

As Re-referred to the Senate Rules and Reference Committee

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Representative Ginter

Cosponsors: Representatives Brenner, Hambley, Anielski, Antonio, Ashford, Brown, Carfagna, Galonski, Hagan, Hill, Hughes, Johnson, Leland, Lepore-Hagan, Patterson, Patton, Perales, Reineke, Riedel, Ryan, Schaffer, Schuring, Smith, R., Sprague, Stein, Sweeney, Thompson, Young

Senator Coley

A BILL

To amend sections 3327.10, 3713.022, and 3713.99 of
the Revised Code to modify the law governing
medical examinations for school bus drivers and
to amend the law related to mesh crib liners.

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

Section 1. That sections 3327.10, 3713.022, and 3713.99 of
the Revised Code be amended to read as follows:

Sec. 3327.10. (A) No person shall be employed as driver of
a school bus or motor van, owned and operated by any school
district or educational service center or privately owned and
operated under contract with any school district or service
center in this state, who has not received a certificate from
either the educational service center governing board that has
entered into an agreement with the school district under section
3313.843 or 3313.845 of the Revised Code or the superintendent
of the school district, certifying that such person is at least

eighteen years of age and is of good moral character and is 16
qualified physically and otherwise for such position. The 17
service center governing board or the superintendent, as the 18
case may be, shall provide for an annual physical examination 19
that conforms with rules adopted by the state board of education 20
of each driver to ascertain the driver's physical fitness for 21
such employment. Any certificate may be revoked by the authority 22
granting the same on proof that the holder has been guilty of 23
failing to comply with division (D)(1) of this section, or upon 24
a conviction or a guilty plea for a violation, or any other 25
action, that results in a loss or suspension of driving rights. 26
Failure to comply with such division may be cause for 27
disciplinary action or termination of employment under division 28
(C) of section 3319.081, or section 124.34 of the Revised Code. 29

(B) No person shall be employed as driver of a school bus 30
or motor van not subject to the rules of the department of 31
education pursuant to division (A) of this section who has not 32
received a certificate from the school administrator or 33
contractor certifying that such person is at least eighteen 34
years of age, is of good moral character, and is qualified 35
physically and otherwise for such position. Each driver shall 36
have an annual physical examination which conforms to the state 37
highway patrol rules, ascertaining the driver's physical fitness 38
for such employment. The examination shall be performed by one 39
of the following: 40

(1) A person licensed under Chapter 4731. or 4734. of the 41
Revised Code or by another state to practice medicine and 42
surgery ~~or~~, osteopathic medicine and surgery, or chiropractic; 43

(2) A physician assistant; 44

(3) A certified nurse practitioner; 45

(4) A clinical nurse specialist;	46
(5) A certified nurse-midwife;	47
(6) A medical examiner who is listed on the national	48
registry of certified medical examiners established by the	49
federal motor carrier safety administration in accordance with	50
<u>49 C.F.R. part 390.</u>	51
Any written documentation of the physical examination	52
shall be completed by the individual who performed the	53
examination.	54
Any certificate may be revoked by the authority granting	55
the same on proof that the holder has been guilty of failing to	56
comply with division (D) (2) of this section.	57
(C) Any person who drives a school bus or motor van must	58
give satisfactory and sufficient bond except a driver who is an	59
employee of a school district and who drives a bus or motor van	60
owned by the school district.	61
(D) No person employed as driver of a school bus or motor	62
van under this section who is convicted of a traffic violation	63
or who has had the person's commercial driver's license	64
suspended shall drive a school bus or motor van until the person	65
has filed a written notice of the conviction or suspension, as	66
follows:	67
(1) If the person is employed under division (A) of this	68
section, the person shall file the notice with the	69
superintendent, or a person designated by the superintendent, of	70
the school district for which the person drives a school bus or	71
motor van as an employee or drives a privately owned and	72
operated school bus or motor van under contract.	73

(2) If employed under division (B) of this section, the 74
person shall file the notice with the employing school 75
administrator or contractor, or a person designated by the 76
administrator or contractor. 77

(E) In addition to resulting in possible revocation of a 78
certificate as authorized by divisions (A) and (B) of this 79
section, violation of division (D) of this section is a minor 80
misdemeanor. 81

(F) (1) Not later than thirty days after June 30, 2007, 82
each owner of a school bus or motor van shall obtain the 83
complete driving record for each person who is currently 84
employed or otherwise authorized to drive the school bus or 85
motor van. An owner of a school bus or motor van shall not 86
permit a person to operate the school bus or motor van for the 87
first time before the owner has obtained the person's complete 88
driving record. Thereafter, the owner of a school bus or motor 89
van shall obtain the person's driving record not less frequently 90
than semiannually if the person remains employed or otherwise 91
authorized to drive the school bus or motor van. An owner of a 92
school bus or motor van shall not permit a person to resume 93
operating a school bus or motor van, after an interruption of 94
one year or longer, before the owner has obtained the person's 95
complete driving record. 96

(2) The owner of a school bus or motor van shall not 97
permit a person to operate the school bus or motor van for ten 98
years after the date on which the person pleads guilty to or is 99
convicted of a violation of section 4511.19 of the Revised Code 100
or a substantially equivalent municipal ordinance. 101

(3) An owner of a school bus or motor van shall not permit 102
any person to operate such a vehicle unless the person meets all 103

other requirements contained in rules adopted by the state board 104
of education prescribing qualifications of drivers of school 105
buses and other student transportation. 106

(G) No superintendent of a school district, educational 107
service center, community school, or public or private employer 108
shall permit the operation of a vehicle used for pupil 109
transportation within this state by an individual unless both of 110
the following apply: 111

(1) Information pertaining to that driver has been 112
submitted to the department of education, pursuant to procedures 113
adopted by that department. Information to be reported shall 114
include the name of the employer or school district, name of the 115
driver, driver license number, date of birth, date of hire, 116
status of physical evaluation, and status of training. 117

(2) The most recent criminal records check required by 118
division (J) of this section has been completed and received by 119
the superintendent or public or private employer. 120

(H) A person, school district, educational service center, 121
community school, nonpublic school, or other public or nonpublic 122
entity that owns a school bus or motor van, or that contracts 123
with another entity to operate a school bus or motor van, may 124
impose more stringent restrictions on drivers than those 125
prescribed in this section, in any other section of the Revised 126
Code, and in rules adopted by the state board. 127

(I) For qualified drivers who, on July 1, 2007, are 128
employed by the owner of a school bus or motor van to drive the 129
school bus or motor van, any instance in which the driver was 130
convicted of or pleaded guilty to a violation of section 4511.19 131
of the Revised Code or a substantially equivalent municipal 132

ordinance prior to two years prior to July 1, 2007, shall not be 133
considered a disqualifying event with respect to division (F) of 134
this section. 135

(J)(1) This division applies to persons hired by a school 136
district, educational service center, community school, 137
chartered nonpublic school, or science, technology, engineering, 138
and mathematics school established under Chapter 3326. of the 139
Revised Code to operate a vehicle used for pupil transportation. 140

For each person to whom this division applies who is hired 141
on or after November 14, 2007, the employer shall request a 142
criminal records check in accordance with section 3319.39 of the 143
Revised Code and every six years thereafter. For each person to 144
whom this division applies who is hired prior to that date, the 145
employer shall request a criminal records check by a date 146
prescribed by the department of education and every six years 147
thereafter. 148

(2) This division applies to persons hired by a public or 149
private employer not described in division (J)(1) of this 150
section to operate a vehicle used for pupil transportation. 151

For each person to whom this division applies who is hired 152
on or after November 14, 2007, the employer shall request a 153
criminal records check prior to the person's hiring and every 154
six years thereafter. For each person to whom this division 155
applies who is hired prior to that date, the employer shall 156
request a criminal records check by a date prescribed by the 157
department and every six years thereafter. 158

(3) Each request for a criminal records check under 159
division (J) of this section shall be made to the superintendent 160
of the bureau of criminal identification and investigation in 161

the manner prescribed in section 3319.39 of the Revised Code, 162
except that if both of the following conditions apply to the 163
person subject to the records check, the employer shall request 164
the superintendent only to obtain any criminal records that the 165
federal bureau of investigation has on the person: 166

(a) The employer previously requested the superintendent 167
to determine whether the bureau of criminal identification and 168
investigation has any information, gathered pursuant to division 169
(A) of section 109.57 of the Revised Code, on the person in 170
conjunction with a criminal records check requested under 171
section 3319.39 of the Revised Code or under division (J) of 172
this section. 173

(b) The person presents proof that the person has been a 174
resident of this state for the five-year period immediately 175
prior to the date upon which the person becomes subject to a 176
criminal records check under this section. 177

Upon receipt of a request, the superintendent shall 178
conduct the criminal records check in accordance with section 179
109.572 of the Revised Code as if the request had been made 180
under section 3319.39 of the Revised Code. However, as specified 181
in division (B) (2) of section 109.572 of the Revised Code, if 182
the employer requests the superintendent only to obtain any 183
criminal records that the federal bureau of investigation has on 184
the person for whom the request is made, the superintendent 185
shall not conduct the review prescribed by division (B) (1) of 186
that section. 187

(K) (1) Until the effective date of the amendments to rule 188
3301-83-23 of the Ohio Administrative Code required by the 189
second paragraph of division (E) of section 3319.39 of the 190
Revised Code, any person who is the subject of a criminal 191

records check under division (J) of this section and has been 192
convicted of or pleaded guilty to any offense described in 193
division (B)(1) of section 3319.39 of the Revised Code shall not 194
be hired or shall be released from employment, as applicable, 195
unless the person meets the rehabilitation standards prescribed 196
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 197
Administrative Code. 198

(2) Beginning on the effective date of the amendments to 199
rule 3301-83-23 of the Ohio Administrative Code required by the 200
second paragraph of division (E) of section 3319.39 of the 201
Revised Code, any person who is the subject of a criminal 202
records check under division (J) of this section and has been 203
convicted of or pleaded guilty to any offense that, under the 204
rule, disqualifies a person for employment to operate a vehicle 205
used for pupil transportation shall not be hired or shall be 206
released from employment, as applicable, unless the person meets 207
the rehabilitation standards prescribed by the rule. 208

Sec. 3713.022. (A) No person shall recklessly manufacture, 209
offer for sale, sell, deliver, or possess for the purpose of 210
manufacturing, selling, or delivering a mesh crib liner intended 211
for placement between a crib mattress and one or more of the 212
crib's inner sides that does not comply with consumer product 213
safety standards governing such liners that are promulgated 214
after October 9, 2016, by the United States consumer product 215
safety commission (pursuant to section 104 of the "Consumer 216
Product Safety Improvement Act of 2008," 15 U.S.C. 2056a, as 217
amended) for the purpose of ensuring sufficient permeability and 218
breathability so as to prevent infant suffocation. 219

(B) In the absence of standards described in division (A) 220
of this section, ~~no a person shall, beginning three years after~~ 221

~~the effective date of this section, recklessly may~~ manufacture, 222
offer for sale, sell, deliver, or possess for the purpose of 223
manufacturing, selling, or delivering a mesh crib liner. 224

(C) The superintendent of industrial compliance shall 225
issue a notice of violation to any person found to have violated 226
division (A) ~~or (B)~~ of this section. 227

Sec. 3713.99. (A) Whoever violates division (A), (B), or 228
(D) of section 3713.02 of the Revised Code is guilty of a 229
misdemeanor of the fourth degree. 230

(B) Whoever violates division (C) of section 3713.02 of 231
the Revised Code is guilty of a misdemeanor of the third degree. 232

(C) A person who, after receiving a notice issued under 233
division (B) of section 3713.021 of the Revised Code or division 234
~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to 235
violate the applicable division of either of those sections is 236
subject to a fine of not more than five hundred dollars. Each 237
day of violation constitutes a separate offense. 238

Section 2. That existing sections 3327.10, 3713.022, and 239
3713.99 of the Revised Code are hereby repealed. 240