

As Introduced

136th General Assembly

Regular Session

H. B. No. 674

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Representative Miller, K.

To amend sections 3319.316 and 4511.76 and to enact
sections 3327.103, 4925.11, 4925.12, 4925.13,
and 4925.14 of the Revised Code to authorize a
public or private school to transport students
using a transportation network company.

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

Section 1. That sections 3319.316 and 4511.76 be amended
and sections 3327.103, 4925.11, 4925.12, 4925.13, and 4925.14 of
the Revised Code be enacted to read as follows:

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Sec. 3319.316. The state board of education shall be a
participating public office for purposes of the retained
applicant fingerprint database established under section
109.5721 of the Revised Code and shall receive notification from
the bureau of criminal identification and investigation of the
arrest or conviction of the following persons:

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(A) Persons to whom the state board has issued a license,
as defined in section 3319.31 of the Revised Code;

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(B) On behalf of employers described in section 3319.391
or 3327.10 of the Revised Code or a transportation network
company under section 3327.103 of the Revised Code, persons who
are not required to hold a license issued by the state board and

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are employed in or contracted for a position that the district, 21
service center, or school reasonably determines may involve 22
routine interaction with a child or regular responsibility for 23
the care, custody, or control of a child, including persons who 24
operate a school bus or motor van. Notwithstanding anything to 25
the contrary in division (E) of section 109.5721 of the Revised 26
Code, the state board is authorized to and promptly shall 27
transmit any notification received regarding a person under this 28
division to the person's employer or the transportation network 29
company, as applicable. 30

Sec. 3327.103. (A) In addition to any other applicable 31
requirement specified in Chapter 4925. of the Revised Code, a 32
transportation network company providing services under a 33
contract entered into under section 4925.12 of the Revised Code 34
shall do all of the following: 35

(1) Request a criminal records check prior to authorizing 36
the transportation network company driver to provide pupil 37
transportation services under the contract in accordance with 38
the procedures specified under divisions (J)(2), (3), and (4) of 39
section 3327.10 of the Revised Code, in addition to the 40
background checks required by section 4925.04 of the Revised 41
Code; 42

(2) Obtain the complete driving record for each 43
transportation network company driver who is providing pupil 44
transportation under the contract. A transportation network 45
company shall obtain the transportation network company driver's 46
record prior to authorizing that driver to provide pupil 47
transportation services. Thereafter, the transportation network 48
company shall obtain the transportation network company driver's 49
driving record not less than semiannually while the driver is 50

<u>authorized to provide pupil transportation services under the</u>	51
<u>contract.</u>	52
<u>(3) Ensure that all of the following apply to the</u>	53
<u>operation and condition of a motor vehicle that is used by an</u>	54
<u>authorized transportation network company driver for pupil</u>	55
<u>transportation under the contract:</u>	56
<u>(a) A qualified mechanic inspects the motor vehicle not</u>	57
<u>less than once annually to determine that it is safe for pupil</u>	58
<u>transportation.</u>	59
<u>(b) If a motor vehicle is determined to be unsafe for</u>	60
<u>pupil transportation, the motor vehicle is not operated for such</u>	61
<u>use until it is repaired and determined safe for pupil</u>	62
<u>transportation.</u>	63
<u>(c) The driver of the motor vehicle does not stop on the</u>	64
<u>roadway to load or unload passengers.</u>	65
<u>(d) The driver of the motor vehicle is accustomed to</u>	66
<u>operating that particular make and model of motor vehicle.</u>	67
<u>(e) The motor vehicle transports not more than ten</u>	68
<u>individuals at one time, including the driver.</u>	69
<u>(f) The driver and all passengers occupying the motor</u>	70
<u>vehicle comply with the requirements of sections 4511.81 and</u>	71
<u>4513.263 of the Revised Code, as applicable.</u>	72
<u>(B) No transportation network company providing services</u>	73
<u>under a contract entered into under section 4925.12 of the</u>	74
<u>Revised Code shall authorize any transportation network company</u>	75
<u>driver to provide pupil transportation services under the</u>	76
<u>contract if that driver has been convicted of or pleaded guilty</u>	77
<u>to a violation of section 4511.19 of the Revised Code, or a</u>	78

<u>substantially equivalent municipal ordinance, within the prior</u>	79
<u>ten years.</u>	80
 Sec. 4511.76. (A) The department of public safety, by and with the advice of the department of education and workforce, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.	81
(B) The department of education and workforce, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.	87
 (C) (1) Except as provided in division (C) (2) of this section, no person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety.	91
 <u>(2) Division (C)(1) of this section does not apply to a transportation network company driver providing services under a contract between a transportation network company and a board of education of a school district or governing authority of a chartered nonpublic school or other public school in accordance with sections 4925.11 to 4925.14 of the Revised Code.</u>	100
(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under	106
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section 4511.763 of the Revised Code. The rules may relate to 108
the condition of the equipment to be operated; the liability and 109
property damage insurance carried by the applicant; the posting 110
of satisfactory and sufficient bond; and such other rules as the 111
director of public safety determines reasonably necessary for 112
the safety of the pupils to be transported. 113

(E) A chartered nonpublic school or a community school may 114
own and operate, or contract with a vendor that supplies, 115
alternative vehicles to transport students to and from regularly 116
scheduled school sessions, school-related activities, and 117
school-sanctioned events when one of the following applies: 118

(1) A student's school district of residence has declared 119
the transportation of the student impractical pursuant to 120
section 3327.02 of the Revised Code; 121

(2) A student does not live within thirty minutes of the 122
chartered nonpublic school or the community school, as 123
applicable, and the student's school district is not required to 124
transport the student under section 3327.01 of the Revised Code; 125

(3) The governing authority of the chartered nonpublic 126
school or the community school has offered to provide the 127
transportation for its students in lieu of the students being 128
transported by their school district of residence. 129

(F) A school district may own and operate, or contract 130
with a vendor that supplies, alternative vehicles to transport 131
students to and from regularly scheduled school sessions, 132
school-related activities, and school-sanctioned events. 133

(G) A school district or the governing authority of a 134
chartered nonpublic school or community school that uses an 135
alternative vehicle in accordance with division (E) or (F) of 136

this section, shall ensure that all of the following apply to	137
the operation of that vehicle:	138
(1) A qualified mechanic inspects the vehicle not fewer	139
than two times each year and determines that it is safe for	140
pupil transportation;	141
(2) The driver of the vehicle does not stop on the roadway	142
to load or unload passengers;	143
(3) The driver of the vehicle meets the requirements	144
specified for a driver of a school bus or motor van under	145
section 3327.10 of the Revised Code and any corresponding rules	146
adopted by the department of education and workforce.	147
Notwithstanding that section or any department rules to the	148
contrary, the driver is not required to have a commercial	149
driver's license but shall have a current, valid driver's	150
license, and shall be accustomed to operating the vehicle used	151
to transport the students.	152
(4) The driver and all passengers in the vehicle comply	153
with the requirements of sections 4511.81 and 4513.263 of the	154
Revised Code, as applicable.	155
(H) (1) A school district, a chartered nonpublic school, or	156
a community school may own and operate, or contract with a	157
vendor that supplies, a multifunction school activity bus to	158
transport students between school and school functions or	159
activities.	160
(2) A multifunction school activity bus shall not be used	161
to transport students between school and home or between school	162
and designated school bus stops.	163
(I) As used in this section:	164

(1) "Alternative vehicle" means a motor vehicle originally manufactured and designed for not more than twelve passengers, not including the driver. 165
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(2) "Vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education and workforce by rule and that is subject to Chapter 3301-83 of the Administrative Code.— 168
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(J) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. 172
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Sec. 4925.11. As used in sections 4925.11 to 4925.14 of 180
the Revised Code: 181

(A) "Other public school" means a community school 182
established under Chapter 3314., a STEM school established under 183
Chapter 3326., or a college-preparatory boarding school 184
established under Chapter 3328. of the Revised Code. 185

(B) "Parent" or "legal guardian" means a natural parent, 186
adoptive parent, or legal guardian of a student. 187

(C) "School district" means a city, local, exempted 188
village, or joint vocational school district or an educational 189
service center. 190

(D) "School-related activities" means any activities 191
sponsored by a school district, chartered nonpublic school, or 192
other public school including extracurricular activities, field 193

<u>trips, or athletic events.</u>	194
<u>(E) "Pupil" means any child enrolled in kindergarten</u>	195
<u>through twelfth grade at a school district, chartered nonpublic</u>	196
<u>school, or other public school.</u>	197
<u>Sec. 4925.12. (A) Notwithstanding any other provision of</u>	198
<u>the Revised Code concerning pupil transportation, a board of</u>	199
<u>education of a school district or governing authority of a</u>	200
<u>chartered nonpublic school or other public school may contract</u>	201
<u>with a transportation network company to provide pupil</u>	202
<u>transportation to and from school or school-related activities.</u>	203
<u>(B) A contract between a transportation network company</u>	204
<u>and a board of education of a school district or governing</u>	205
<u>authority of a chartered nonpublic school or other public</u>	206
<u>school, along with provisions in this chapter, shall govern the</u>	207
<u>services provided pursuant to this section.</u>	208
<u>(C) Except as otherwise provided in this chapter and in</u>	209
<u>section 3327.103 of the Revised Code, all rules and regulations</u>	210
<u>of the department of education and workforce or any other state</u>	211
<u>agency concerning the transportation of pupils, including</u>	212
<u>Chapter 3327. of the Revised Code, shall not apply to a</u>	213
<u>transportation network company and a transportation network</u>	214
<u>company driver providing services under a contract authorized by</u>	215
<u>this section.</u>	216
<u>Sec. 4925.13. (A) A transportation network company</u>	217
<u>providing services under a contract entered into under section</u>	218
<u>4925.12 of the Revised Code shall do all of the following:</u>	219
<u>(1) Require the transportation network company drivers</u>	220
<u>providing pupil transportation services under the contract to</u>	221
<u>comply with the transportation network company driver</u>	222

<u>requirements of this chapter;</u>	223
<u>(2) Require the transportation network company drivers</u>	224
<u>providing pupil transportation services under the contract to</u>	225
<u>comply with any additional safety-related driver qualifications</u>	226
<u>or criminal records checks imposed under the contract;</u>	227
<u>(3) Comply with all other requirements of this chapter and</u>	228
<u>section 3327.103 of the Revised Code.</u>	229
<u>(B) Nothing in this chapter shall be construed to limit</u>	230
<u>the authority of a transportation network company, at its</u>	231
<u>discretion, to impose any additional safety-related driver</u>	232
<u>qualifications or vehicle standards that exceed the</u>	233
<u>qualifications and standards set forth in this chapter or set</u>	234
<u>forth in any contract entered into under section 4925.12 of the</u>	235
<u>Revised Code. Furthermore, nothing in this chapter shall be</u>	236
<u>construed to limit the authority of a transportation network</u>	237
<u>company, at its discretion, to conduct criminal records checks</u>	238
<u>and to deny, suspend, or terminate the authorization of any</u>	239
<u>driver performing services under a contract entered into under</u>	240
<u>section 4925.12 of the Revised Code, to the extent such actions</u>	241
<u>exceed what is required by this chapter or by any contract</u>	242
<u>entered into under that section.</u>	243
<u>Sec. 4925.14. A transportation network company providing</u>	244
<u>services pursuant to a contract entered into under section</u>	245
<u>4925.12 of the Revised Code shall, for each trip, provide the</u>	246
<u>parent or legal guardian of a student with access to all of the</u>	247
<u>following:</u>	248
<u>(A) Real-time status updates of the trip, including</u>	249
<u>confirmation of driver arrival, student pickup, and student</u>	250
<u>drop-off;</u>	251

<u>(B) Real-time global positioning system tracking</u>	252
<u>throughout the duration of the trip;</u>	253
<u>(C) The ability to directly contact the assigned driver</u>	254
<u>during the trip, through an anonymized in-app communication</u>	255
<u>feature or call forwarding system;</u>	256
<u>(D) A picture of the driver and the make, model, and</u>	257
<u>license plate number of the vehicle used by the driver.</u>	258
Section 2. That existing sections 3319.316 and 4511.76 of	259
the Revised Code are hereby repealed.	260