

HOUSE BILL 89

By Rogers

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, relative to school bus drivers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2107(c), is amended by deleting the following language:

No person shall be issued a certificate until an investigation has been made to determine whether or not the person has been found guilty of any criminal offense and until the criminal records are made a part of the person's permanent file.

and substituting instead the following:

No person shall be issued a certificate until an investigation has been made to determine whether the person has been found guilty of any criminal offense or has committed any serious traffic violation, and until the records are made a part of the person's permanent file.

SECTION 2. Tennessee Code Annotated, Section 49-6-2107(e), is amended by adding the following as a new subdivision:

(3) Notwithstanding any other law or rule adopted pursuant to subsection (b) to the contrary, no person shall be issued a certificate to drive a school bus in this state who, within three (3) years of the person's request for a certificate, has committed a serious traffic violation in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct.

SECTION 3. Tennessee Code Annotated, Section 49-6-2107, is amended by adding the following as a new subsection:

For purposes of this section:

(1) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property if the motor vehicle:

(A) Has a gross vehicle weight rating or gross combination weight rating in excess of twenty-six thousand pounds (26,000 lbs);

(B) Is designed to transport more than fifteen (15) passengers, including the driver;

(C) Is of any size and used in the transportation of hazardous materials and which must be placarded; or

(D) Is used as a school bus;

(2) "Excessive speeding" means:

(A) Operating a commercial motor vehicle at a speed in excess of fifteen miles per hour (15 mph) above the posted speed limit; or

(B) Operating a motor vehicle other than a commercial vehicle at a speed in excess of twenty-five miles per hour (25 mph) above the posted speed limit; and

(3) "Serious traffic violation" means:

(A) Excessive speeding;

(B) Reckless driving, as defined under § 55-10-205; or

(C) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or injury to any person or property.

SECTION 4. Tennessee Code Annotated, Section 49-6-2117(b), is amended by deleting the subsection and substituting instead the following:

(b) Notwithstanding any other law to the contrary, no private school or church-related school shall employ or permit a person to drive a school bus in this state who, within three (3) years of the person's application to be employed or serve as a school

bus driver, has committed a serious traffic violation in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct.

(c) It shall be the responsibility of the private school or church-related school to determine whether any person employed by the school to drive a school bus is in compliance with this section.

(d) For purposes of this section:

(1) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property if the motor vehicle:

(A) Has a gross vehicle weight rating or gross combination weight rating in excess of twenty-six thousand pounds (26,000 lbs);

(B) Is designed to transport more than fifteen (15) passengers, including the driver;

(C) Is of any size and used in the transportation of hazardous materials and which must be placarded; or

(D) Is used as a school bus;

(2) "Excessive speeding" means:

(A) Operating a commercial motor vehicle at a speed in excess of fifteen miles per hour (15 mph) above the posted speed limit; or

(B) Operating a motor vehicle other than a commercial vehicle at a speed in excess of twenty-five miles per hour (25 mph) above the posted speed limit; and

(3) "Serious traffic violation" means:

(A) Excessive speeding;

(B) Reckless driving, as defined under § 55-10-205; or

(C) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or injury to any person or property.

SECTION 5. Tennessee Code Annotated, Section 55-50-302(d), is amended by deleting the subsection and substituting instead the following:

(1) The department shall not issue a school bus endorsement unless the applicant has had at least five (5) years of unrestricted driving experience prior to the date of application and the department is fully satisfied as to the applicant's good character, competency, and fitness to be so employed.

(2) Notwithstanding subdivision (d)(1) to the contrary:

(A) No person shall be issued a school bus endorsement who, within five (5) years of the person's application for the endorsement, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(i) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(ii) Vehicular assault as prohibited by § 39-13-106;

(iii) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(iv) Aggravated vehicular homicide as prohibited by § 39-13-218;

(v) Manufacture, delivery, sale, or possession of a controlled substance as prohibited by § 39-17-417; or

(vi) Manufacture, delivery, sale, or possession of a controlled substance analogue as prohibited by § 39-17-454; and

(B) No person shall be issued a school bus endorsement who, within three (3) years of the person's application for the endorsement, has committed a

serious traffic violation in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct.

SECTION 6. Tennessee Code Annotated, Section 55-50-302, is amended by adding the following as a new subsection:

For purposes of this section:

(1) "Excessive speeding" means:

(A) Operating a commercial motor vehicle at a speed in excess of fifteen miles per hour (15 mph) above the posted speed limit; or

(B) Operating a motor vehicle other than a commercial vehicle at a speed in excess of twenty-five miles per hour (25 mph) above the posted speed limit; and

(2) "Serious traffic violation" means:

(A) Excessive speeding;

(B) Reckless driving, as defined under § 55-10-205; or

(C) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or injury to any person or property.

SECTION 7. Tennessee Code Annotated, Section 49-6-2118, is amended by adding the following as a new subsection:

School authorities for any public or private school shall investigate any complaints made against a school bus driver regarding speeding or reckless, careless, or negligent driving and report any substantiated findings to the LEA or school board and to the pupil transportation section of the department of safety.

SECTION 8. This act shall take effect July 1, 2017, the public welfare requiring it.