

**HOUSE . . . . . No. 3405**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Donald R. Berthiaume, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to bus drivers periodic testing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>1/25/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>4/16/2021</i>

**HOUSE . . . . . No. 3405**

By Mr. Berthiaume of Spencer, a petition (accompanied by bill, House, No. 3405) of Donald R. Berthiaume, Jr., relative to periodic drug and alcohol testing for school bus drivers. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

An Act relative to bus drivers periodic testing.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby  
2 amended by inserting after section 8A1/2 the following new section:-

3 Section 8A3/4. (A) Any person licensed to operate a school bus under section 8A or  
4 section 8A1/2 shall be deemed to have given consent to a test or tests of that person's blood,  
5 breath, or urine for the purpose of determining that person's alcohol concentration, or the  
6 presence of other drugs.

7 (B) A test or tests may be ordered periodically by the registrar or as a condition for  
8 renewal of a license issued under section 8A or section 8A1/2.

9 (C) A test or tests may be administered at the direction of a law enforcement officer, who  
10 after stopping or detaining the operator of a school bus, has probable cause to believe that the  
11 operator was operating a school bus while having alcohol or other drugs in his system.

12 (D) A person requested to submit to a test as provided shall be advised that a refusal to  
13 submit to the test will result in that person being disqualified from operating a school bus.

14 (E) If the person refuses testing, or submits to a test which discloses an alcohol  
15 concentration of four one-hundredths or more, the law enforcement officer must submit a sworn  
16 report to the registrar certifying that the test was requested pursuant to paragraph (A) and that the  
17 person refused to submit to testing, or submitted to a test which disclosed an alcohol  
18 concentration of four one-hundredths or more.

19 (F) Upon receipt of the sworn report of a law enforcement officer submitted under  
20 paragraph (E), the registrar shall disqualify the driver from driving a school bus for a period of  
21 one year. The registrar shall disqualify for life any person who refuses to submit to two or more  
22 tests, or submits to two or more tests which disclose an alcohol level of four one-hundredths or  
23 more, or any combination of the two or more thereof. Any operator who has been disqualified  
24 shall be entitled to a hearing before the registrar which shall be limited to the following issues:  
25 (1) did the law enforcement officer, who after stopping or detaining the school bus driver, have  
26 probable cause to believe that the driver was driving a school bus while having alcohol in his  
27 system and (2) did such person refuse to submit to such test.

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