

RULES AND REGULATIONS
FOR
SCHOOL BUS DRIVER CERTIFICATION

1. Authority and Purpose - The following regulations are adopted by the Department of Transportation (DOT) pursuant to the authority granted in the following sections of the general laws of the State of Rhode Island : §31-2-1, §31-2-3, §31-2-4, §31-10-3, §31-10-5, §31-10-25, and §31-22-10. The purposes of these rules and regulations shall be to prescribe conditions under which a person may be qualified to operate a school bus transporting school children in this state in order to fully protect the health, safety and welfare of all persons riding school buses. These regulations shall be used by DOT personnel in making the discretionary determination vested in DOT to issue such licenses.

2. Applicability - All persons who apply to obtain a chauffeur's license and certificate to drive a school bus transporting school children shall be governed by these regulations in the application process.

3. Severability - These regulations are hereby declared to be severable, and if any portion of these rules and regulations shall at any time be declared to be unenforceable or illegal, no other portion of such rules shall be affected thereby.

4. Period of School Bus Certificate - Every certificate issued pursuant to these regulations shall expire on June 30 of each year. Prior to driving a school bus transporting school children subsequent to expiration, a new application shall be completed and a new certificate issued.

5. Statutory Qualifications for School Bus Certificate - Prior to receiving a School Bus Certificate an applicant must demonstrate to the satisfaction of DOT that the following conditions have been met:

(a) successful completion of a ten (10) hour school bus driver training course conducted by DOT or its designee (for a renewal application this qualification may be satisfied by satisfactory completion of a 3 hour retraining course);

(b) a passing score on a written examination prepared and given by DOT or its designee;

(c) successful completion of a school bus driving test given by DOT (this requirement may be waived for renewal applications); persons 70 years of age and older shall be required to complete the road test successfully every six (6) months;

(d) at least one year of driving experience;

(e) satisfactory proof of age (21 Years) (this requirement may be waived for persons who prior to July 1, 1998 had not reached 21 years of age but had previously been issued a school bus certificate);

(e) satisfactory completion of an application form including three (3) certificates of good character completed by persons to whom the applicant is well known;

6. Competency and Fitness of Applicant (Mandatory Considerations) - DOT personnel making determinations as to issuance of School Bus Certificates shall not issue such a certificate to any person determined to fit into the following categories:

a. Conviction of or adjudication of two (2) moving violations within a 12 month period during the past 24 months;

b. Conviction of or adjudication of three (3) moving violations within a 36 month period;

c. Conviction within the past five years of a motor vehicle offense which is a criminal offense in the State of Rhode Island or which, if committed outside the State of Rhode Island would be considered a criminal offense if committed in the State of Rhode Island or conviction within the past five years of an alcohol related driving offense (including refusal to submit to a breath or blood/alcohol test);

d. Conviction of a felony (the term conviction shall not include any felony which has been expunged by court order or otherwise rescinded or pardoned);

7. Competency and Fitness of Applicant (Discretionary Considerations) - DOT personnel making determinations as to issuance of a school bus operators certificates shall review applications for persons who fit into the following categories and, if any of the following considerations apply, a certificate shall not be issued until after a hearing at which it is determined that operation by such a person would not be inimical to the public safety or welfare:

a. Involvement in three (3) motor vehicle accidents within a two (2) year period;

b. Conviction of a misdemeanor within a 12 month period or more than one misdemeanor within the last five (5) years;

c. Where the application contains inaccurate or incomplete information;

d. Where other information obtained during the course of the application process brings into question the applicant's fitness or competency to transport school children.

e. Conviction of or adjudication of three (3) non-moving violations within a 12 month period during the last three years (non-moving violations shall not include parking tickets);

8. Competency and fitness of Applicant (physical examinations) - All applicants shall submit with their application a report of physical examination satisfactory to DOT, on a form furnished by DOT, provided this requirement may be waived for persons who have previously submitted a report of physical exam to the DOT and have not at the time of a new application reached 65 years of age. Any individual 65 years of age or over must provide a report of physical examination, satisfactory to DOT, every six months. Any applicant whose report of physical examination is determined to be unsatisfactory shall have the right to have the physical condition reviewed by the DOT Medical Advisory Board.

9. Application Procedures - All applications will be submitted to the DOT School Bus Coordinator on forms provided by the School Bus Coordinator. Renewal Applications must be submitted prior to June 1 of each year. Upon receipt of an application, the School Bus Coordinator will make such investigation as he deems appropriate to determine whether the applicant meets the criteria prescribed above. The School Bus Coordinator shall be authorized to obtain records maintained by the bureau of criminal identification of the Department of Attorney General in order to determine the fitness of applicants. After review of the application, the School Bus Coordinator shall issue the application or give notice to the applicant of a date and time at which the applicant may be heard concerning the application. Prior to issuance of a school bus certificate to any person about whom there is any doubt as to the applicant's fitness or competency to operate a school bus in accordance with the criteria prescribed above, the school bus coordinator shall meet with the applicant and give the applicant an opportunity to be heard concerning any derogatory information. The following procedures shall be followed where the School Bus Coordinator has determined that such a review of the application with the applicant must be held prior to issuance of a school bus certificate:

a. The notice of review procedure shall contain the date and time of the review and a brief recitation of the reason or reasons the school bus coordinator is considering rejecting the application and notification that failure to

attend will result in rejection of the application.

b. At the date and time of the review before the School Bus Coordinator the applicant shall again be informed of the reason the application is being considered for rejection. The applicant shall be given an opportunity to submit any information the applicant deems pertinent to the case. The review will be an informal procedure and no formal rules of evidence will apply.

c. The School Bus Coordinator shall not be permitted to issue a certificate to a person who does not meet the qualifications prescribed in paragraph 5 (Statutory Qualifications for School Bus Certificate). The School Bus Coordinator shall not be permitted to issue a School Bus Certificate to any person determined after review and opportunity to be heard to fit into the categories prescribed in paragraph 6 (Competency and Fitness of Applicant (Mandatory Considerations)). The School Bus Coordinator shall be permitted to exercise discretion to issue a certificate to persons whose competency or fitness is brought into question because of the considerations contained in paragraph 7 (Competency and fitness of Applicant (Discretionary Considerations)); in such a case the School Bus Coordinator may issue a certificate if he considers that, given all the facts at the review, issuance of a certificate will not be inimical to the public health, safety and welfare.

d. The School Bus Coordinator shall notify the applicant of the results of the review within 7 days. If an applicant is rejected after the review before the School Bus Coordinator, the notice shall contain a statement to the effect that the applicant is entitled to a de novo appeal or hearing before a hearing officer in the Operator Control Section. Such a hearing shall be held if and only if the applicant notifies the School Bus Coordinator in writing of the desire of the applicant for a new hearing within 10 days of the date of the notice of the decision of the School Bus Coordinator.

d. The hearing officer in the Operator Control Section shall hold a hearing on the appeal from the decision of the School Bus Coordinator within 20 days of the receipt of the request of the applicant and the applicant shall be given notice of the hearing before the hearing officer at least seven days prior to the hearing. At such a hearing, the School Bus Coordinator shall present evidence in support of the denial of the

certificate, and it shall be the burden of the School Bus Coordinator to demonstrate that there was good cause for denial of the certificate in accordance with these regulations. The hearing officer shall not be bound by the decision of the school bus coordinator and shall determine anew whether the applicant fits into the categories of paragraphs 5 and 6 and whether discretion should be exercised to grant a license even if the applicant fits into a category listed in paragraph 7. A record of the hearing will be made by the hearing officer. For any application rejected by the hearing officer, the hearing officer shall prepare for the signature of the Deputy Director of the Division of Motor Vehicles, or the designee of said deputy director, a written notice of the decision which notice shall contain a brief statement of the reason or reasons for rejection of the application. That written notice of decision, upon signature of the deputy director, or the designee of said deputy director, and mailing to the applicant, shall constitute a final decision of the DOT from which appeal may be made to the Rhode Island District Court (Sixth Division).

10. Revocation of Certificate - Whenever the School Bus Coordinator learns of any information that brings into question the competence or fitness of any person authorized by these regulations and Title 31 of the General Laws to transport school children, the School Bus Coordinator shall notify that person of the date and time of a review procedure before the school bus coordinator. At such a procedure, the determination shall be made by the school bus coordinator as to whether or not the certificate issued pursuant to these regulations shall be revoked. Determination shall be made in accordance with the criteria and review procedure prescribed above and similarly, appeal shall be to a hearing officer in the Operator Control Section and to the District Court as prescribed above.