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BILL ANALYSIS



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House Bill 4360 (as passed by the House)
Sponsor: Representative Gail Haines
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 6-20-11

CONTENT

The bill would amend the Motor Carrier Safety Act to make an exception to the provision that the Act and rules promulgated under it do not apply to a school bus under the Pupil Transportation Act.

Specifically, Section 5 of the Motor Carrier Safety Act states that the Act and the rules promulgated under it do not apply to a school bus as defined in the Pupil Transportation Act. Under the bill, the Motor Carrier Safety Act and the rules promulgated under it would not apply to a school bus except for the purpose of granting a diabetes-related waiver in accordance with Section 53 of the Pupil Transportation Act (which prescribes minimum qualifications for school bus drivers).

MCL 480.15

BACKGROUND

Public Act 93 of 2010 amended Section 53 of the Pupil Transportation Act to require school bus drivers to meet physical requirements specified in Federal regulations (49 CFR 391.41 to 391.49). The requirements of 49 CFR 391.41(b)(3) for individuals with diabetes, however, do not apply to those who have been granted a waiver under Section 3 of the Motor Carrier Safety Act, or who were employed as bus drivers on the effective date of Public Act 93, and meet certain other requirements.

The Federal regulations specify that a person may not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so. One of the qualifications in those regulations is that the person has no established medical history or clinical diagnosis of diabetes currently requiring insulin for control (49 CFR 391.41(b)(3)).

Section 3 of the Motor Carrier Safety Act specifies that a person who is not physically qualified to drive under 49 CFR 391.41, but is otherwise qualified, may drive a commercial motor vehicle if the Motor Carrier Division of the Department of State Police or the motor carrier safety appeal board has granted a waiver to that person.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.