

1 SB191  
2 133583-1  
3 By Senator Marsh  
4 RFD: Education  
5 First Read: 07-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.

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

3           §16-27-4.1.

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

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

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

13           a. A hand or a finger which interferes with  
14 prehension or power grasping.

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

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

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

23           (4) Has no current clinical diagnosis of myocardial  
24 infarction, angina pectoris, coronary insufficiency,  
25 thrombosis, or any other cardiovascular disease of a variety

1 known to be accompanied by syncope, dyspnea, collapse, or  
2 congestive cardiac failure.

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

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

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

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

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

21 (10) Has distant visual acuity of at least 20/40  
22 (Snellen) in each eye without corrective lenses or visual  
23 acuity separately corrected to 20/40 (Snellen) or better with  
24 corrective lenses, distant binocular acuity of at least 20/40  
25 (Snellen) in both eyes with or without corrective lenses,  
26 field of vision of at least 70 degrees in the horizontal

1 meridian in each eye, and the ability to recognize the colors  
2 of traffic signals and devices showing standard red, green,  
3 and amber.

4 (11) First perceives a forced whispered voice in the  
5 better ear at not less than five feet with or without the use  
6 of a hearing aid or, if tested by use of an audiometric  
7 device, does not have an average hearing loss in the better  
8 ear of greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000  
9 Hz with or without the use of a hearing aid when the  
10 audiometric device is calibrated to American National  
11 Standard, formerly ASA Standard, Z24.5-1951.

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

21 (13) Has no current clinical diagnosis of  
22 alcoholism.

23 (b) Each local board of education shall do all of  
24 the following:

25 (1) Require each newly employed school bus driver,  
26 after acceptance of employment and before being allowed to

1 operate a school bus, to pass a physical examination, at his  
2 or her own expense, as prescribed in subdivisions (1) to (13),  
3 inclusive, of subsection (a), and performed by a duly licensed  
4 physician.

5 (2) Require each school bus driver employed on the  
6 effective date of this act to pass a physical examination, at  
7 his or her own expense, as prescribed in subdivisions (1) to  
8 (13), inclusive, of subsection (a), and performed by a duly  
9 licensed physician within three months after the effective  
10 date of this act, and at least once every two years  
11 thereafter.

12 (3) Document the results of each physical  
13 examination on forms prescribed by the State Department of  
14 Education and maintain those results in the central office of  
15 the department.

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

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

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

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