

Insulin Dependent School Bus Driver (Diabetes Exemption – Waiver)

History

Prior to June 22, 2010, school bus driver medical requirements were established by the Pupil Transportation Act (Public Act 187 of 1990). Under these rules, a driver with diabetes would qualify for a medical certificate provided they met certain conditions. A person that wanted to drive a school bus that did not meet the Department of Education's medical standards could not drive, because there was no ability to apply for a waiver.

Public Act 93 of 2010 was signed into law and took effect on June 22, 2010. This changed the medical requirements of school bus drivers to "the requirements...found in 49 CFR 391.41 to 391.49, including the appendices of each section, except that the requirement of 49 CFR 391.41(b)(3) {insulin dependent diabetes} [did] not apply if either of the following [was] true:

- i. The driver of the school bus has been granted a waiver under section 3 of the Motor Carrier Safety Act of 1963.
- ii. The driver of the school bus is employed as a school bus driver on the effective date of the amendatory act that added this subdivision, diabetes is noted at the time of examination, and the requirements of subdivision (c) are met.

Section 3 of the Motor Carrier Safety Act of 1963 allows the Motor Carrier Safety Appeal Board to hear and decide applications for waivers from those medical requirements found in Federal Motor Carrier Safety Regulations; and at the time of the amendment, section 5 of the Motor Carrier Safety Act stated, "This act and the rules promulgated under this act do not apply to a school bus as defined in the pupil transportation act..." Therefore, the appeal board did not have authority to issue medical waivers for school bus drivers.

Public Act 156 of 2011 amended section 5 of the Motor Carrier Safety Act of 1963. This change permits the Motor Carrier Safety Appeal Board to hear and decide applications for a medical waiver in accordance with section 53 of the Pupil Transportation Act. As a result, a school bus driver who is otherwise medically qualified may apply for a waiver from the requirement of 391.41(b)(3).

Applying for a Medical Waiver

An application for a medical waiver shall be submitted jointly by the person who seeks a waiver (insulin dependent disqualification) and by the motor carrier that will employ the person in order for a request to be considered. In the case of a school bus driver the motor carrier is the school district. An employer is not required to apply for a waiver as a condition for employment.

The following documents must be submitted before a waiver application will be processed.

- Original application completed and signed by the driver & school official.
- A current DOT medical examination report form completed within sixty days of submission of a waiver application.
- Physician's Statement of Examination form with sections B, E, and F completed. To be completed by driver's endocrinologist or primary care physician. Can not be the same person that completed the DOT examination.
- Vision Specialist Statement of Examination.
- Official driving record from Secretary of State.
- Copy of all accident reports for crashes driver was involved in over the previous 5 years.
- Copy of driver's employment application regardless of when employed.
- Copy of sugar readings taken at least twice a day over prior sixty days.

When all required documents are submitted and complete, the applicant will be scheduled to attend the next quarterly Motor Carrier Safety Appeal Board meeting. The members of the board meet with the applicant (driver and school official) to discuss the application. The applicant will be informed at the meeting if the application has been approved or denied. If denied, the applicant will be provided with a reason and the necessary actions before being reconsidered.

Key Points:

- The employer is not required to apply for a waiver as a condition of employment.
- A waiver is school specific.
- Incomplete paperwork will be returned and not processed.
- A waiver will not be considered for one year from the date of any of the following:
 - An episode that causes or contributes to any of the following:
 - A lapse of consciousness
 - Blackout
 - Seizure
 - Fainting spell
 - Syncope
 - Other impairment of the level of consciousness
 - A condition which causes or contributes to an impairment of an individual's driving judgment or reaction time or affects an individual's ability to safely operate a motor vehicle.