~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 27, 2015

**H. 3882**

Introduced by Reps. Gambrell, Gagnon, Putnam and Thayer

S. Printed 5/27/15--S.

Read the first time April 29, 2015.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 3882) to amend Section 59‑67‑160, Code of Laws of South Carolina, 1976, relating to physical examinations of school bus drivers, so as to provide the physical, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 59‑67‑160 of the 1976 Code, as added by Act 351 of 2006, is amended to read:

“Section 59‑67‑160. A school bus driver shall have a physical examination that meets the requirements of the Federal Motor Carrier Safety Regulations (FMCSR), 49 C.F.R. 391.41, and meets the certification requirements of this section, certified by a ~~physician, a nurse practitioner acting within an approved protocol, or a physician assistant acting within an approved scope‑ of‑practice guideline before the testing required to operate a school bus and every two years after that. The examining physician, nurse practitioner, or physician assistant’s~~ medical examiner as defined in 49 C.F.R. 390.5, before the testing required to operate a school bus and at least every two years after that. The certification must be made on forms provided by the State Department of Education or the United States Department of Transportation. The school bus driver candidate shall provide the testing administrator with the certified physical examination before taking the school bus driver physical performance test and the commercial driver’s license skills test. The school bus driver candidate shall provide a copy of the ~~physician, nurse practitioner, or physician assistant’s~~ certification to the employing school district. A school district may require additional physical examinations as the district determines to be appropriate. The State assumes no responsibility for the cost of physical examinations required by districts.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The bill will have no fiscal impact to the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

The bill amends Section 59-67-160 to revise that physical examinations of school bus drivers must meet the requirements of the Federal Motor Carrier Safety Regulations in addition to state regulations.

**State Department of Education.** The department currently requires all bus drivers to have a physical which is paid for by the driver. The department indicates that their physical performance test meets the requirements of the regulations but also requires additional standards to insure a bus driver is physically fit to fulfill the responsibilities of his/her job. Therefore, this bill has no expenditure impact to the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑67‑160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PHYSICAL EXAMINATIONS OF SCHOOL BUS DRIVERS, SO AS TO PROVIDE THE PHYSICAL MUST BE A DEPARTMENT OF TRANSPORTATION PHYSICAL THAT MEETS THE REQUIREMENTS OF THE CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS IN ADDITION TO EXISTING STATE CERTIFICATION REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑67‑160 of the 1976 Code, as added by Act 351 of 2006, is amended to read:

“Section 59‑67‑160. A school bus driver shall have a physical examination that meets the requirements of the Federal Motor Carrier Safety Regulations (FMCSR), 49 C.F.R. 391.41, and meets the certification requirements of this section, certified by a ~~physician, a nurse practitioner acting within an approved protocol, or a physician assistant acting within an approved scope‑ of‑practice guideline before the testing required to operate a school bus and every two years after that. The examining physician, nurse practitioner, or physician assistant’s~~ medical examiner as defined in 49 C.F.R. 390.5. The certification must be made on forms provided by the State Department of Education or the United States Department of Transportation. The school bus driver candidate shall provide the testing administrator with the certified physical examination before taking the school bus driver physical performance test and the commercial driver’s license skills test. The school bus driver candidate shall provide a copy of the ~~physician, nurse practitioner, or physician assistant’s~~ certification to the employing school district. A school district may require additional physical examinations as the district determines to be appropriate. The State assumes no responsibility for the cost of physical examinations required by districts.”

SECTION 2. This act takes effect upon approval by the Governor.

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