

1 SB191
2 133583-3
3 By Senator Marsh
4 RFD: Education
5 First Read: 07-FEB-12

1 SB191

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

21 §16-27-4.1.

22 (a) A local board of education may not hire, employ,
23 or enter into any agreement with any person for the purposes
24 of operating a school bus transporting students to or from
25 school or school related events, unless the person is
26 physically qualified to drive a school bus. A person is

1 physically qualified to drive a school bus if that person
2 satisfies all of the following requirements:

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

4 (2) Has no impairment of any of the following:

5 a. A hand or a finger which interferes with
6 prehension or power grasping.

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

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

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

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

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

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

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

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

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

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

21 (11) First perceives a forced whispered voice in the
22 better ear at not less than five feet with or without the use
23 of a hearing aid or, if tested by use of an audiometric
24 device, does not have an average hearing loss in the better
25 ear of greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000
26 Hz with or without the use of a hearing aid when the

1 audiometric device is calibrated to American National
2 Standard, formerly ASA Standard, Z24.5-1951.

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

12 (13) Has no current clinical diagnosis of
13 alcoholism.

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

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

22 (2) Require each school bus driver employed on the
23 effective date of this act to pass a physical examination, at
24 his or her own expense, as prescribed in subdivisions (1) to
25 (13), inclusive, of subsection (a), and performed by a duly
26 licensed physician within three months after the effective

1 date of this act, and at least once every two years
2 thereafter.

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

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

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

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

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

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

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Senate

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| Read for the first time and referred to the Senate committee on Education..... | 07-FEB-12 |
| Reported from Education as Favorable..... | 16-FEB-12 |
| Read for the third time and passed as amended | 23-FEB-12 |

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| Yeas 28 |
| Nays 0 |

Patrick Harris
Secretary