

ACT NO. 2012-372

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 ENROLLED, An Act,

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

15 §16-27-4.1.

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

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

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

1 a. A hand or a finger which interferes with
2 prehension or power grasping.

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

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

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

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

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

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

23 (7) Has no established medical history or clinical
24 diagnosis of rheumatic, arthritic, orthopedic, muscular,

1 neuromuscular, or vascular disease which interferes with his
2 or her ability to control and safely operate a school bus.

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

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

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

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

1 licensed physician within three months after the effective
2 date of this act, and at least once every two years
3 thereafter.

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

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

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

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

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

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

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Kay Ivey

President and Presiding Officer of
the Senate

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Speaker of the House of Representa-
tives

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*
TIME: *5:03 AM*
Robert Bentley

GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-372
Bill Num...: S-191

Recv'd 05/16/12 08:40amSLF

SPONSOR

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SPONSORS

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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 191

years 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

CONFERENCE COMMITTEE

Senate Conferees

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 McCluskey Chairperson

DATE: 4 20 2012

RD 1 RFD EP

DATE: 3 1 2012

RF RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED

Committee _____

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 191

YEAS 86 NAYS 4

GREG PAPPAS,
Clerk

FURTHER HOUSE ACTION (OVER)

HOUSE ACTION
(continued)

HOUSE OF REPRESENTATIVES
R. 3. AMENDMENT TO HOUSE
REPORT NO. 187
DATE 5-8-12

LEGISLATIVE

RECONSIDER
HOUSE OF REPRESENTATIVES
DATE 5-8-12

Yours Sincerely,
Greg Fortes, Clerk

HOUSE OF REPRESENTATIVES
R. 3. AMENDMENT TO HOUSE
REPORT NO. 187
DATE 5-8-12

LEGISLATIVE