SB191
133583-3
By Senator Marsh
RFD: Education
First Read: 07-FEB-12

ACT NO. 2012-372
SB191

SB191

ENROLLED. An Act,

Relating to public K-12 education; to establish the Lieutenant Dexter Holcomb Act; and to add Section 16-27-4.1 to the Code of Alabama 1975, to require any person employed as a school bus driver to successfully complete a physical examination by a licensed physician.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Lieutenant Dexter Holcomb Act.

Section 2. Section 16-27-4.1 is added to the Code of Alabama 1975, to read as follows:

§16-27-4.1.

(a) A local board of education may not hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting students to or from school or school related events, unless the person is physically qualified to drive a school bus. A person is physically qualified to drive a school bus if that person satisfies all of the following requirements:

(1) Has no loss of a foot, a leg, a hand, or an arm.

(2) Has no impairment of any of the following:
a. A hand or a finger which interferes with prehension or power grasping.

b. An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a school bus.

c. Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a school bus.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus requiring insulin for control.

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his or her ability to control and safely operate a school bus.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his or her ability to control and safely operate a school bus.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular,
neuromuscular, or vascular disease which interferes with his or her ability to control and safely operate a school bus.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and safely operate a school bus.

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his or her ability to control and safely operate a school bus.

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(11) First perceives a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear of greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without the use of a hearing aid when the
audiometric device is calibrated to American National
Standard, formerly ASA Standard, Z24.5-1951.

(12) Does not use a controlled substance identified
in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or
any other habit-forming drug. A driver may use such a
substance or drug, if the substance or drug is prescribed by a
licensed medical practitioner who is familiar with the medical
history and assigned duties of the driver and has advised the
driver that the prescribed substance or drug will not
adversely affect his or her ability to control and safely
operate a school bus.

(13) Has no current clinical diagnosis of
alcoholism.

(b) Each local board of education shall do all of
the following:

(1) Require each newly employed school bus driver,
after acceptance of employment and before being allowed to
operate a school bus, to pass a physical examination, at his
or her own expense, as prescribed in subdivisions (1) to (13),
inclusive, of subsection (a), and performed by a duly licensed
physician.

(2) Require each school bus driver employed on the
effective date of this act to pass a physical examination, at
his or her own expense, as prescribed in subdivisions (1) to
(13), inclusive, of subsection (a), and performed by a duly
licensed physician within three months after the effective
date of this act, and at least once every two years
thereafter.

(3) Document the results of each physical
examination on forms prescribed by the State Department of
Education and maintain those results in the central office of
the department.

(c) A driver holding a valid Alabama school bus
driver certificate on or after the effective date of this act
may be grandfathered in for any condition provided in
subsection (a) if the driver submits to the employing local
board all of the following from a duly licensed physician who
is familiar with the medical history of the driver and his or
her assigned duties:

(1) A signed written statement that any condition
the driver has will not adversely affect his or her ability to
control and safely operate a school bus.

(2) A signed written waiver, on a form provided by
the department.

(d) Failure to comply with this act shall result in
the driver losing his or her Alabama School Bus Driver
Certificate issued by the State Department of Education.

Section 3. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
SB191

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB191
Senate 23-FEB-12
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 08-MAY-12

By: Senator Marsh

APPROVED May 14, 2012
TIMED 5:03 p.m.
Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2012-372
Bill Num....: S-191
Recv’d 05/16/12 08:40amSLF
DATE: 2012
RD 1 RFD EP

REPORT OF STANDING COMMITTEE
This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub.
This 1st day of March, 2012

Mary Sue McClurkin. Chairperson

DATE: 2012
RF RD 2 CAL

CONFERENCE COMMITTEE
Senate Conferees

DATE 20
RE-REFERRED
RE-COMMITTED

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill:
SB 141
YEAS 30 NAYS 0 abstain

PATRICK HARRIS, Secretary

I hereby certify that the notice & proof is attached to the Bill SB __________ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill:
SB 141

YEAS 30 NAYS 0

GREG PAPPAS. Clerk