

### ARTICLE IV. LICENSING

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### CHAPTER 71. SCHOOL BUS DRIVERS

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#### Authority

The provisions of this Chapter 71 issued under the Vehicle Code, 75 Pa.C.S. §§ 1509 and 6103, unless otherwise noted.

#### Source

The provisions of this Chapter 71 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702, unless otherwise noted.

#### Notes of Decisions

A history of myocardial infarction is sufficient to allow the Department of Transportation to recall and suspend the driver's Class 4 license, even though the myocardial infarction had been suffered 7 years prior to the suspension and the driver had been asymptomatic since that time. *Huntsberger v. Commonwealth*, 463 A.2d 1288 (Pa. Cmwlth. 1983).

**Cross References**

This chapter cited in 22 Pa. Code § 51.92 (relating to school bus operators); and 67 Pa. Code § 231.8 (relating to additions or modifications to 49 CFR).

**§ 71.1. Scope and application.**

This chapter applies to the course of instruction and physical examination for school bus drivers required by 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement).

**Source**

The provisions of this § 71.1 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702; amended May 10, 1985, effective May 11, 1985, 15 Pa.B. 1750; readopted May 11, 1990, effective immediately and apply retroactively to May 11, 1990, 20 Pa.B. 2524; amended November 26, 2003, effective November 29, 2003, 33 Pa.B. 5817. Immediately preceding text appears at serial page (240818).

**§ 71.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*CRNP—Certified registered nurse practitioner*—A registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

*Chiropractor*—A practitioner of chiropractic as defined in 75 Pa.C.S. § 1508.1(b) (relating to physical examinations).

*Department*—The Department of Transportation of the Commonwealth.

*Driver's examination*—An examination to establish the ability of a person to drive, maneuver and control a school bus with safety and knowledge of the laws and regulations relating to the operation of school buses.

*HbA1C test*—A Hemoglobin A1C test monitors the long-term control of diabetes mellitus.

*Health care provider*—A licensed physician, a CRNP, a physician assistant or a licensed psychologist, as described in 75 Pa.C.S. § 1519 (relating to determination of incompetency).

*Hyperglycemia*—When the level of glucose (sugar) in the blood is too high based on current guidelines established by the American Diabetes Association.

*Hypoglycemic reactions*—Different degrees of hypoglycemia which are classified as follows:

*Mild*—Hypoglycemia that signals a blood glucose drop, which the individual can self-correct with oral carbohydrates.

*Severe*—Hypoglycemia that requires outside intervention or assistance of others or that produces confusion, loss of attention or a loss of consciousness.

*Physical examination*—An examination, including an eye examination, given to determine the physical and mental fitness of a person to drive a school bus safely.

*Physician*—A licensed physician as defined in § 83.2 (relating to definitions).

*Physician assistant*—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

*Pupil Transportation Section*—The Pupil Transportation Section of the Bureau of Driver Licensing of the Department.

*S endorsement*—An endorsement which is added to a commercial driver's license and which authorizes the driver to operate a school bus.

*School bus driver*—A person who drives a school bus as defined in 75 Pa.C.S. § 102 (relating to definitions) or Chapter 171 (relating to school buses and school vehicles) except an owner or employee of an official inspection station driving the vehicle for the purpose of inspection.

*School transportation medical practitioner*—A licensed physician, physician assistant, certified registered nurse practitioner or chiropractor appointed or approved by a school board, or by the authorities responsible for operation of a private or parochial school. The same person may be appointed or approved as both school transportation medical practitioner and school medical practitioner.

*Symptomatic hyperglycemia*—High glucose levels in the blood that have caused a loss of consciousness or an altered state of perception, including, but not limited to, decreased reaction time, impaired vision or hearing, or both, or confusion.

*Type I Diabetes mellitus*—A chronic disease caused by the pancreas producing too little insulin to regulate blood sugar levels.

*Type II Diabetes mellitus*—A chronic disease marked by high levels of sugar in the blood caused by the body failing to respond correctly to natural insulin.

#### Authority

The provisions of this § 71.2 amended under the Vehicle Code, 75 Pa.C.S. §§ 1504(c), 1508, 1508.1, 1509 and 6103.

#### Source

The provisions of this § 71.2 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702; amended August 10, 1979, effective August 11, 1979, 9 Pa.B. 2638; amended May 10, 1985, effective May 11, 1985, 15 Pa.B. 1750; readopted May 11, 1990, effective immediately and apply retroactively to May 11, 1990, 20 Pa.B. 2524; amended January 13, 1995, effective January 14, 1995, 25 Pa.B. 160; amended January 23, 1998, effective January 24, 1998, 28 Pa.B. 364; amended August 24, 2007, effective August 25, 2007, 37 Pa.B. 4621; amended October 8, 2010, effective October 9, 2010, 40 Pa.B. 5809. Immediately preceding text appears at serial pages (349366) to (329367).

**§ 71.3. Physical examination.**

(a) *General rule.* A physical examination shall be given by a school transportation medical practitioner, a physician, a chiropractor, a CRNP or a physician assistant:

- (1) To every applicant for an S endorsement.
- (2) Annually, to every holder of an S endorsement.

(b) *Requirements of physical examination.* A person is physically qualified to drive a school bus if the person:

(1) Meets the following visual requirements:

(i) Has distant visual acuity of at least 20/40 in the better eye without corrective lenses or visual acuity corrected to 20/40 or better.

(ii) Has at least 20/50 in the poorer eye without corrective lenses or visual acuity corrected to 20/50 or better.

(iii) Has distant binocular acuity of at least 20/40 in both eyes with or without corrective lenses.

(iv) Has a combined field of vision of at least 160° in the horizontal meridian, excepting the normal blind spots.

(v) Has the ability to determine the colors used in traffic signals and devices showing standard red, green, or amber.

(2) Has no loss of a foot, a leg, a hand, or an arm; or has been granted a waiver by the Department after competency has been demonstrated through a driving examination administered in accordance with § 71.4(b)(2) (ii) and (iii) (relating to driver's examination).

(3) Has no impairment of:

(i) A hand or finger likely to impair prehension or power grasping, or has been granted a waiver by the Department after competency has been demonstrated through a driving examination administered in accordance with § 71.4(b)(2)(ii) and (iii).

(ii) One of the following:

(A) An arm, foot, or leg likely to impair the ability to perform normal tasks associated with driving a school bus.

(B) Another significant limb defect or limitation likely to impair the ability to perform normal tasks associated with driving a school bus.

(C) Has been granted a waiver by the Department after competency has been demonstrated through a driving examination.

(4) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring use of insulin or other hypoglycemic medication.

(i) A waiver may be granted to an individual requiring the use of diabetic medications provided the individual meets all of the following:

(A) The individual's health care provider verifies in writing that there has been no incident of a severe hypoglycemic reaction or symptomatic hyperglycemia and the individual has been free from insulin reaction resulting in loss of consciousness, attention or awareness or the requirement of assistance from another person, for the preceding 12 months.

(B) The driver submits to a diabetic examination every 6 months, and submits the results of the examination and the results of an HbA1C test on a form provided by the Department. The healthcare provider reviewing the diabetic examination shall be familiar with the individual's past diabetic history for 24 months or have access to that history and certify that the individual is under good diabetic control.

(I) An individual who has had two consecutive HbA1C test results of greater than 8% as required in this clause shall undergo additional diabetic examinations every 3 months. The health care provider shall review the self monitoring blood glucose logs and report the highest and lowest blood glucose levels for that 3-month period and certify that the observed blood glucose levels are not suggestive of hypoglycemic or hyperglycemic driving impairment on a form provided by the Department.

(II) Once the results of two consecutive HbA1C tests required in this clause are 8% or less, the individual may discontinue the additional examinations and reporting required in subclause (I).

(C) The driver submits to an annual dilated eye examination and submits the results of the examination on a form provided by the Department.

(D) Individuals, upon hire to drive a school bus, shall manage their diabetes by complying with the following requirements:

(I) Self-monitor blood glucose 1 hour before driving, and at least every 4 hours while driving or while otherwise on duty, by using a portable blood glucose monitoring device with a computerized memory. If blood glucose is below 80 mg/dL or above 350 mg/dL the individual may not drive until appropriate measures are taken and the individual retests within this acceptable range.

(II) Submit the computerized glucometer results of blood glucose self-monitoring for review by the treating health care provider or a school transportation medical practitioner. The results shall also be submitted to the health care provider conducting the diabetic examination required by clause (B).

(III) Maintaining a manual blood glucose monitoring log and submitting it, together with the glucose monitoring device's computerized log, every 6 months to the health care provider conducting the 6-month diabetic examination.

(IV) Carrying a source of rapidly absorbable glucose at all times while driving a school bus.

(ii) Notwithstanding the provisions in subparagraph (i), a waiver may be granted to an individual who has recently suffered from a severe hypoglycemic reaction or symptomatic hyperglycemia as long as the individual has been free from severe hypoglycemic reactions or symptomatic hyperglycemia for the preceding 12 months and the subsequent severe hypoglycemic reaction or symptomatic hyperglycemia occurred while the individual was

under the care of a treating health care provider, during or concurrent with a nonrecurring transient illness, toxic ingestion or metabolic imbalance. This waiver will only be granted if the treating physician submits written certification indicating it is a temporary condition or isolated incident not likely to recur.

(iii) A reviewing health care provider finding that the individual previously qualified for a waiver is not complying with the requirements in subsection (b)(4)(i), or is otherwise no longer qualified for the waiver shall promptly report these findings to the Department and the waiver will be rescinded.

(iv) If the individual requiring the use of oral hypoglycemic medication or insulin does not qualify for a waiver, that individual may request an independent review of the individual's medical records. The review will be conducted by a member of the Medical Advisory Board or by another physician designated by the Department.

(v) Submissions to the Department by physicians or other health care providers, including physician verifications and the results of diabetic examinations, shall be made on forms provided by the Department.

(5) Has no established medical history or clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency or pacemaker insertion.

(i) Waivers may be granted to those individuals with a history of coronary artery disease, previous myocardial infarction, congenital heart defects, cardiomyopathy, pericarditis, myocarditis, chronic atrial flutter/fibrillation or valvular heart disease, and individuals who have undergone corrective surgery for congenital heart defects, coronary angioplasty, valve repair/replacement, coronary artery bypass graft surgery, or ablative surgery for paroxysmal supraventricular arrhythmias, if the individual annually meets these criteria:

(A) The individual is asymptomatic from the disorder or is receiving medication used to treat the disorder and is asymptomatic on medication.

(B) The individual completes seven Mets (metabolic equivalents) on a treadmill stress EKG (electrocardiogram) test preferably following the Bruce or Balke Protocols and achieves 85% of the predicted maximal heart rate without symptoms or EKG changes. If the resting EKG is abnormal, or the individual is on digoxin, then a stress thallium test should be performed.

(C) An echo, gated blood pool scan or left ventriculogram performed on the individual measures a left ventricular ejection fraction of 40% or greater.

(ii) In the case of a permanent pacemaker insertion, the individual shall be 2 months post insertion, asymptomatic and demonstrate that he is undergoing regular pacemaker follow up.

(iii) In the case of chronic atrial flutter/fibrillation, the individual shall be on anticoagulant therapy with aspirin or Coumadin and demonstrate adequate rate control when exercising on a treadmill as listed in subparagraph (i)(B).

(iv) Waivers may not be granted to individuals:

(A) Diagnosed with symptomatic coronary artery disease (angina), cardiomyopathy, pericarditis, myocarditis, congenital or valvular heart disease.

(B) Within 2 months of a myocardial infarction, open heart surgery or pacemaker insertion.

(C) Implanted with an automatic cardioverter/defibrillators or anti-tachycardic device.

(D) With any history of ventricular tachycardia (excluding couplets and triplets), ventricular fibrillation or sudden cardiac death with successful resuscitation.

(E) With any history of paroxysmal supraventricular tachycardia.

(F) With any history of carotid sinus hypersensitivity, sick sinus syndrome, second degree heart block or third degree heart block unless a pacemaker has been inserted.

(6) Has no established medical history or clinical diagnosis of other cardiovascular disease resulting in syncope, dyspnea, loss or impairment of consciousness, collapse, or congestive cardiac failure.

(7) Has no current clinical diagnosis of hypertension resulting in syncope, dyspnea, loss or impairment of consciousness, collapse, or congestive cardiac failure.

(8) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to impair the ability to drive a school bus safely.

(9) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease likely to impair the ability to drive a school bus safely.

(10) Has no established medical history or clinical diagnosis of seizure disorders or another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus safely.

(i) A waiver may be granted to these persons provided:

(A) There has been no more than a single, nonrecurring episode of altered consciousness or loss of bodily control, occurring at least 2 years preceding application, which did not require treatment.

(B) A seizure disorder has been diagnosed, but the person has been episode-free for at least 5 years preceding application and has not required treatment for at least 5 years preceding application.

(11) Has no mental, emotional or psychiatric disorder whether functional or organic which may be manifested in a condition likely to impair the ability to drive a school bus safely, such as inattentiveness, despondency, aggressiveness, or lack of concern for the safety of self or others.



(12) Has no hearing loss greater than 40 decibels in the better ear, without a hearing aid, at frequencies of 500, 1,000, and 2,000 Hz. (Reference American National Standards Institute (ANSI) 1969 for earphones: Dirks and others, *Journal of Speech and Hearing Disorders*, J.S.H.D. Vol. 44, 2/79, 34-54- in a sound field for warble tones). A person who is required to wear a hearing aid to meet the standards of this paragraph shall be tested by an audiologist or a licensed physician—M.D. or D.O.—who specializes in the treatment of otolaryngology. An audiologist is an individual who has a certificate of clinical competence in audiology awarded by the American Speech, Language and Hearing Association or is licensed as an audiologist under the Speech-Language and Hearing Licensure Act (63 P. S. §§ 1701—1719). The individual who performs the test shall certify that the person has passed the test. A person who requires a hearing aid to meet the requirements of this paragraph shall also:

(i) Have a speech reception threshold of 40 decibels H. L. or better in the better ear with a hearing aid, as tested with speech presented in monaural direct mode—45° Azimuth to the right ear or 315° Azimuth to the left ear; reference 0 decibels H. L.=13 decibels S.P.L. for sound field speaker.

(ii) Achieve a score of 60% or better in a speech discrimination test of phonetically balanced words. Presented at 50 decibels H. L. + 12 decibels S/N—Average sound levels plus background noise. The tested shall use:

(A) C.I.D. W-22 word lists.

(B) Masking noise consisting of speech spectrum noise or white noise, which shall be presented in monaural indirect mode—45° Azimuth for left ear and 315° Azimuth for right ear.

(iii) Wear the aid and keep it operational at all times when driving the school bus.

(iv) Keep a good spare battery source on their person whenever driving the school bus.

(v) Present, at the time of the hearing test, an electroacoustic analysis test report of the hearing aid which indicates that the aid meets manufacturer's specifications.

(13) Does not abuse alcohol or another drug or substance known to impair skill or functions which may be manifested in a condition such as inattentiveness, despondency, aggressiveness or lack of concern for the safety of self or others.

(14) Has no type of tuberculosis in a transmittable stage and has taken the tuberculin test every 2 years as required by section 1418(b) of the Public School Code (24 P. S. § 14-1418(b)).

(15) Has no other condition which in the opinion of the examining physician is likely to impair the ability to drive a school bus safely.



(c) *Physical examination certificate.* The examining school transportation medical practitioner, physician, chiropractor, CRNP or physician assistant shall issue a certificate, valid for the ensuing year, to every driver who passes a physical examination.

(1) A certificate shall become void if a condition occurs which would have disqualified the driver at the time of the examination.

(2) A school bus driver whose certificate becomes void may request a re-examination.

(3) The original of the physical examination form or a copy or photocopy executed by the doctor and driver shall be forwarded to the Pupil Transportation Section.

(d) *Additional requirements.* Every school bus driver shall:

(1) Comply with local school district policies regarding communicable diseases and 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases).

(2) Consume no alcoholic beverage or controlled substance within 8 hours in advance of and while driving a school bus.

(e) *Application for waiver.* Application for waiver under this section may be obtained from the Department at the time of application for a school bus driver endorsement or thereafter.

#### Authority

The provisions of this § 71.3 amended under the Vehicle Code, 75 Pa.C.S. §§ 1504(c), 1508, 1508.1, 1509 and 6103.

#### Source

The provisions of this § 71.3 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702; amended April 11, 1980, effective April 12, 1980, 10 Pa.B. 1542; amended May 24, 1985, effective May 11, 1985, provided that subsection (b)(12) shall possess a sunset of 3 years after the date of adoption, 15 Pa.B. 1918; subsection (b)(12) readopted May 20, 1988, effective May 11, 1988, 18 Pa.B. 2301; readopted May 11, 1990, effective immediately and apply retroactively to May 11, 1990, 20 Pa.B. 2524; amended January 13, 1995, effective January 14, 1995, 25 Pa.B. 160; amended January 23, 1998, effective January 24, 1998, 28 Pa.B. 364; amended November 26, 2003, effective November 29, 2003, 33 Pa.B. 5817; amended August 24, 2007, effective August 25, 2007, 37 Pa.B. 4621; amended October 8, 2010, effective October 9, 2010, 40 Pa.B. 5809. Immediately preceding text appears at serial pages (329367) to (329372) and (337685) to (337686).

#### Notes of Decisions

The existence of the medical condition of epilepsy is not controlling; the determinative factor is whether the medical condition affects an individual's ability to drive a school bus. *Department of Transportation v. Chalfant*, 565 A.2d 1252 (Pa. Cmwlth. 1989).

Bus driver whose license was revoked because she was diabetic, even though diabetes had been under control for years, could assert rights under the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), and administration of blood sugar level test prior to each bus trip wasn't undue burden on employer. *Department of Transportation v. Tinsley*, 564 A.2d 286 (Pa. Cmwlth. 1989); appeal denied 575 A.2d 570 (Pa. 1990).

The affirmative defense of section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794) to challenge the recall of licenses is allowed and drivers may present evidence that current heart or epileptic conditions do not pose an appreciable risk. *Department of Transportation v. Brown*, 558 A.2d

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121 (Pa. Cmwlth. 1989); vacated and remanded 620 A.2d 1139 (Pa. 1993); affirmed 630 A.2d 927 (Pa. 1993); affirmed 684 A.2d 1060 (Pa. 1996).

Once a licensee presents a prima facie case of discrimination by handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), the licensee is entitled to proof by the Department that he is not otherwise qualified. *In re Stober*, 524 A.2d 535 (Pa. Cmwlth. 1987), affirmed on reargument, 546 A.2d 155 (Pa. Cmwlth. 1988).

Department of Transportation could recall a school bus driver's class 4 license on the grounds that he had a history of myocardial infarction and coronary arterial disease. *Department of Transportation v. Spagenberg*, 519 A.2d 1118 (Pa. Cmwlth. 1987).

Although bus driver never suffered a heart attack, his "technical history of heart problems" and by-pass surgery evidenced a "history of coronary insufficiency" which is a valid basis for recall of bus driving privileges under 67 Pa. Code § 71.3. *Department of Transportation v. Walko*, 510 A.2d 398 (Pa. Cmwlth. 1986).

Regulation at 67 Pa. Code § 71.3(b)(5) [changed to (b)(12)] prohibiting licensure of school bus drivers with hearing loss greater than 25 decibels, does not discriminate against the hearing impaired since there is a rational relationship to safety goals, it does not violate substantive due process, and it constitutes an appropriate job qualification. *Giampa v. Commonwealth*, 492 A.2d 504 (Pa. Cmwlth. 1985).

Although school bus operator is currently physically competent, the fact that he underwent heart surgery to correct a 95 percent blockage in a coronary artery presupposes a medical history of coronary insufficiency, thus disqualifying him as an operator under 67 Pa. Code § 71.3 (b)(3)(ii) [changed to (b)(5)]. *Department of Transportation v. Miller*, 492 A.2d 121 (Pa. Cmwlth. 1985).

Previous decision at 84 Pa. Cmwlth. 26, 478 A.2d 521 (1984) vacated. Subsection (b) is not arbitrary or capricious and provides a valid basis for recall of the license of a school bus driver who is in currently good physical condition but has a history of heart attack. *Department of Transportation v. Johnson*, 489 A.2d 960 (Pa. Cmwlth. 1985); 478 A.2d 521 (1984).

Panel opinion, 84 Pa. Cmwlth. 26, 478 A.2d 521, vacated. Person without any current impairment may be denied school bus driving privileges solely on basis of history of heart attack. 67 Pa. Code § 71.3 is reasonable, and hence valid under substantive due process tests. *Department of Transportation v. Johnson*, 489 A.2d 960 (Pa. Cmwlth. 1985).

Because the history of a disorder is not synonymous with the current existence of a disorder, the court held that the Department's application of subsection (b) was unlawful where the petitioner was determined to be physically unqualified solely on the basis of his "established medical history" of a myocardial infarction. *Department of Transportation v. Johnson*, 478 A.2d 521 (Pa. Cmwlth. 1984). Reargument granted.

In vacating and remanding the District Court's decision suspending plaintiff's Class 4 driver's license under subsection (b)(5), for wearing an eyeglass type of hearing aid the Court noted that the Department allows the granting of school bus driver's licenses to individuals who must wear eyeglasses in order to meet Department vision standards, under subsection (b)(1)(i). *Strathie v. Department of Transportation*, 716 F.2d 227 (3d Cir. 1983).

In vacating and remanding the District Court's decision suspending plaintiff's Class 4 driver's license under subsection (b)(5), the Court ruled that there was no factual basis in the record reasonably demonstrating that wearing a stereo hearing aid was such a physical ailment as would "likely interfere with the ability to drive a school bus with safety" and which would present an appreciable risk to the safety and control of school bus passengers if permitted. *Strathie v. Department of Transportation*, 716 F.2d 227 (3d Cir. 1983).

The suspension under this section of the Class 4 license of a driver who had diabetes and was taking 500 mg. of a hypoglycemic drug daily was held to be within the power of the Department and not in violation of the driver's Fourteenth Amendment rights. *Department of Transportation v. Slater*, 462 A.2d 870 (Pa. Cmwlth. 1983).

**§ 71.4. Driver's examination.**

(a) *General rule.* The examinations required by §§ 75.4—75.6, 75.23 and 75.26—75.28 will be given by the Department or an authorized agent to every applicant for an S endorsement.

(b) *Recertification examination.* The recertification skills evaluation will be given by the Department or an authorized agent to every holder of an S endorsement every 4 years.

(1) The recertification skills evaluation shall be administered by one of the following methods:

(i) An on-road instructor shall evaluate the driving skills in conjunction with the completion of the required 3 hours of on-road training. The instructor shall certify on a form provided by the Department that the driver has demonstrated proficiency in the driving skills provided in paragraph (2).

(ii) An on-road instructor or third party tester shall evaluate the driving skills during a regular bus run with students on board. The instructor or third party tester shall certify on a form provided by the Department that the driver has demonstrated proficiency in the driving skills provided in paragraph (2).

(iii) An on-road instructor or third party tester shall complete the recertification skills evaluation as a school bus, safety-specific skills test. The instructor or third party tester shall certify on a form provided by the Department that the driver has demonstrated proficiency in the driving skills provided in paragraph (2).

(iv) A Department driver license examiner shall complete the recertification skills evaluation as a school bus, safety-specific skills test. The driver license examiner shall certify on a form provided by the Department that the driver has demonstrated proficiency in the driving skills provided in paragraph (2).

(2) The recertification skills evaluation shall be administered in three parts: a safety inspection, a basic skills test and an on-road driving test. The entire examination shall be administered. If the driver fails a portion of the test, the driver may return on another day and retake only that portion which the driver failed.

(i) The safety inspection shall be the first part of the recertification skills evaluation. The driver will be given one point for each item that is correctly inspected. A passing score is 12 or more correctly inspected items. Inability to correctly perform the air brake check in clause (M) will result in automatic failure of this portion. The driver shall check the following safety equipment:

- (A) 8-way lighting system.
- (B) Headlights, low and high beams.
- (C) Turn signals.
- (D) Identification and side marker lights.
- (E) Hazard warning system.
- (F) Tail lights.

- (G) Stop lights.
- (H) Seats, condition and mounting.
- (I) Fire extinguisher.
- (J) First aid kit.
- (K) Axe or pry bar.
- (L) Portable emergency warning devices.
- (M) Hydraulic brake or air brake.
- (N) Emergency brake.
- (O) Tires and the emergency door warning sound.

(ii) The basic skills test shall be the second part of the recertification skills evaluation. The test will consist of two exercises. The driver's score will be based on the number of errors committed in each exercise. An accumulation of three errors or more in either exercise will constitute a failed test. Inability to perform clause (A)(III), (V), (VII) or (X) will result in automatic failure of this portion. The exercises are:

- (A) *Simulated or actual student discharge.*
  - (I) 150'—300' activate amber warning lights.
  - (II) Check traffic.

- (III) Come to a complete stop, apply emergency brake, transmission in neutral.
- (IV) Open door slightly, activating red lights and stop arm.
- (V) Check traffic (during stop).
- (VI) Open door completely.
- (VII) Check all mirrors around vehicle for students.
- (VIII) Shut door—deactivate red lights.
- (IX) Check mirrors, put transmission in gear; release brake.
- (X) Check child safety, recheck mirrors and proceed.

(B) *Simulated or actual railroad crossing.*

- (I) While approaching, activate 4-way hazard lights.
- (II) Stop between 15'—50' from nearest rail.
- (III) Apply parking brake, transmission in neutral.
- (IV) Open door and window.
- (V) Look and listen.
- (VI) Close door.
- (VII) If clear, put in gear and release parking brake.
- (VIII) Proceed across tracks without shifting gears.
- (IX) Deactivate 4-way hazard lights after crossing tracks.

(iii) The on-road driving test shall be the third part of the recertification skills evaluation. The driver's score will be based on the number of errors committed during the test. An accumulation of 11 errors or more will constitute a failed test. An automatic failure will occur if the driver commits any traffic offense, runs over a curb or sidewalk, or causes an accident. Evaluation and scoring will be based on maneuvers which shall include the following:

- (A) Driving and demonstrating stopping and starting a minimum of two times.
- (B) Driving and executing left and right turns a minimum of two times.
- (C) Driving and demonstrating merging into traffic from a stop sign or yield sign.
- (D) Demonstrating driving ability at an intersection a minimum of two times.
- (E) Demonstrating driving ability in the local area.
- (F) Demonstrating general driving behavior.

(c) *Application for examination.* Application for a driver's examination shall be made on a form obtainable from the Department.

(d) *Additional examination.* An additional examination will be given upon request of a person who fails a driver's examination or recertification skills evaluation. A school bus driver who fails a recertification skills evaluation three times shall surrender the S endorsement to the person conducting the examina-

tion. An applicant who fails a driver's examination three times shall surrender his permit to the person conducting the examination.

(e) *Reinstatement.* A school bus driver whose S endorsement has been invalidated or suspended shall undergo and successfully pass a driver's examination before the S endorsement is reinstated.

#### Authority

The provisions of this § 71.4 amended under the Vehicle Code, 75 Pa.C.S. §§ 1504(c), 1509 and 6103.

#### Source

The provisions of this § 71.4 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702; amended March 23, 1979, effective July 1, 1979, 9 Pa.B. 1073; amended May 10, 1985, effective May 11, 1985, 15 Pa.B. 1750; readopted May 11, 1990, effective immediately and apply retroactively to May 11, 1990, 20 Pa.B. 2524; amended May 25, 1990, effective May 26, 1990, 20 Pa.B. 2767; amended January 13, 1995, effective January 14, 1995, 25 Pa.B. 160. Immediately preceding text appears at serial pages (150695) to (150696).

#### Cross References

This section cited in 67 Pa. Code § 71.3 (relating to physical examination).

### § 71.5. Courses of instruction.

(a) *Administration.* Courses of instruction established by the Department shall be administered by the local public school district or intermediate unit and shall be made available to public and private, including parochial, school bus drivers within the boundaries of the public school district or intermediate unit.

(b) *Instructors.* Qualifications of instructors includes the following:

(1) Course instructors shall possess a certificate of instruction issued by the Department.

(2) Instructors may be employes of the public school district or intermediate unit or a school bus contractor.

(c) *Learning drivers.* Courses of instruction for learning drivers shall include the following:

(1) An applicant to whom an S endorsement learner's permit is issued shall undergo a 10-hour course of instruction consisting of 7 hours of classroom instruction and 3 hours of vehicle familiarity and driving instruction before driving a school bus carrying school children. On completion of the 10-hour course, the person shall be eligible to take a driver's examination administered by the Department. On successfully passing the driver's examination, the applicant will receive an S endorsement.

(2) Within 120 days of receiving an S endorsement, a school bus driver shall undergo a supplemental 10-hour course of instruction consisting of 7 hours of classroom instruction and 3 hours of vehicle familiarity and driving instruction. The course instructor shall notify the Department when a driver has completed the 10-hour course. If the notification is not received by the Department within 150 days of the date of the issuance of the S endorsement, the Department will suspend the S endorsement until notification is received.

(d) *Review course.* In addition to the training provided for in subsection (c), a holder of an S endorsement shall undergo a 10-hour course of instruction, consisting of 7 hours of classroom instruction and 3 hours of vehicle familiarity and driving, every 4 years.

(e) *Driver's list.* The public school district or intermediate unit conducting the courses of instruction shall furnish to the Department a list of the drivers who successfully complete the course. The list shall contain the intermediate unit or private or parochial school employing the driver, the type of course and the date the course was completed.

(f) *Forms.* Necessary forms will be provided by the Department.

**Authority**

The provisions of this § 71.5 amended under the Vehicle Code, 75 Pa.C.S. §§ 1504(c), 1509 and 6103.

**Source**

The provisions of this § 71.5 adopted September 23, 1977, effective September 24, 1977, 7 Pa.B. 2702; amended through August 10, 1979, effective August 11, 1979, 9 Pa.B. 2638; readopted May 11, 1990, effective immediately and apply retroactively to May 11, 1990, 20 Pa.B. 2524; amended January 13, 1995, effective January 14, 1995, 25 Pa.B. 160. Immediately preceding text appears at serial pages (150696) to (150697).

**§ 71.6. Knowledge examination.**

A school bus driver knowledge examination will be given by the Department to every applicant for an S endorsement and, every 4 years, to a holder of an S endorsement. The examination shall consist of 25 questions taken from the most recent edition of the *Pennsylvania School Bus Driver's Manual*. Eighty percent of the questions answered correctly is a passing grade.

**Authority**

The provisions of this § 71.6 issued under the Vehicle Code, 75 Pa.C.S. §§ 1504(c), 1509 and 6103.

**Source**

The provisions of this § 71.6 adopted January 13, 1995, effective January 14, 1995, 25 Pa.B. 160.



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