

1 HB356  
2 133583-1  
3 By Representative Boyd  
4 RFD: Education Policy  
5 First Read: 16-FEB-12

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8 SYNOPSIS: This bill would establish the Lieutenant  
9 Dexter Holcomb Act.

10 This bill would require any person employed  
11 as a school bus driver to successfully complete a  
12 physical examination by a licensed physician.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to public K-12 education; to establish the  
19 Lieutenant Dexter Holcomb Act; and to add Section 16-27-4.1 to  
20 the Code of Alabama 1975, to require any person employed as a  
21 school bus driver to successfully complete a physical  
22 examination by a licensed physician.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

1 §16-27-4.1.

2 (a) A local board of education may not hire, employ,  
3 or enter into any agreement with any person for the purposes  
4 of operating a school bus transporting students to or from  
5 school or school related events, unless the person is  
6 physically qualified to drive a school bus. A person is  
7 physically qualified to drive a school bus if that person  
8 satisfies all of the following requirements:

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

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

11 a. A hand or a finger which interferes with  
12 prehension or power grasping.

13 b. An arm, foot, or leg which interferes with the  
14 ability to perform normal tasks associated with operating a  
15 school bus.

16 c. Any other significant limb defect or limitation  
17 which interferes with the ability to perform normal tasks  
18 associated with operating a school bus.

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

21 (4) Has no current clinical diagnosis of myocardial  
22 infarction, angina pectoris, coronary insufficiency,  
23 thrombosis, or any other cardiovascular disease of a variety  
24 known to be accompanied by syncope, dyspnea, collapse, or  
25 congestive cardiac failure.

26 (5) Has no established medical history or clinical  
27 diagnosis of a respiratory dysfunction likely to interfere

1 with his or her ability to control and safely operate a school  
2 bus.

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

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

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

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

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

26 (11) First perceives a forced whispered voice in the  
27 better ear at not less than five feet with or without the use

1 of a hearing aid or, if tested by use of an audiometric  
2 device, does not have an average hearing loss in the better  
3 ear of greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000  
4 Hz with or without the use of a hearing aid when the  
5 audiometric device is calibrated to American National  
6 Standard, formerly ASA Standard, Z24.5-1951.

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

16 (13) Has no current clinical diagnosis of  
17 alcoholism.

18 (b) Each local board of education shall do all of  
19 the following:

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

26 (2) Require each school bus driver employed on the  
27 effective date of this act to pass a physical examination, at

1 his or her own expense, as prescribed in subdivisions (1) to  
2 (13), inclusive, of subsection (a), and performed by a duly  
3 licensed physician within three months after the effective  
4 date of this act, and at least once every two years  
5 thereafter.

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

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

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

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

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