

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 990
(Senator Nathan-Pulliam)
Judicial Proceedings

**Education - Privately Contracted School Bus Drivers - Annual Physical
Examination Requirement**

This bill prohibits an individual from operating a school bus for a private, nongovernmental entity under a contract with a local school system unless the individual (1) completes an annual medical physical examination to confirm that the individual is physically fit to operate a school bus and (2) submits a copy of the annual medical physical examination report to the individual's employer attesting that the individual's medical condition is satisfactory. An individual who violates provisions of the bill is guilty of a misdemeanor and if convicted is subject to a fine of up to \$5,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's monetary penalty provision. No effect on expenditures. The bill codifies current practice regarding the annual physical examination requirement for school bus drivers.

Local Effect: Potential minimal increase in local revenues due to the bill's monetary penalty provision. No effect on expenditures.

Small Business Effect: None.

Analysis

Current Law: According to the Code of Maryland Regulations (COMAR), a school vehicle driver must pass a physical examination, conducted by a medical examiner (as defined by federal regulations), before employment and once during each 12 months of employment. A licensed optometrist may perform as much of the medical examination as

pertains to visual acuity, field of vision, and ability to recognize colors as specified by federal regulations. The medical examiner must record the results of the medical examination on forms approved by the Motor Vehicle Administration (MVA), forward the results to the driver's employer or owner of the school vehicle, and complete a medical examiners certificate for individuals qualified to drive a school vehicle.

A copy of the medical examination report and certificate must be retained by the employer or owner of a school vehicle. If the owner of the school vehicle is under contract to provide services by the local board of education, a copy of the report and certificate must be retained by the local board of education. These copies must be available for inspection.

Background: According to a National Transportation Safety Board preliminary report, on November 1, 2016, a school bus occupied by its driver and an adult teacher aide traveling in Baltimore City struck a passenger vehicle and then collided with a transit bus operated by the Maryland Transit Administration that was occupied by its driver and 13 passengers. Both bus drivers and 4 passengers on the transit bus died; 10 others were injured. The report indicates that the school bus was operated by a private contractor operating bus routes for Baltimore City Public Schools and Howard County Public Schools and that the driver of the school bus had a history of hypertension, diabetes, and seizures and had been involved in at least 12 crashes or incidents while operating a bus or personal vehicle in the past five years.

Further, the report states that at the time of the crash, the school bus driver held a current medical certificate but it was not on file with the MVA and that about two months before the crash, MVA notified the school bus driver that, because his medical certificate was not on file, he was no longer authorized to operate a commercial motor vehicle.

State Fiscal Effect: The bill's requirements for an annual physical exam reflect existing practice under COMAR. The bill does, however, establish a misdemeanor offense and fine of up to \$5,000 for failure to comply with its provisions. General fund revenues may increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

Local Fiscal Effect: Local revenues may increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts. In general, the District Court has concurrent jurisdiction with the circuit court for misdemeanors for which the penalty may be confinement for three years or more or a fine of \$2,500 or more. Baltimore City indicates that private contractors cover the costs of their drivers' medical physical examinations.

Additional Information

Prior Introductions: None.

Cross File: HB 943 (Delegate Haynes, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City; Kent and Montgomery counties; Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; National Transportation Safety Board; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:

(410) 946-5510

(301) 970-5510