A).

<sup>3</sup> R.C. 4511.76(A) to (D); R.C. Chapter 3327.

Those rules currently encompass requirements for school bus design and equipment, when alternative vehicles (i.e., not a school bus) may be used for student transportation, background checks and education on managing students for the drivers, and protocol for transportation routes.<sup>4</sup>

The bill expressly exempts a TNC driver who is providing transportation services under the contract between the TNC and the board of education or governing authority from all of the rules otherwise governing student transportation.<sup>5</sup> Instead, the contract between the TNC and the board of education or governing authority and the bill's alternative driver and vehicle requirements will govern those student transportation services.<sup>6</sup>

### **Background checks**

A TNC that provides student transportation services under the contract must do all the following:

1. Obtain the complete driving record for each TNC driver who will provide student transportation under the contract, both prior to authorizing that TNC driver to provide those services and semiannually thereafter;
2. Ensure that the TNC driver has not been convicted of or pled guilty to an OVI offense (operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them) within the past ten years;
3. Request a criminal records check prior to authorizing the TNC driver to provide student transportation services in accordance with the same criminal records check procedures required by DEW for public or private employers of student transportation drivers;
4. Comply with all the other TNC laws and regulations;
5. Require the TNC driver to comply with all the other TNC laws and regulations and all additional requirements imposed by the contract; and
6. Ensure additional safety guarantees are met for the vehicle and manner of transportation of the students (see "**Vehicle and transportation requirements**" below).<sup>7</sup>

Regarding a TNC driver's criminal records check, the TNC driver must enroll in the Ohio Bureau of Criminal Investigation (BCI) Rapback (Record of Arrest and Prosecution Background) system. During the records check and regularly thereafter, BCI compares applicant fingerprints against the database of criminal fingerprints to determine if there are any matches. BCI then notifies the State Board of Education and DEW's Office of Pupil Transportation if matches come

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<sup>4</sup> Ohio Administrative Code 3301-83.

<sup>5</sup> R.C. 4511.76(C)(2) and 4925.12(C).

<sup>6</sup> R.C. 4925.12(B).

<sup>7</sup> R.C. 3327.103 and 4925.13(A).

back at any time pertaining to state-licensed student transportation drivers. The bill requires a similar notification to go to the TNC if a match comes back on an authorized TNC driver.<sup>8</sup>

Additionally, under current law, all TNC drivers are subject to an initial and then annual background check. That background check includes a search of a multi-state/multi-jurisdictional criminal records database (or similar nationwide criminal records database), a search of the U.S. Department of Justice's National Sex Offender public website, and a driving history report. A variety of offenses automatically disqualify a person from being authorized to drive for a TNC (e.g., OVI, not having a valid driver's license or insurance, and other specified traffic, sex, and theft offenses).<sup>9</sup>

### **Vehicle and transportation requirements**

A TNC must ensure all the following regarding the operation and condition of the motor vehicles used for student transportation under the contract:

1. A qualified mechanic inspects the motor vehicle at least once annually to determine that it is safe for student transportation;
2. If a motor vehicle is determined to be unsafe, that motor vehicle is not operated for student transportation until it is repaired and determined to be safe again;
3. The TNC driver does not stop on the roadway to load or unload passengers;
4. The TNC driver is accustomed to operating that particular make and model of motor vehicle;
5. The motor vehicle does not transport more than ten individuals at one time, including the driver; and
6. The driver and all passengers always comply with the Ohio seat belt and car seat laws.<sup>10</sup>

Under the bill, the TNC, at its discretion, may impose any additional safety-related driver qualifications or vehicle standards that are not otherwise required under the statute or the contract with the board of education or governing authority. Included in that authority, the TNC may conduct additional criminal records checks and deny, suspend, or terminate the authorization for any TNC driver providing student transportation services under the contract to continue those services.<sup>11</sup>

### **Active monitoring requirements**

The bill requires any TNC providing student transportation services under the contract to provide each transported student's parent or legal guardian access to all the following:

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<sup>8</sup> R.C. 3319.316 and 3327.103(A)(1); R.C. 3327.10(J)(2), (3), and (4), not in the bill. See also [Rapback](#), which may be found by searching that term on the State Board of Education website at: [sboe.ohio.gov](http://sboe.ohio.gov).

<sup>9</sup> R.C. 4925.03(I) and 4925.04, not in the bill.

<sup>10</sup> R.C. 3327.103(A)(3).

<sup>11</sup> R.C. 4925.13(B).

1. Real-time status updates of the trip, including confirmation of the TNC driver's arrival, student pickup, and student drop-off;
2. Real-time global positioning system (GPS) tracking throughout the duration of the trip;
3. The ability to directly contact the assigned TNC driver during the trip, through an anonymized in-app communication feature or call forwarding system; and
4. A picture of the TNC driver and the make, model, and license plate number of the TNC driver's vehicle.<sup>12</sup>

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## HISTORY

Action	Date
Introduced	02-04-26

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<sup>12</sup> R.C. 4925.14.