

IN THE SENATE

SENATE BILL NO. 1232, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL BUS DRIVERS; AMENDING SECTION 33-1509, IDAHO CODE, TO  
2 PROVIDE THAT WHILE WITHIN THE COURSE OF DUTIES, A SCHOOL BUS DRIVER  
3 SHALL NOT BE CIVILLY OR CRIMINALLY LIABLE FOR REASONABLY ACTING OR FAIL-  
4 ING TO ACT TO AID A RIDER ON THE BUS WHOM THE DRIVER REASONABLY BELIEVES  
5 TO BE IN IMMINENT DANGER OF HARM OR INJURY AND TO MAKE TECHNICAL CORREC-  
6 TIONS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 33-1509, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES  
12 -- LIABILITY. For the purpose of this chapter, the term "school bus driver"  
13 shall mean any person who at any time is operating a school bus while trans-  
14 porting pupils to or from school, or to or from approved school activities.

15 A board of trustees shall employ school bus drivers only upon prior  
16 application in writing, and the board shall require of school bus drivers  
17 employed by others who transport pupils of their district under contract,  
18 the same information required in such written application. Each applica-  
19 tion shall contain at least the minimum information specified by the state  
20 department of education.

21 Any person employed as a school bus driver shall be over the age of eigh-  
22 teen (18) years, be of good moral character and not addicted to the use of  
23 intoxicants or narcotics. School bus drivers shall meet the physical exami-  
24 nation standards of the federal motor carrier safety regulations. Provided  
25 however, that individuals with insulin-dependent diabetes mellitus, who are  
26 otherwise medically qualified under the physical examination standards of  
27 the federal motor carrier safety regulations, may request a waiver for this  
28 condition from the state department of education. If the applicant meets the  
29 requirements as specified in subsections (1) through (7) of this section,  
30 the department shall grant a waiver. The department shall notify each appli-  
31 cant and each affected school district of its determination of eligibility  
32 with regard to each application for a waiver. An applicant shall:

33 (1) Document that he has no other disqualifying conditions including  
34 diabetes-related complications;

35 (2) Document that he has had no recurring, two (2) or more, hypoglycemic  
36 reactions resulting in a loss of consciousness or seizure within the past  
37 five (5) years. A period of one (1) year of demonstrated stability is re-  
38 quired following the first episode of hypoglycemia;

39 (3) Document that he has had no recurrent hypoglycemic reactions re-  
40 quiring the assistance of another person within the past five (5) years. A  
41 period of one (1) year of demonstrated stability is required following the  
42 first episode of hypoglycemia;

1 (4) Document that he has had no recurrent hypoglycemic reactions re-  
2 sulting in impaired cognitive function that occurred without warning symp-  
3 toms within the past five (5) years. A period of one (1) year of demonstrated  
4 stability is required following the first episode of hypoglycemia;

5 (5) Document that he has been examined by a board-certified or board-  
6 eligible endocrinologist who has conducted a complete medical examination.  
7 The complete medical examination shall consist of a comprehensive evalua-  
8 tion of the applicant's medical history and current status with a report in-  
9 cluding the following information:

10 (a) The date insulin use began;

11 (b) Diabetes diagnosis and disease history;

12 (c) Hospitalization records;

13 (d) Consultation notes for diagnostic examinations;

14 (e) Special studies pertaining to the diabetes;

15 (f) Follow-up reports;

16 (g) Reports of any hypoglycemic insulin reactions within the last five  
17 (5) years;

18 (h) Two (2) measures of glycosylated hemoglobin, the first ninety (90)  
19 days before the last and current measure;

20 (i) Insulin dosages and types, diet utilized for control and any sig-  
21 nificant factors such as smoking, alcohol use, and other medications or  
22 drugs taken; and

23 (j) Examinations to detect any peripheral neuropathy or circulatory  
24 insufficiency of the extremities;

25 (6) Submit a signed statement from an examining endocrinologist indi-  
26 cating the following medical determinations:

27 (a) The endocrinologist is familiar with the applicant's medical his-  
28 tory for the past five (5) years, either through actual treatment over  
29 that time or through consultation with a physician who has treated the  
30 applicant during that time;

31 (b) The applicant has been educated in diabetes and its management,  
32 thoroughly informed of and understands the procedures which must be  
33 followed to monitor and manage the applicant's diabetes and what proce-  
34 dures should be followed if complications arise; and

35 (c) The applicant has the ability and has demonstrated willingness to  
36 properly monitor and manage the applicant's diabetes; and

37 (7) Submit a separate signed statement from an ophthalmologist or  
38 optometrist that the applicant has been examined and that the applicant  
39 does not have diabetic retinopathy and meets the vision standard in 49 CFR  
40 391.41(b)(10), or has been issued a valid medical exemption. If the ap-  
41 plicant has any evidence of diabetic retinopathy, the applicant must be  
42 examined by an ophthalmologist and submit a separate signed statement from  
43 the ophthalmologist that the applicant does not have unstable advancing  
44 disease of blood vessels in the retina, known as unstable proliferative di-  
45 abetic retinopathy.

46 Before entering upon his duties, each school bus driver shall file with the  
47 board of trustees a current health certificate. Subsequent health certifi-  
48 cates shall be filed with the frequency required by the federal motor carrier  
49 safety regulations. School bus drivers shall be physically able to perform  
50 all job-related duties.

1 Each school bus driver shall at all times possess a valid and appropri-  
2 ate commercial driver's license, including endorsements as specified in  
3 section 49-105, Idaho Code, and if applicable, a waiver for insulin-depen-  
4 dent diabetes mellitus issued by the state department of education.

5 Each school bus driver shall maintain such route books and other records  
6 as may be required by the state department of education or by the board of  
7 trustees of the school district. The school bus driver shall report any  
8 pupil whose behavior is such as may endanger the operation of the vehicle, or  
9 who damages the same or any part thereof, or whose language is obscene.

10 It shall be the duty of each school bus driver to report any condition  
11 on, or bordering, his route which constitutes a hazard to the safety of the  
12 pupils being transported.

13 The state department of education shall promulgate rules as necessary  
14 for the determination of eligibility and issuance of a waiver to individuals  
15 with insulin-dependent diabetes mellitus in accordance with the provisions  
16 of this section.

17 (8) While within the course and scope of his or her duties, a school bus  
18 driver shall not be civilly or criminally liable for reasonably acting or  
19 failing to act to aid a rider on the bus whom the school bus driver reasonably  
20 believes to be in imminent danger of harm or injury.