

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1030

H.P. 666

House of Representatives, March 7, 2023

An Act Relating to Requirements for School Bus Drivers

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DRINKWATER of Milford.
Cosponsored by Senator POULIOT of Kennebec and
Representatives: CARMICHAEL of Greenbush, CRAY of Palmyra, DILL of Old Town,
DODGE of Belfast, FOSTER of Dexter, HALL of Wilton, JACKSON of Oxford, MASON of
Lisbon.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2303, sub-§1, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2
3 and affected by Pt. B, §5, is amended to read:

4 D. Is Except to the extent of any applicable federal waiver, is qualified as a driver
5 under the motor carrier safety regulations of the Federal Highway Administration, if
6 that person or that person's employer is subject to those regulations;

7 **Sec. 2. 29-A MRSA §2303, sub-§1, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2
8 and affected by Pt. B, §5, is amended to read:

9 E. Passes an examination of the person's ability to operate the specific vehicle that will
10 be driven as a school bus or a vehicle of comparable type. For purposes of this
11 paragraph, a vehicle of comparable type does not include a truck tractor with
12 semitrailer;

13 **Sec. 3. Secretary of State to seek waivers.** The Secretary of State shall seek from
14 the Federal Motor Carrier Safety Administration under 49 United States Code, Section
15 31315 a waiver of the engine compartment component of the pre-trip vehicle inspection
16 skills testing requirement in 49 Code of Federal Regulations, Section 383.113(a)(1)(i),
17 known as the "under-the-hood" component, for commercial driver's license applicants
18 seeking the school bus and passenger endorsements as well as a waiver of the requirement
19 in 49 Code of Federal Regulations, Section 383.133(c)(1) that the State administer this
20 portion of the pre-trip vehicle inspection test in accordance with a Federal Motor Carrier
21 Safety Administration pre-approved examiner information manual. The Secretary of State
22 may seek additional waivers of requirements that the Secretary of State determines are
23 unnecessary for operation of a school bus in this State. As long as those requirements
24 continue to apply to school bus drivers in this State, the Secretary of State shall seek
25 renewals of waivers received. The Secretary of State shall report to the Joint Standing
26 Committee on Transportation by January 1, 2024 on the progress in obtaining the waivers
27 as well as any related changes in federal law or rules that may be pending or have taken
28 place.

29 **SUMMARY**

30 This bill clarifies the law governing school bus driver endorsements. It provides that
31 the endorsement is contingent on the applicant meeting certain federal requirements only
32 if there is no waiver of those requirements in place. It also clarifies that the requirement
33 that the applicant pass an examination of the person's ability to operate a bus does not
34 include an ability to operate a truck tractor with semitrailer.

35 The bill also directs the Secretary of State to seek from the Federal Motor Carrier Safety
36 Administration a waiver of the engine compartment component of the pre-trip vehicle
37 inspection skills testing requirement in 49 Code of Federal Regulations, Section
38 383.113(a)(1)(i), known as the "under-the-hood" component, for commercial driver's
39 license applicants seeking the school bus and passenger endorsements as well as a waiver
40 of the requirement in 49 Code of Federal Regulations, Section 383.133(c)(1) that the State
41 administer this portion of the pre-trip vehicle inspection test in accordance with a Federal
42 Motor Carrier Safety Administration pre-approved examiner information manual. The
43 Secretary of State may seek additional waivers of requirements that the Secretary of State

1 determines are unnecessary for operation of a school bus in this State. The Secretary of
2 State is directed to report to the Joint Standing Committee on Transportation by January 1,
3 2024 on the progress in obtaining the waivers as well as any related changes in federal law
4 or rules that may be pending or have taken place.