

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*

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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

*Marsh*  
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

yeas 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

DATE: 4 23 2012  
RD 1 RFD ED

**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 1<sup>ST</sup> day of March, 2012

*Mary Sue McClintock*, Chairperson

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. Allegations of Abuse  
Sess. 70<sup>th</sup> Nov. 18<sup>th</sup> 1927  
No. 5-8 1a

ALCO PAPERS 700

*Reconsider*  
UNIFORMS OF REPRESENTATIVES  
DATE 5-8-12

Yr. 55  
Mo. 12  
Gr. 26  
(Gr. 1-27-28, 30-31)

HOUSE OF REPRESENTATIVES  
R. 3. Allegations of Abuse  
Sess. 70<sup>th</sup> Nov. 18<sup>th</sup> 1927  
No. 5-8 1a

ALCO PAPERS 700