

280-RICR-30-05-2

TITLE 280 – DEPARTMENT OF REVENUE

CHAPTER 30 – DIVISION OF MOTOR VEHICLES

SUBCHAPTER 05 – LICENSING

PART 2 – Rules and Regulations for School Bus Driver Certification

2.1 Authority

This Part is promulgated pursuant to the authority granted in R.I. Gen. Laws §§ 31-2-1, 31-2-3, 31-2-4, 31-10-3, 31-10-5, and 31-22-10.

2.2 Purpose

The purposes of this Part is 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 the Division personnel in making the discretionary determination vested in the Division to issue such licenses.

2.3 Definitions

A. For the purposes of this Part, the following term shall have the following meaning:

1. “Division” means Division of Motor Vehicles in the Department of Revenue.

2.4 Applicability

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

2.5 Severability

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

2.6 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 of a certificate, a new application shall be completed and a new certificate issued.

2.7 Qualifications for School Bus Certificate

- A. Prior to receiving a School Bus Certificate an applicant must demonstrate to the satisfaction of the Division that the following conditions have been met:
1. Successful completion of a ten (10) hour school bus driver training course for first time applicants or a three (3) hour retraining course for renewal applicants conducted by the Division or its designee;
 2. A passing score on a written examination prepared and given by the Division or its designee;
 3. Successful completion of a school bus driving test given by the Division (this requirement may be waived for renewal applications);
 4. At least one year of driving experience;
 5. Satisfactory proof of age (twenty-one (21) years of age); and
 6. Satisfactory completion of an application form including three (3) certificates of good character completed by persons to whom the applicant is well known.

2.8 Competency and Fitness of Applicant (Mandatory Considerations)

- A. The Division 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:
1. Conviction of or adjudication of two (2) moving violations within a twelve (12) month period during the past twenty-four (24) months;
 2. Conviction of or adjudication of three (3) moving violations within a thirty-six (36) month period;
 3. Conviction within the past five (5) 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

(5) years of an alcohol related driving offense (including refusal to submit to a breath or blood/alcohol test);

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

2.9 Competency and Fitness of Applicant (Discretionary Considerations)

- A. The Division 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:
 1. Involvement in three (3) motor vehicle accidents within a two (2) year period;
 2. Conviction of a misdemeanor within a twelve (12) month period or more than one misdemeanor within the last five (5) years.
 3. Where the application contains inaccurate or incomplete information;
 4. Where other information obtained during the course of the application process brings into question the applicant's fitness or competency to transport school children.
 5. Conviction of or adjudication of three (3) non-moving violations within a twelve (12) month period during the last three years (non-moving violations shall not include parking tickets);

2.10 Competency and fitness of Applicant (physical examinations)

- A. All applicants shall submit with their application a report of physical examination satisfactory to the Division, on a form furnished by the Division, provided this requirement may be waived for persons who have previously submitted a report of physical exam to the Division and have not at the time of a new application reached 65 years of age.
- B. Any individual 65 years of age or over must provide a report of physical examination, satisfactory to the Division, every six (6) months.
- C. Any applicant whose report of physical examination is determined to be unsatisfactory shall have the right to have the physical condition reviewed by the Medical Advisory Board.

2.11 Application Procedures

- A. All applications will be submitted to the Divisions' School Bus Coordinator on forms provided by the School Bus Coordinator.
- B. 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.
- C. 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.
- D. 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.
- E. 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:
 - 1. 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.
 - 2. 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.
 - 3. The School Bus Coordinator shall not be permitted to issue a certificate to a person who does not meet the qualifications prescribed in § 2.7 of this Part (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 § 2.8 of this Part (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 § 2.9 of this Part (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.

4. The School Bus Coordinator shall notify the applicant of the results of the review within seven (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 ten (10) days of the date of the notice of the decision of the School Bus Coordinator.
5. The hearing officer in the Operator Control Section shall hold a hearing on the appeal from the decision of the School Bus Coordinator within twenty (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 §§ 2.7 and 2.8 of this Part and whether discretion should be exercised to grant a license even if the applicant fits into a category listed in § 2.9 of this Part. 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 Division from which appeal may be made to the Rhode Island District Court (Sixth Division).

2.12 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 R.I. Gen. Laws Title 31 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.

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Type of Filing: Refile Capabilities

Department of State

Regulation Effective Date

Original Signing Date

Department of State Initials

Department of State Date