

Federal & State Laws Impacting Michigan School Bus Drivers Medical Fitness for Duty

Webinar Introduction and Structure

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1. The webinar is being recorded.
2. Please **MUTE** your microphones to reduce interference and maintain presentation quality.
3. **Write your questions in the chat.** Questions will be answered in topic order after all presentations.
4. After this webinar, go to **mapt.org** and click on **RESOURCES** for webinar recording, presenters' contact information, and resource materials.

Part I – “*The Incident*”

Presented by
Linda Thompson, Transportation Supervisor,
Lapeer Community Schools.

Federal & State Laws Impacting Michigan School Bus Drivers' Medical Fitness for Duty

Part I – *“The Incident”*

Presenter: Linda Thompson, Transportation Supervisor
[Linda.thompson@lapeerschools.org]

Lapeer Community Schools

Part I – *“The Incident”*

On December 5, 2024 – Timothy came in for his interview for a bus driving position

- ✓ The interview went well
- ✓ Interested in a full-time bus driving job
- ✓ Had all the certifications to drive except the class card and an updated medical card
- ✓ The application showed he hadn't worked in a while. Said he would explain during the interview.

Part I – *“The Incident”*

During the interview –

- He stated he worked for another school district.
- Trained and received his CDL license in 2019.
- He chose to come to our district because he lives in our area.
- He did not have any restrictions showing his driver’s license.
- Shortly after getting his CDL, he had a crushing incident that severely injured his right foot.
- He went through several surgeries and in 2023 he had his leg amputated and he now has a prosthetic leg from the right knee down.
- His License check showed no restrictions on his driving record.
- He was cleared by his family doctor and from his surgeon.

Part I – *“The Incident”*

- ✓ **I informed Timothy that I would check to see what our next steps were. I knew there was something about limb impairments that I needed to confirm before I could offer him a bus driving job.**
- ✓ **I emailed Mac to see what I had to do to assist this driver with the possibility of getting approved to drive a school bus.**
- ✓ **He directed me to contact Matthew Fabry, with The Federal Motor Carrier Safety Administration (FMCSA)**
- ✓ **The SPE has be performed, driver successfully completed the SPE, and is part of the Lapeer Transportation Team.**

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Part II – *“How Did We Get Here?”*

Presenter: Mac Dashney

Pupil Transportation Operation & Management Institute

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Part II – “*How We Got Here*”

Presenter: Mac Dashney [h.dashney@comcast.net]

Pupil Transportation Operation & Management Institute

Part II – “*How We Got Here*”

Pre-2010

MCL 257.1853 (1) (b) Medical requirements

“*the annual physical requirements for school bus and pupil transportation vehicle drivers as authorized by the superintendent of public instruction”.* MDE administration

MDE Policy: December 17, 1986

IF DIABETES IS NOTED AT THE TIME OF EXAMINATION AND IS STABILIZED BY USE OF INSULIN, HYPOGLYCEMIC DRUG, OR DIET THAT CAN BE OBTAINED WHILE THE DRIVER IS ON DUTY, IT SHOULD NOT BE CONSIDERED DISQUALIFYING. HOWEVER, THE DRIVER MUST REMAIN UNDER ADEQUATE MEDICAL SUPERVISION.

Part II – How We Got Here!

MDE: SM - 2934 School Bus Driver Certificate of Medical Fitness

SM-2934 Rev 07/03
SCHOOL BUS DRIVER CERTIFICATE OF MEDICAL FITNESS

I certify that I have examined _____
in accordance with section 53 of the Pupil Transportation Act of 1990
and with the knowledge of his or her duties as a school bus driver. I
find that the person herein named is qualified as specified in this Act.

☐ Qualified only when wearing corrective lenses.

A completed examination form must be filed at his or her employer's
administrative office.

Medical Examiner's Signature _____ Examination Date _____
(Expires 1 Year From Exam Date)

Print Medical Examiner's Name _____ Driver's Signature _____

Driver's Address _____

RETAIN THIS CERTIFICATE
FOR IDENTIFICATION

MICHIGAN Department of Education

**Valid until
June 10, 2010**

How We Got Here!

June 10, 2010

PA-93 Changes 257.1853 (1) (b)

Medical Fitness Standards moved from State Law to FMCSA Regulations

*The **requirements** to ensure that a **person is qualified to operate** a school bus 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)** **does not apply** if either of the following is true: waiver from Michigan State Police.*

MSP: MCL 480.13 (5)(8) “This act/rules promulgated do no apply to a school bus”

MSP: MCL 480.15 (5)(8) “This act/rules promulgated do not apply to a school bus”.

On June 10, 2010, diabetic school bus drivers in jeopardy of losing their CDLs!

Legislation was needed to correct this *unintended consequence*.

How We Got Here!

December 17, 2021

PA- 131, Revises MCL 257.1853 (1) (b)

“The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section.”

FMCSA’s Medical standards for a CMVO’s medical fitness for duty allowed for:

- ✓ Skill Performance Evaluation and or a
- ✓ Medical Examiner’s medical judgement to determine a driver’s eligibility to operate a school bus.

Federal & State Laws Impacting Michigan School Bus Drivers Medical Fitness for Duty

Part III – *“Need for MSP Waiver Process”*

Sgt. Jeremy Matter, MSP – School Bus Inspection Unit
Commercial Motor Vehicle Enforcement Division

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Part III – *“Need for MSP Waiver Process”*

Sgt. Jeremy Matter, MSP – School Bus Inspection Unit

[\[MatterJ@michigan.gov\]](mailto:MatterJ@michigan.gov)

Commercial Motor Vehicle Enforcement Division

Part III – *“Need for MSP Waiver Process*

September 27, 2011

PA-156 Revises MSP – MCL 480.15 (6)

*“**Except** for the purpose of **granting a waiver** in accordance with **section 53** of the pupil transportation act ... **this act and the rules** promulgated under this act **do not apply to a school bus** as defined in the pupil transportation act ...”*

For 10 years, the MSP Waiver process determined a diabetic school bus driver’s eligibility to operate a school bus in intrastate transportation.

Part III – “Need for MSP Waiver Process

MSP Waiver Unit: MC-21 – **Medical Waiver Card** necessary for a diabetic driver to operate a school bus only within the state of Michigan - From 2011 until 2021.

MC-21 (6-2004)
Michigan State Police

No.

MEDICAL WAIVER FOR PERSON NOT MEDICALLY QUALIFIED TO DRIVE

NAME: _____

DOB: _____

EMPLOYED BY: _____

This waiver is valid while operating in interstate commerce, when not transporting any commodity regulated by the United States Department of Transportation in interstate transportation, and while employed as a driver for the above motor carrier.

Effective Date: _____

Expiration Date: _____

SEE LIMITATIONS ON REVERSE SIDE

MICHIGAN
DRIVERS LICENSE NUMBER: _____

STATE POLICE

[Signature]
Chairperson
Motor Carrier Safety Appeal Board

AUTHORITY: Sec. 1621b of 1963 PA 181
COMPLIANCE: Must be carried by driver
PENALTY: Civil Infraction

LIMITATIONS

Vehicle Type: _____

Type of Trailers: _____

Maximum Gross Weight: _____

Brake System: _____

Steering: _____

Maximum Daily Mileage: _____

On-Duty Driving: ☒ Daylight ☒ Darkness

Type of Roads: ☒ Freeway ☒ State Hwy ☒ County Rd ☒ City Street

Area of Operation: _____

Commodities/Cargo to be Transported: _____

Part III – *“Need for MSP Waiver Process*

December 17, 2021

PA-131 of 2021, Revises MCL 257.1853 (1) (b)

“The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section.”

Part III – *Need for MSP Waiver Process*

MSP No Longer Issuing School Bus Driver Medical Waivers

- Communication when school bus driver waivers are expiring.
- Waiver has expired and will not be renewed.
- Diabetic school bus drivers and all other new and veteran school bus drivers with potential and existing medical issues must go to a CDL medical examiner to maintain their eligibility by complying with the FMCSA medical standards in 49 CFR [391.46](#) (a) (1) & (2)
- *“A CDL or CLP holder required ... obtain a medical examiner's certificate, who obtained such by virtue of having obtained a medical variance from FMCSA, must continue to have in his or her possession the original or copy of that medical variance documentation at all times when on-duty.”*

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Part IV – “*What Happens Now?*”

Matt Fabry & Paul Oles:

Federal Motor Carrier Safety Administration, Mich. Office

Federal & State Laws Impacting Michigan School Bus Drivers' Medical Fitness for Duty

“Part IV – *“What Happens Now”*”

Matt Fabry: Division Administrator [matthew.fabry@dot.gov]

Paul Oles: Program Specialist [paul.oles@dot.gov]

Federal Motor Carrier Safety Administration-Mich. Div.

Part IV – “*What Happens Now?*”

FMCSA – Exceptions for Federal, State, & Local Governmental Units

49 CFR 390.3 (f) (1) (2)

What is **NOT EXCEPTED** by FMCSA for above entities

390.15 School bus defined & School bus operation defined

391.15 (e) Texting & (e) Hand-held mobile telephone

392.15 Prohibited driving status

392.82 Using hand-held mobile telephone

Part IV – “*What Happens Now?*”

Michigan Law: [PA-131](#) of 2011, effective December 17, 2021

Revises [MCL 257.1853](#) (1) (b) – “*The requirements to ensure that a person is qualified to operate a school bus found in [49 CFR 391.41 - 391.49](#), including the appendices of each section.*”

FMCSA compliance for revised regulations [49 CFR 391.41 - 391.49](#) became effective, [June 22, 2021](#).

Changes include -

Physical Qualifications for Drivers – 49 CFR 391.41

Resource Materials

1) Appendix A to Part 391 - Medical Advisory Criteria

1. Loss of limbs – 391.41 (b)(1) * would require SPE
2. Limb impairment - 391.41 (b)(2) * would require SPE
3. §391.49 Alternative physical qualification standards for the loss or impairment of limbs *complete SPE requirements found here
4. Cardiovascular Conditions - 391.41 (b)(4)
5. Respiratory Dysfunction - 391.41 (b)(5)
6. Hypertension - 391.41 (b)(6)
7. Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease - 391.41 (b)(7)
8. Epilepsy - 391.41 (b)(8)
9. Mental Disorders - 391.41 (b)(9)
10. Vision – 391.41 (b) (10) Drivers with monocular vision completing CDL
Physical may drive a Commercial Motor Vehicle, e.g., school bus
11. Hearing - 391.41 (b)(11)
12. Drug Use - 391.41 (b)(12)
13. Alcoholism - 391.41 (b)(13)

2) FMCSA Medical Examiner's Certificate with SPE needed

3) SPE Certification materials 12212021 (Clean copy for fleet resource document)

Resource
Materials
Included in
Resource Packet

No... x

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Skill Performance Evaluation Certificate

Federal Motor Carrier Safety Administration
Agency Address: MIDWESTERN SERVICE CENTER
 4749 Lincoln Mall Drive Suite #300A
 Matteson, IL 60443
 Telephone: (708) 283-3577

Issued Under Section 391.49 of the Federal Motor Carrier Safety Regulations

DRIVER:
SSN: **DOB:** 09-27-1963
Address: 4142 SCOFIELD ROAD
 EAST JORDAN, MI 49727

Effective Date: 02-07-2022
Expiration Date: 02-06-2024
Driver Disability: ZONE 4 - AMPUTATION
 RIGHT BELOW KNEE

CHECK ONE: ☐ NEW ☒ RENEWAL
CHECK ONE: ☒ UNILATERAL ☐ JOINT

OPERATOR'S LICENSE: MI J400119792746
 (State) (Number)

In accordance with 49 CFR 391.49, subchapter B of the Federal Motor Carrier Safety Regulations (FMCSRs) the driver application for a Skill Performance Evaluation (SPE) certificate is hereby granted authorizing the above-named driver to operate in interstate or foreign commerce under the provisions set forth below. This certificate is granted for the period shown above, not to exceed 2 years, subject to periodic review as may be found necessary. This certificate may be renewed upon submission of a renewal application. Continuation of this certificate is dependent upon strict adherence by the above-named driver to the provisions set forth below and compliance with the FMCSRs. Any failure to comply with provisions herein may be cause for cancellation.

CONDITIONS: As a condition of this certificate, reports of all accidents, arrests, suspensions, revocations, withdrawals of driving licenses or permits, and convictions involving the above-named driver shall be reported in writing to the Issuing Agency, by the EMPLOYING MOTOR CARRIER within 30 days after occurrence.

LIMITATIONS:

1. Vehicle Type (power unit):* TRACTOR TRAILER SEMI COMBINATION

2. Vehicle Modification(s): NONE

3. Prosthetic or Orthotic device(s):
 (Required to be Worn While Driving): RIGHT BELOW KNEE PROSTHETIC DEVICE

4. Additional Provision(s): NONE

Skill Performance Evaluation Certification sample

- The driver is evaluated in the vehicle they want to be qualified to drive in.
- Driver is responsible for obtaining a vehicle for the exam
- If limbs are missing, in most cases, prosthetic device is required.
- Renewal of certificate usually only requires the application to be completed
- Info mailed out to the driver a few months before expiration

If you need a SPE application, please visit the
FMCSA website:

Skill Performance Evaluation Certificate Program | FMCSA
(web link)

Federal & State Laws Impacting Michigan School Bus Drivers' Medical Fitness for Duty

Part V – “*CDL Groups, Endorsements, & Restrictions*”

Ryan Smith: CDL Help Desk Manager

Michigan Department of State

Federal & State Laws Impacting Michigan School Bus Drivers' Medical Fitness for Duty

Part V – “***CDL Groups, Endorsements, & Restrictions***”

Ryan Smith: CDL Help Desk Manager
[smithr14@michigan.gov]

Michigan Department of State

Part V - “*CDL Groups, Endorsements, & Restrictions*”

PA-131, effective December 17, 2021, revised Michigan’s school bus driver medical fitness for duty requirements.

MCL 257.1853 (1) (b) *The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section.*

Medical fitness changes may impact Mich. CDL restrictions.

Part V - “*CDL Groups, Endorsements, & Restrictions*”

Commercial Driver’s License Restriction Codes – Take note:

Restriction Code **K**: “CDL **Intra**state only”; <21 yoa or self-certify as **non-excepted intrastate** driving type.

Restriction Code **V**: “**CDL Medical Variance**”; MI-SOS notified by the FMCSA that a medical variance has been issued to the driver.

FMCSA regulations may impact a Michigan CDL

Part V – “*CDL Groups, Endorsements, & Restrictions*”

49 CFR 381.41 (a) (1) (ii) reads “A *person who qualifies for the medical examiner's certificate ... or a Skill Performance Evaluation certificate, must have on his or her person a copy of the variance documentation when on-duty.*”

June 23, 2025, updates to FMCSA regulation “carrying medical certifications on your person when on-duty.

49 CFR 391.41 (a) (2) (ii) “*On or after June 23, 2025, a driver required ... no longer needs to carry on his or her person the medical examiner's certificate*”

Part V – “*CDL Groups, Endorsements, & Restrictions*”

Impact of FMCSA regulations on Michigan School Bus Drivers?

MCL 257.1853 (1) (d) “A copy of the *medical certificate* for a driver must be *carried* by that driver *while* he or she is *operating a school bus*.”

Comparing two (2) regulations dealing with the same topic, the more restrictive of the two must be followed.

Federal & State Laws
Impacting Michigan School Bus Drivers
Medical Fitness for Duty

Audience Questions & Answers!

Part VI – Audience Q & A

We will start with questions from the Chat.

Penny, what is our first question?

Wrap-Up

I would like to thank all the presenters who took the time and made the effort to develop today's presentations.

Thanks to all of you that took time from your busy schedules to participate in School Bus Medical Fitness for Duty webinar.

Go to **mapt.org** and click on **RESOURCES** for webinar recording, presenter contacts' information. and resource materials.

Look for future Transportation Alert webinar programs:

- Revision of MI-LEAP Transportation Rules;

- Dealing with PA-161, 162, & 163 ("Bus Patrol") laws;
- and many more.

Thank you and enjoy the rest of your day!