



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
 Nellie M. Gorbea, *Secretary of State*

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

Motor Vehicles, Division of  
 286 Main Street

**2. Title of Rule**

Emergency Rules and Regulations Regarding Eligibility for Pupil Transportation Certificate

**3. Statutory Source of Authority**

RIGL 31-22-10

**4. Concise Explanatory Statement - §42-35-2.6**

Emergency Rules and Regulations Regarding Eligibility for Pupil Transportation Certificate will ensure that the applicant's personal background and driving history demonstrate an ability to safely operate pupil transportation vehicles and interact with school children, by establishing criteria for evaluating applications for pupil transportation certificates.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-2.10

- Adoption  
 Amendment of ERLID:  
 Repeal of ERLID:

A2. Emergency 60-day renewal - §42-35-2.10

- Adoption  
 Amendment  
 Repeal

Indicate ERLID of 120-day initial: 4796

Brief Statement of Reason for Finding Imminent Peril §42-35-2.10:

Chapters 185 and 207 of the 2007 Public Laws, authorizing the use of pupil transportation vehicles, were enacted on July 2, 2007. Although these 2007 enactments require that the operator of a pupil transportation vehicle possess a valid chauffeur's license and pass a written test administered by the Division of Motor Vehicles (DMV), there are no restrictions regarding the criminal record or driving history of individuals who seek to operate a pupil transportation vehicle. Because there are different licensing requirements for school bus drivers compared to pupil transportation vehicle drivers, the above mentioned Rules and Regulations for School Bus Driver Certification may not be applied to potential pupil transportation vehicle drivers. Because Chapters 185 and 207 of the 2007 Public Laws do not address criminal background or driving history requirements for drivers of pupil transportation vehicles, there is a need to immediately address this issue. In order to ensure the safety of the children transported in pupil transportation vehicles, it is a necessity that DMV must review the operator's past driving history and criminal background. Without the necessary criteria, any holder of a Rhode Island chauffeur's license would be authorized to operate these vehicles, regardless of criminal record or history of unsafe driving. Currently, school bus drivers are subject to this type of scrutiny pursuant to valid rules and regulations concerning the licensing of school bus drivers; operators of pupil transportation vehicles should be held to the same standards regarding driving history and criminal background.

Agency Head Signature: \_\_\_\_\_

Governor/Governor's Designee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Final Rules**

- B1. Amendment - §42-35-3(a)       B2. Adoption - §42-35-3(a)       B3. Repeal - §42-35-3(a)  
 C. Technical Revision       D. Direct Final Rule - §42-35-2.11

If B1 or C, please indicate new, amended, deleted, or revised sections:

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-2.8: Notice Not Required

Date of Public Hearing - §42-35-2.8: Hearing Not Required

End of Comment Period - §42-35-2.8 :

**7. Agency Additional Information - Web Page**

http://

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**8. Certification**

*I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ERLID#: 4918