

HOUSE No. 3448

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 school bus safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/5/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/12/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/15/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/15/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>

HOUSE No. 3448

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 3448) of Carolyn C. Dykema and others relative to licensing requirements for school bus drivers. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to school bus safety.

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

1 SECTION 1. Section 7D ½ of chapter 90 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following 2 paragraphs:-

3 No person who is a sex offender, as defined in section 178C of chapter 6, or who has
4 been convicted of the use, sale, manufacture or distribution of or possession with intent to
5 distribute any of the controlled substances which are unlawful under the provisions of section 31
6 of chapter 94 C, or to any person who has been convicted of operating a motor vehicle while
7 under the influence of intoxicating liquor or of marijuana, narcotic drugs, depressants or
8 stimulant substances, all as defined in section 1 of said chapter 94C, or of the vapors of glue,
9 within the preceding 15 year period under the provisions of section 24 shall transport vocational
10 school students pursuant to this section . No person who has been previously convicted, placed
11 on probation or granted a continuance without a finding, or who otherwise pleads guilty to or
12 admits to a finding of sufficient facts, or who has been assigned to an alcohol or controlled
13 substance education, treatment, or rehabilitation program by a court of the commonwealth

14 pursuant to the provisions of section 24, or any other jurisdiction because of a like offense, 2 or
15 more times in his or her lifetime shall transport vocational school students pursuant to this
16 section. Any person who has consented to have any such case disposed of under the provisions
17 of section 24 D shall, for the purposes of this section, be deemed to have been convicted.

18 The registrar may make such rules and regulations as the registrar may deem necessary to
19 carry out the provisions of this section.

20 SECTION 2. Section 8A of chapter 90 of the General Laws, as so appearing, is hereby
21 amended by striking out, in line 31, the word “five” and inserting in place thereof the following
22 figure:- 15.

23 SECTION 3. The first paragraph of said section 8A of said chapter 90, as so appearing, is
24 hereby further amended by inserting after the third sentence, the following sentence:- No license
25 shall be issued to a person who has been previously convicted, placed on probation or granted a
26 continuance without a finding, or who otherwise pleads guilty to or admits to a finding of
27 sufficient facts, or who has been assigned to an alcohol or controlled substance education,
28 treatment, or rehabilitation program by a court of the commonwealth pursuant to the provisions
29 of section 24, or any other jurisdiction because of a like offense, 2 or more times in his or her
30 lifetime.

31 SECTION 4. The seventh paragraph of said section 8A of said chapter 90, as so
32 appearing, is hereby further amended by adding the following sentence:- The registrar shall
33 immediately suspend the license and instructors certificate of any licensee or instructor charged
34 with a violation of section 24. The registrar shall immediately revoke the license and instructors
35 certificate of any licensee or instructor convicted pursuant to the provisions of section 24.

36 SECTION 5. Section 8A ½ of said chapter 90 , as so appearing, is hereby amended by
37 striking out, in line 28, the word “five” and inserting in place thereof the following figure:- 15.

38 SECTION 6. The first paragraph of said section 8A ½ of said chapter 90, as so appearing,
39 is hereby further amended by inserting after the fourth sentence, the following sentence:- No
40 license shall be issued to a person who has been previously convicted, placed on probation or
41 granted a continuance without a finding, or who otherwise pleads guilty to or admits to a finding
42 of sufficient facts, or who has been assigned to an alcohol or controlled substance education,
43 treatment, or rehabilitation program by a court of the commonwealth pursuant to the provisions
44 of section 24, or any other jurisdiction because of a like offense, 2 times in his or her lifetime.

45 SECTION 7. The fourth paragraph of said section 8A ½ of said chapter 90, as so
46 appearing, is hereby further amended by adding the following sentence:- The registrar shall
47 immediately suspend the license and instructors certificate of any licensee or instructor charged
48 with a violation of section 24. The registrar shall immediately revoke the license and instructors
49 certificate of any licensee or instructor convicted pursuant to the provisions of section 24.

50 SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of
51 motor vehicles shall require that no person: (a) licensed as a school bus operator pursuant to
52 section 8A or 8A ½ of chapter 90 of the General Laws; (b) transporting vocational students
53 pursuant to section 7D ½ of said chapter 90; or (c) otherwise licensed as a school bus operator or
54 holding a school pupil transport vehicle class 7D or 7D ½ license pursuant to 540 CMR 2.15: (1)
55 is a sex offender, as defined in section 178C of chapter 6, (2) has been convicted of the use, sale,
56 manufacture or distribution of or possession with intent to distribute any of the controlled
57 substances which are unlawful under the provisions of section 31 of chapter 94C of the General

58 Laws, (3) has been convicted of operating a motor vehicle while under the influence of
59 intoxicating liquor or of marijuana, narcotic drugs, depressants or stimulant substances, all as
60 defined in section 1 of said chapter 94C, or of the vapors of glue, within the preceding 15 year
61 period under the provisions of section 24 of said chapter 90; or (4) has been previously
62 convicted, placed on probation or granted a continuance without a finding, or who otherwise
63 pleads guilty to or admits to a finding of sufficient facts, or who has been assigned to an alcohol
64 or controlled substance education, treatment, or rehabilitation program by a court of the
65 commonwealth pursuant to the provisions of said section 24 of said chapter 90, or any other
66 jurisdiction because of a like offense, 2 or more times in his or her lifetime. Any person who has
67 consented to have any such case disposed of under the provisions of said section 24D of said
68 chapter 90 shall, for the purposes of this section, be deemed to have been convicted.