

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 9. DEPARTMENT OF ADMINISTRATION SCHOOL BUSES

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 10 A.A.R. 1850, May 7, 2004

2. Sections Affected

Rulemaking Action

R17-9-101	Amend
R17-9-102	Amend
R17-9-103	Amend
R17-9-104	Amend
R17-9-109	Amend
R17-9-112	New Section
Exhibit A	Repeal

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 28-900 and 28-3228

Implementing statutes: A.R.S. §§ 15-513, 28-900 and 28-3228

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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5. An explanation of the rule, including the agency's reasons for initiating the rule:

At the request of members of the public, R17-9-104 is being amended to provide that a passenger may carry and consume while being transported on a school bus a dangerous or narcotic drug if certain specific criteria are met.

R17-9-103, regarding classroom and behind-the-wheel instructors, is being amended to be consistent with statute. The Department will no longer certify individuals as instructors. Rather, it will determine whether they are qualified to act as instructors and school bus drivers and applicants may obtain and maintain certification only if they receive training from qualified instructors. As a result of this change, R17-9-109, dealing with time-frames for certification, is also amended.

R17-9-102 is amended to require that an applicant pass a physical performance test before certification and that a school bus driver pass the test every two years after certification. It is also amended to require additional records be maintained so the Department can determine whether applicants actually receive the required number of hours of classroom and behind-the-wheel training and whether school bus drivers receive the required number of hours of refresher training.

Federal materials dealing with drug and alcohol testing of a school bus driver, which are incorporated by reference, are updated. R17-9-102 is amended to clarify that a nine-panel test for use of controlled substances, which is not required by federal law, must be performed before employment and annually using a procedure that is generally accepted in the scientific community to be accurate and reliable. The physical examination form used to assess the

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health qualification of an applicant or school bus driver is changed from that issued by the federal government to that issued by the Arizona Department of Transportation.

A new section, R17-9-112, is added specifying that the Department's enforcement authority permits it to conduct audits of the records required to be maintained under this Chapter.

Other minor changes include clarifying that the results of a negative drug test must be submitted within 12 months of a previous test and the behind-the-wheel training and driving test results in a pass or fail rather than a numerical score.

6. An explanation of the substantial change that resulted in this supplemental notice:

The drug testing requirement in R17-9-102 is clarified. In the rule as originally proposed, it was not clear that an applicant has to submit to testing for use of nine drugs using a procedure that is generally accepted in the scientific community as accurate and reliable. This test is in addition to the federally required tests.

A physical performance test is added to the requirements that an applicant must pass before being certified as a school bus driver and that a school bus driver must pass every two years to maintain certification. Currently certified school bus drivers are provided one year in which to pass the physical performance test.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rule changes will have minimal economic impact unless a school district decides to permit a passenger to carry and consume while being transported on a school bus a dangerous or narcotic drug. If a school district voluntarily decides to do this, it will incur the cost of meeting the criteria established in the rule, which can be substantial. This includes the cost of hiring and training a qualified person to travel on the school bus with an affected passenger, establishing written policies and procedures regarding the administration of a dangerous or narcotic drug by a trained district employee to a passenger, ensuring that prior authorization is obtained from the affected passenger's parent or legal guardian, and maintaining records.

Clarification of the requirements regarding testing for use of controlled substances will reduce costs for employers. The nine-panel pre-employment drug test of applicants and the annual test of all school bus drivers, which are not required by federal law, may be performed using a procedure generally recognized in the scientific community to be reliable and accurate. This procedure is less expensive to use than the one required under federal law. The procedure required under federal law must still be used when conducting tests required under federal law.

Minimal costs will be incurred by employers by the requirement that applicants and school bus drivers pass a physical performance test. The testing may be done by currently employed classroom or behind-the-wheel instructors who complete a Department-authorized training program. The test will take only a few minutes to administer to each applicant and school bus driver. The costs incurred will be those associated with training persons to administer the test and the time of those who administer the test and school bus drivers who take the test. Based on experience in states that already require that school bus drivers pass a physical performance test, it is estimated that the failure rate will be about one percent. If a school bus driver or applicant fails the test, the employer will incur the cost of hiring and training someone else. This expense is offset by the additional safety provided to passengers.

The additional records that must be maintained under R17-9-102 will minimally increase costs for employers. This cost is offset by an increase in passenger safety resulting from the Department's ability to determine whether an applicant obtained the required number of hours of classroom and behind-the-wheel training before being certified.

No longer having to track compliance with a time-frame rule regarding qualification of classroom and behind-the-wheel instructors will minimally reduce costs for the Department and make more time available to supervise training and certification of school bus drivers.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

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10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceeding is planned. To request that an oral proceeding be held, submit a written request to the person identified in item #4. Written comments regarding the proposed rule may be submitted to the person identified in item #4 until 5:00 p.m. on November 12, 2004.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 382, October 2003, incorporated at R17-9-101 (“Controlled substances and alcohol testing”).

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 40, October 2003, incorporated at R17-9-101 (“Controlled substances and alcohol testing”).

13. The full text of the changes follows:

TITLE 17. TRANSPORTATION

**CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES**

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

Section

R17-9-101. Definitions

R17-9-102. Certification of School Bus Drivers

R17-9-103. ~~Certification~~ Qualification of Classroom and Behind-the-wheel Instructors

R17-9-104. Minimum Standards for School Bus Operation

R17-9-109. Time-frames for Making Certification Determinations

R17-9-112. Enforcement Audits

Exhibit A. ~~Proof of Completion of Behind-the-wheel Training and Driving Test~~ Repealed

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

R17-9-101. Definitions

In this Chapter, unless otherwise specified:

“Accident” means any unexpected occurrence involving a moving or non-moving school bus that results in any bodily injury or fatality to a passenger or non-passenger, damage to personal or real property outside the school bus, or damage to the school bus that affects the integrity of the school bus or results in a major defect as described in A.A.C. R17-9-108(B).

“Alternately flashing signal lamps” means a system of red or red and amber lamps that are mounted horizontally to both the front and rear of the school bus body and used to inform the public that the school bus is preparing to stop or has stopped to load or unload passengers. Alternately flashing signal lamps can be either a 4-lamp system as described in A.A.C. R17-9-107(15)(c)(i) or an 8-lamp system as described in A.A.C. R17-9-107(15)(c)(ii).

“Alteration” means any addition, modification, or removal of any equipment or component after a school bus is inspected by the Department, which may affect the operations of the school bus; compliance with the statutes or rules applicable to school buses; or the health, safety, or welfare of any individual.

“Applicant” means an individual who submits an application to the Department to obtain a certificate to operate a school bus ~~or to teach classroom or behind-the-wheel training.~~

“ASE” means National Institute of Automotive Service Excellence.

“Auxiliary fan” means a device mounted inside the school bus body used to supplement the heating, defrosting, or air-conditioning systems by circulating air in the school bus.

“Behind-the-wheel instructor” means an individual ~~certified by the Department~~ qualified under A.A.C. R17-9-103 to provide behind-the-wheel training to applicants.

“Behind-the-wheel training” means the complete physical control of a school bus by an applicant while accompanied by and under direct observation of a behind-the-wheel instructor.

“Belt cutter” means a hand-held instrument containing a blade used to sever a seat belt or a wheelchair-securement device.

“Certificate” means a written authorization issued by the Department to operate a school bus ~~or to act as a classroom or behind-the-wheel instructor~~ in Arizona.

“Chassis” means the part of a school bus that consists of all base components, including the frame, front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, clutch and accelerator pedals, steering wheel, tires, heating and cooling system, battery, and controls and instruments to operate the school bus.

“Chassis cowl” means those parts of a Type C school bus that are located in front of the cowl and attached before a school bus manufacturer adds the school bus body.

“Citation” has the same meaning as at A.R.S. § 28- 1872.

“Classroom instructor” means an individual ~~certified by the Department~~ qualified under A.A.C. R17-9-103 to provide classroom training to:

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Applicants to operate a school bus,
~~Applicants~~ Individuals becoming qualified to teach classroom training,
~~Applicants~~ Individuals becoming qualified to teach techniques of behind-the-wheel training, or
School bus drivers ~~for taking~~ refresher training.

“Classroom training” means the courses required by the Department of an applicant before the applicant is certified.

“Commercial driver license” has the same meaning as at A.R.S. § 28- 3001.

“Controlled substances and alcohol testing” means a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, and alcohol prescribed by 49 CFR 382, October ~~1999~~ 2003 (no later amendments or editions), and conducted in accordance with the procedures at 49 CFR 40, October ~~1999~~ 2003 (no later amendments or editions), both published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department ~~and the Office of the Secretary of State~~, and a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, barbiturates, benzodiazepines, methadone, and propoxyphene as required by these rules and conducted in accordance with ~~the procedures at 49 CFR 40~~ a procedure that is generally accepted in the scientific community to be accurate and reliable.

“Cowl” means the portion of the chassis in a Type C school bus that separates the school bus engine from the school bus driver’s compartment.

“Cutaway van” means a chassis to which a completed driver’s compartment is attached before a school bus manufacturer adds a school bus body.

“dB(A)” means decibels A scale, a term denoting that noise level has been adjusted to duplicate human hearing.

“Department” means the Arizona Department of Public Safety.

“Driver’s compartment” means the part of a school bus body that is separated from the passenger compartment by a barrier and contains the controls and instruments for the operation of the school bus.

“Emergency-brake system” means mechanical components used to slow or stop a school bus after a failure of the service-brake system.

“Emergency exit” means an opening in a school bus, including a door, push-out window, or roof hatch, used to unload passengers in the event of an occurrence that requires immediate evacuation of the school bus.

“Employer” means a private business or school district that hires applicants and certified school bus drivers to operate school buses.

“Forward-control chassis” means a chassis to which controls used to operate a school bus, including the brake, clutch and accelerator pedals, emergency brake, and steering wheel, are mounted as far forward on the chassis as possible and are attached before a school bus manufacturer adds a school bus body.

“Frame” means the structural foundation upon which a school bus chassis is constructed.

“Frontage road” means a street that parallels an interstate highway and furnishes access to streets and property that would otherwise be unreachable from the interstate highway.

“Gross vehicle weight rating” means the value specified by the manufacturer as the maximum total loaded weight of a school bus, calculated in accordance with A.A.C. R17-9-106(26).

“Health care professional” means:

A physician licensed to practice medicine under A.R.S. § 32-1401 et seq., osteopathy under A.R.S. § 32- 1800 et seq., or chiropractic under A.R.S. § 32- 900 et seq.;

A physician licensed to practice medicine, osteopathy, or chiropractic in a state contiguous to Arizona;

A physician employed by the United States government and licensed by a state or territory of the United States;

A physician assistant licensed under A.R.S. § 32-2501 et seq.; or

A registered nurse practitioner licensed under A.R.S. § 32- 1601 et seq.

“Highway” has the same meaning as at A.R.S. § 28-101~~(48)~~.

“Identification” means the signs, lettering, or numbers placed on the interior or exterior of a school bus body, including the glass areas, but does not include the lettering, numbers, or logos of a manufacturer or distributor of the manufacturer’s product.

“Ignition power-deactivation switch” means a device that when set causes the engine of a motor vehicle to stop operating if the transmission is placed into gear or the parking-brake system is released.

“Interstate highway” means the designation given by the federal government to the system of highways connecting two or more states of the United States.

“Lamp” means a device that is covered by a lens and used to produce artificial light.

“Major defect” means a condition that exists to the interior or exterior of a school bus that causes the Department or owner to place the school bus out of service while the defect is being corrected.

“Manufacturer” means an entity engaged in the manufacturing or assembling of a school bus chassis, school bus body, or school bus chassis and body.

“Medical practitioner” has the same meaning as at A.R.S. § 32-1901.

“Minor defect” means a condition that exists to the interior or exterior of a school bus that is not a major defect and allows the school bus to remain in operation while the defect is being corrected.

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“Off-duty” means the time a school bus driver is not on-duty.

“On-duty” means the period between the time a school bus driver begins to work for the employer or is required to be ready to work for the employer until the time the school bus driver is relieved from work and all responsibility for performing work for the employer. The time on-duty is used only to determine when a school bus driver must be provided time off-duty. Time on-duty may be compensated by the employer or an entity other than the employer or may be uncompensated. On-duty includes:

All time at an employer’s place of business, waiting to be dispatched.

All time performing an operations check of a school bus in accordance with A.A.C. R17-9-108, or servicing or conditioning a school bus;

All time driving a school bus, including loading or unloading the school bus, and remaining in readiness to drive a school bus;

All time, at the direction of the employer, travelling but not driving a school bus or assuming any other responsibility to the employer. If the school bus driver is afforded at least eight consecutive hours off-duty upon arrival at the school bus driver’s destination after travelling but not driving a school bus or assuming any other responsibility to the employer, the school bus driver shall be considered off-duty for the entire period travelling but not driving the school bus or assuming any other responsibility to the employer;

All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus;

All time preparing required reports and records;

All time providing a breath or urine sample, including travel time to and from the collection site, to comply with the testing requirements of this Chapter;

All time performing any other work for the employer; and

All time performing any compensated work for any entity other than the employer.

“Out of service” means a school bus cannot be used to transport passengers.

“Owner” means the public or governmental agency or institution or private company in whose name a school bus is titled.

“Parking-brake system” means mechanical components used to prevent the movement of a school bus while loading or unloading a passenger or when the school bus is parked.

“Passenger” means an individual who rides in a school bus but does not participate in the operation of the school bus.

“Passenger compartment” means that part of the school bus body that is separated from the school bus driver’s compartment by a barrier and holds the passengers to be transported.

“Physical examination” means an evaluation of an applicant’s or school bus driver’s medical status performed by a health care professional according to this Article.

“Physical examination form” means the ~~form at 49 CFR 391.43, published October 1999 (and no future amendments or editions) by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State~~ Arizona Department of Transportation, Motor Vehicle Division, Medical Examination Report, which is used to record the results of a physical examination and may be obtained from the Department or Arizona Department of Transportation, Motor Vehicle Division.

“Physical performance test” means an evaluation of an applicant’s or school bus driver’s reflexes, agility, and strength performed according to this Article.

“Physical performance test form” means the document used to record the results of a physical performance test and may be obtained from the Department.

“Push-out window” means safety glass enclosed in a frame on a school bus that moves to the outside of the school bus when force is applied to the window from inside the school bus.

“Refresher training” means the courses required by the Department of each school bus driver to maintain certification as a school bus driver in Arizona.

“Restraining barrier” means a structure located in front of any school bus seat that restricts the forward motion of a passenger.

“Rub rail” means a horizontal steel bar attached to the outside of a school bus body used to reinforce the sides of the school bus.

“Safety glass” has the same meaning as at A.R.S. § 28-959(F).

“School” means a school as defined by A.R.S. § 15-101(19), accommodation school as defined by A.R.S. § 15-101(1), charter school as defined by A.R.S. § 15-101(3), or private school as defined by A.R.S. § 15-101(18).

“School bus” has the same meaning as at A.R.S. § 28-101(43).

“School bus body” means a structure assembled upon a chassis designed to carry a school bus driver and passengers.

“School bus driver” means an individual who is certified by the Department as meeting the requirements at A.R.S. § 28- 3228 and A.A.C. R17-9-102 to operate a school bus in Arizona.

“School district” has the same meaning as at A.R.S. § 15-101 (20).

“Service-brake system” means mechanical components used to slow or stop a school bus.

“Service door” means a metal structure used to close the opening of a service entrance.

“Service entrance” means an opening in a school bus used to load or unload passengers.

“Special needs school bus” means a school bus that is designed to transport disabled passengers, some of whom may use a

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wheelchair, and is constructed with a service entrance and a special-service entrance.

“Special-service entrance” means an opening in a school bus that accommodates a wheelchair lift for the loading or unloading of a passenger who uses a wheelchair.

“Special-service entrance door” means a metal structure used to close the opening of a special-service entrance.

“Street” has the same meaning as at A.R.S. § 28-101(~~48~~).

“Traffic control signal” has the same meaning as at A.R.S. § 28- 601(~~27~~).

“Training” means the instruction, courses, classes, or workshops provided by the Department or the employer that are required to obtain or maintain certification as a school bus driver, or qualification as a classroom instructor, or behind-the-wheel instructor in Arizona.

“Transport” or “transporting” means a school bus driver sets a school bus in motion to carry passengers or objects authorized by the school district to be carried in a school bus.

“Type A school bus” means a van converted to a school bus body or a school bus body that is constructed upon a cutaway van, has a left side door for the school bus driver, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type A school bus, which is sometimes called a Type A-II school bus, has a gross vehicle weight rating of 10,000 pounds or less.

“Type B school bus” means a school bus body that is constructed upon a cutaway van or a forward-control chassis, has a gross vehicle weight rating of more than 10,000 pounds, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type B school bus is sometimes called a Type A-I school bus.

“Type C school bus” means a school bus body that is installed either upon a chassis cowl with the engine located beneath or in front of the windshield and in front of the cowl or upon a forward-control chassis with part of the engine beneath the windshield and beside the driver’s seat. The service door is located behind the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals.

“Type D school bus” means a school bus body that is installed upon a chassis with the engine mounted in front of the front axle, between the front and rear axles, or behind the rear axle. The school bus driver’s seat and the service door are located in front of the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals.

“Van” means a covered or enclosed truck.

“Wheelchair” means a mobility aid consisting of a frame, seat, and three or four wheels, which is used to support and carry a disabled passenger.

“Wheelchair lift” means an electric hydraulic mechanism and platform in a school bus used to raise and lower a passenger in a wheelchair.

“Wheelchair-lift platform” means a horizontal surface upon which a wheelchair sits while being raised or lowered.

“Wheelchair-passenger restraint” means a combination of a pelvic and an upper torso restraint, including buckles and fasteners, designed to secure a passenger in a wheelchair within a school bus.

“Wheelchair-passenger restraint anchorage” means equipment for fastening wheelchair-passenger restraints to the interior of a school bus.

“Wheelchair-securement anchorage” means equipment for fastening a wheelchair-securement device to a school bus floor.

“Wheelchair-securement device” means a strap or webbing, including buckles and fasteners, used for fastening a wheelchair to a wheelchair-securement anchorage.

“Wheelchair-securement system” means components used to fasten a wheelchair to the interior of a school bus, including a wheelchair-securement anchorage and a wheelchair-securement device.

R17-9-102. Certification of School Bus Drivers

A. Certification requirements. An individual shall not operate a school bus in Arizona without being certified by the Department. An applicant for certification shall:

1. Be a minimum of 18 years of age;
2. Submit all of the following to the Department through the employer:
 - a. A completed fingerprint card and fingerprint card processing fee;
 - b. An application signed and dated by the applicant that states the applicant’s:
 - i. Name, home address, and home phone number;
 - ii. Any alias ever used by the applicant;
 - iii. Social security number;
 - iv. Date of birth;
 - v. Arizona commercial driver license number;
 - vi. Date of previous application for certification, if any;
 - vii. Intended employer’s name;
 - viii. Convictions for a felony or misdemeanor, if any, in this state or any other state; and
 - ix. Total points accumulated against the applicant’s driving record during the two years immediately preceding the date of application using the point system contained in A.A.C. ~~R17-4-506~~ R17-4-404;
 - c. Completed physical examination form, completed physical performance test form, and results of controlled sub-

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stances testing; and

- d. A verification made under penalty of perjury that all submitted information is true and complete;
3. Possess a current Arizona commercial driver license under A.R.S. § 28- 3101;
4. Possess ~~a current any~~ Arizona ~~passenger driver license~~ endorsement required under A.R.S. § 28- 3103(A)(4);
5. Meet the driving record requirements listed in this Article; and
6. Complete the training requirements listed in this Article.

B. Physical examination

1. An applicant or school bus driver shall submit to a physical examination that is conducted by a health care professional in accordance with the physical examination form. An applicant or school bus driver is qualified to ~~operate a school bus~~ be certified as a school bus driver only if the health care professional conducts the physical examination in accordance with the physical examination form and concludes that the applicant or school bus driver has no condition that would interfere with the applicant's or school bus driver's ability to:
 - a. Operate a school bus safely;
 - b. Evacuate a school bus during an emergency or during a drill required under R17-9-104(D), and
 - c. Perform the operations checks required under R17-9-108(D).
2. An applicant or school bus driver who is insulin dependent shall obtain the waiver described in A.A.C. ~~R17-4-435.06~~ R17-5-208.
3. An applicant shall submit the completed physical examination form and, if applicable, a copy of the waiver required under subsection (B)(2), to the Department through the employer.
4. The initial physical examination of an applicant, conducted in accordance with the physical examination form, expires 24 months from the date of the physical examination unless a shorter time is specified by the health care professional who administers the physical examination. A school bus driver shall submit to a physical examination before the expiration date of the previous physical examination and send the completed physical examination form to the Department through the employer before the end of the month in which the previous physical examination expires.
5. If a health care professional determines that further testing of an applicant or school bus driver is needed by an ophthalmologist or optometrist, the health care professional shall refer the applicant or school bus driver to:
 - a. An ophthalmologist licensed under A.R.S. § 32-1401 et seq,
 - b. An optometrist licensed under A.R.S. § 32-1701 et seq,
 - c. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by a state contiguous to Arizona, or
 - d. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by any state or territory of the United States and employed by the United States government.
6. In addition to the physical examinations required by this Article, the Department or the employer may require a physical examination of ~~a~~ an applicant or school bus driver for an impairment that would affect the ability to ~~operate a school bus safely~~ perform the activities listed in subsection (B)(1). The Department or employer shall base its decision to require an additional physical examination upon consideration of the appearance or actions of the applicant or school bus driver or of medical information received by the Department regarding the applicant or school bus driver. The applicant or school bus driver shall submit results of a physical examination conducted under this subsection to the Department through the employer within 30 days of the date of the physical examination.

C. Controlled substances and alcohol testing

1. An applicant or school bus driver shall submit to alcohol and controlled substances testing as required by A.R.S. § 28-3228(C)(2) and as prescribed by this Article and 49 CFR 382 (~~1999 2003~~), which is conducted in accordance with the procedures at 49 CFR 40 (~~1999 2003~~), except for the changes in 49 CFR 40 and 49 CFR 382 listed in subsections (C)(1)(a) through (C)(1)(i).
 - a. 49 CFR 40.3
 - i. "Employee," ~~"individual," or "individual to be tested," as used in 49 CFR 40,~~ means an applicant or a school bus driver as defined at A.A.C. R17-9-101.
 - ii. "Employer" has the same meaning as at A.A.C. R17-9-101.
 - b. 49 CFR 382.107
 - i. "Commercial motor vehicle" has the same meaning as at A.R.S. § 28- ~~3001.3~~ 3001(3).
 - ii. "Driver" means a school bus driver as defined at A.A.C. R17-9-101.
 - iii. "Employer" has the same meaning as at A.A.C. R17-9-101.
 - iv. "Performing a safety-sensitive function" means any time during which a school bus driver is on-duty except when the school bus driver is being compensated by an entity other than the employer.
 - v. "Safety-sensitive function" means any activity for which a school bus driver is on-duty except when the school bus driver is performing an activity for and being compensated by an entity other than the employer.
 - c. 49 CFR 382.207. In both sentences, the word "four" is changed to "eight."
 - d. ~~49 CFR 382.301(a) is changed to read: Prior to the first time a driver performs a safety-sensitive function for an employer, the driver shall undergo testing for controlled substances. An employer shall not allow a driver to per-~~

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form a safety-sensitive function unless the driver has received a controlled substances test result from the medical review officer indicating a verified negative test result.

- e.d. 49 CFR 382.301(b), (c), and (d): Delete these subsections.
 - f.e. 49 CFR 382.303(a) and (b): Delete Change the word "occurrence" to "accident," as defined in R17-9-101, and delete the words "operating on a public road in commerce."
 - g.f. 49 CFR 382.303(a)(1) and (b)(1): Delete the words " , if the accident involved the loss of human life"
 - h.g. 49 CFR 382.303(a)(2) and (b)(2): Delete the words " , if the accident involved:"
 - i.h. 49 CFR 382.303(a)(2)(i) and (ii) and ~~(a)(3)~~ (b)(2)(i) and (ii): Delete these subsections.
 - i. 49 CFR 382.303 (c): In the table, in the column headed "Test must be performed by employer," change "No" to "Yes."
2. ~~An employer shall test an applicant or school bus driver for use of barbiturates, benzodiazepines, methadone, and propoxyphene using the procedure in 49 CFR 40. As required by 49 CFR 40.21, when testing for barbiturates, benzodiazepines, methadone, and propoxyphene, the employer shall use a urine sample that is collected separate from the urine sample used to test for marijuana, cocaine, opiates, amphetamines, and phenylethylamine. To provide two separate urine samples, a donor shall urinate into two collection containers.~~
 3. ~~The employer shall ensure that each school bus driver is tested for use of controlled substances at least once every 12 months and when requested to do so by the Department. Controlled substances testing conducted after the initial or screening test may be conducted on a random basis.~~
 2. In addition to the testing required by 49 CFR 382, an applicant shall submit to testing for the use of marijuana, cocaine, opiates, amphetamines, phenylethylamine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 3. In addition to the testing required by 49 CFR 382, a school bus driver shall submit annually to testing for the use of marijuana, cocaine, opiates, amphetamines, phenylethylamine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 4. The employer shall ensure that a school bus driver is tested for use of controlled substances and alcohol when required to do so by these rules or when requested by the Department.
 - 4.5. The employer shall submit any and all negative results of controlled substances and alcohol testing to the Department within 90 30 days of the date of testing or within 12 months of the school bus driver's previous test, whichever is sooner, by providing the Department a copy of the report submitted to the employer by the entity that conducted the testing.
 - 5.6. The employer shall immediately notify the Department by telephone of any and all positive results of controlled substances and alcohol testing and shall submit to the Department within five days a copy of the report submitted to the employer by the entity that conducted the testing.

D. Physical performance test

1. An applicant shall pass a physical performance test that consists of the following eight standards:
 - a. Climbing and descending the steps of a school bus three times in 30 seconds;
 - b. Alternately activating the throttle and the service-brake system of a school bus 10 times in 10 seconds;
 - c. Depressing and holding the clutch, if applicable, and service-brake system of a school bus for three seconds, five consecutive times;
 - d. Opening and closing a manually operated service door three times without stopping. If the school bus has an automatic service door, operate the manual override of the service door;
 - e. Operating at least two hand controls, one on each side of the steering wheel, within eight seconds while maintaining control of a moving school bus;
 - f. Starting in a seat-belted position, exit a school bus from the rear-most floor-level emergency exit within 20 seconds;
 - g. Carrying or dragging a 125-pound object 30 feet in 30 seconds; and
 - h. Lowering a 30-pound object from a floor-level emergency exit to the ground and lifting the same object from the ground to the school bus floor.
2. A school bus driver who is certified on the effective date of this subsection shall pass the physical performance test within one year from the effective date of this subsection.
3. A school bus driver shall pass the physical performance test again no later than 24 months after previously passing the physical performance test.
4. An applicant or school bus driver who fails the physical performance test may take the test again after 24 hours. An applicant or school bus driver may take the physical performance test no more than three times in 90 days. If an applicant fails the physical performance test on the third attempt, the Department shall not further consider the applicant for certification unless the applicant complies again with the requirements of this Section.
5. The employer shall ensure that a school bus driver who fails the physical performance test does not operate a school bus until the school bus driver passes the physical performance test.
6. If a school bus driver takes and fails the physical performance test three times, the Department shall cancel the school bus driver's certification.

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7. An employer shall ensure that the physical performance test is administered by a person who has completed Department-authorized training, using the largest type of school bus that an applicant or school bus driver may be required to operate.
8. A person who administers the physical performance test shall either pass or fail the applicant or school bus driver taking the test, complete the physical performance test form, and submit the completed form to the Department and the employer within seven days of the physical performance test.

~~D~~-E. Driving record.

1. During the 24 months before the date of application or during any 24-month period while certified as a school bus driver, an applicant or school bus driver shall not accumulate eight or more points against a driving record in this state using the point system contained in A.A.C. ~~R17-4-506~~ R17-4-404.
2. During the 10 years before the date of application, an applicant shall not have repeatedly received citations for violation of traffic law.

~~E~~-F. Training requirements of a school bus driver

1. Before being certified by the Department as a school bus driver, an applicant shall complete a minimum of 14 hours of classroom training in the following:
 - a. State and federal traffic laws,
 - b. Behind-the-wheel driving operations,
 - c. School bus driver's responsibilities to passengers and school,
 - d. Inspections and operations checks,
 - e. Records and reports,
 - f. Special needs transportation, and
 - g. Accidents and emergencies.
2. ~~Classroom~~ An employer shall ensure that classroom training shall be is taught by a classroom instructor who is qualified under R17-9-103.
3. At least seven days before classroom training, the classroom instructor shall notify the Department in writing of the date, time, and location of classroom training. The classroom instructor shall notify the Department by any means available at least 24 hours before the date, time, or location of classroom training is changed or canceled.
4. After completion of classroom training, the classroom instructor shall administer to the applicant a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in subsection ~~(E)(1)~~ (F)(1).
 - b. Each question has a value of ~~2~~ two points. To pass the examination an applicant shall receive a score that equals or exceeds 80% of the total possible score.
 - c. If an applicant is unable to read or speak English, the employer shall arrange to have the examination administered orally to the applicant in the language with which the applicant is most familiar.
 - d. If an applicant does not pass the examination on the first attempt, the applicant may take an examination two more times within 12 months of the first attempt. A different examination shall be administered to an applicant who is taking an examination for the second or third time. The period between examinations shall be a minimum of 24 hours. If the applicant fails the examination on the third attempt, the applicant shall be considered further only if the applicant complies again with the requirements in this Section.
5. The classroom instructor shall submit the following information in a written report to the Department and the employer within seven days from the date of the conclusion of a classroom training course:
 - a. Instructor's name,
 - b. Instructor's ~~certification~~ identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor.
 - ~~e~~.f. Each applicant's name, and
 - ~~f~~.g. Each applicant's examination score.
6. In addition to the report required under subsection (F)(5), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a classroom training course, a classroom-training course log that includes:
 - a. Instructor's name.
 - b. Instructor's identification number.
 - c. Date of the training course.
 - d. Name of each applicant attending the training course.
 - e. Subject matter taught in each hour, and
 - f. Which hours of training were attended by each applicant.
- ~~6~~.7. In addition to the classroom training, an applicant shall complete behind-the-wheel training consisting of a minimum of 20 hours operating a school bus in Arizona.

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- a. An employer shall ensure that behind-the-wheel training is taught by a behind-the-wheel instructor who is qualified under R17-9-103.
- ~~a-b.~~ During Behind behind-the-wheel training, shall be taught by a behind-the-wheel instructor who is shall be present and observing the applicant while the applicant is operating the school bus.
- ~~b-c.~~ Only The employer shall ensure that no one except the applicant, behind-the-wheel instructor, employer, and Department employees shall be are aboard the school bus while the applicant actually operates the school bus.
- d. The behind-the-wheel instructor shall maintain and submit to the employer within seven days from the conclusion of the applicant's behind-the-wheel training, a behind-the-wheel training log that includes:
 - i. Instructor's name.
 - ii. Instructor's identification number.
 - iii. Applicant's name.
 - iv. Date of each behind-the-wheel training session, and
 - v. Actual number of hours at each training session that the applicant operates a school bus.
- e-e. At the conclusion of behind-the-wheel training, the behind-the-wheel instructor shall use a copy of the Proof of Completion of Behind-the-wheel Training and Driving Test form to administer the driving test in Exhibit A to the applicant the driving test described on the form. The driving test shall measure the applicant's ability to operate a school bus safely and in a manner consistent with state law. The behind-the-wheel instructor shall either pass or fail the applicant and submit the ~~results in writing~~ completed form to the Department and the employer within seven days of the driving test.

~~F-G.~~ First aid and cardiopulmonary resuscitation

- 1. Before being certified, an applicant shall complete classroom instruction in cardiopulmonary resuscitation and basic first aid. The instruction in cardiopulmonary resuscitation shall include performing cardiopulmonary resuscitation on adults, children, and infants.
- 2. The instruction shall be conducted by an individual currently certified as an instructor in first aid and cardiopulmonary resuscitation by a program approved by a nationally recognized organization such as the American Heart Association, American Red Cross, National Safety Council, American Safety and Health Institute, or Arizona Bureau of Mines; by an emergency medical technician licensed by Arizona; or by an agency of the U.S. government.
- 3. An applicant shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card issued to the applicant or other written documentation as proof of completion of the first-aid and cardiopulmonary resuscitation training.
- 4. A school bus driver shall renew first-aid and cardiopulmonary resuscitation instruction before expiration of the current training. Renewal instruction shall be provided by an individual described in subsection ~~(F)(2)~~ (G)(2). The school bus driver shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card or other written documentation as proof of renewal of training.

~~G-H.~~ The Department shall process an application for certification as a school bus driver under R17-9-109.

~~H-I.~~ Refresher training

- 1. A school bus driver shall have refresher training no later than 24 months following completion of the training required by subsection ~~(E)~~ (F). Refresher training shall consist of a minimum of 6 1/2 hours of classroom training in the topics listed in subsection ~~(E)(1)~~ (F)(1).
 - 2. After completing the first refresher training, the school bus driver shall complete a minimum of 6 1/2 hours of classroom training in the topics listed in subsection ~~(E)(1)~~ (F)(1) every 24 months following the last refresher training.
 - ~~3.~~ An employer shall ensure that refresher training is taught by a classroom instructor who is qualified under R17-9-103.
 - ~~3-4.~~ A classroom instructor shall teach refresher training and shall submit the following information in a written report to the Department and the employer within ~~15~~ seven days from completion of the refresher training:
 - a. Instructor's name,
 - b. Instructor's ~~certification~~ identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor.
 - e-f. Each school bus driver's name, and
 - f-g. Each school bus driver's certification number.
- 5. In addition to the report required under subsection (I)(4), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a refresher training course, a refresher-training course log that includes:
 - a. Instructor's name.
 - b. Instructor's identification number.
 - c. Date of the refresher training course.
 - d. Name and certification number of each school bus driver attending the refresher training course.
 - e. Subject matter taught in each hour, and
 - f. Which hours of refresher training were attended by each school bus driver.

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I.J. Records

1. The employer shall maintain qualification and training records of an applicant who is certified and of a school bus driver who terminates employment, and qualification records of an applicant who is denied certification, for 24 months from the date of certification, termination of employment, or denial of certification.
2. ~~The employer shall maintain refresher training records of a school bus driver for 24 months from the date of completion of each refresher training course.~~
2. The employer shall maintain records of controlled substances testing of an applicant or a school bus driver and alcohol use testing of a school bus driver as required under 49 CFR 382.401.
3. The employer shall transfer ~~qualification and training~~ the records of a school bus driver to a subsequent employer upon written request by the subsequent employer or school bus driver.
4. Qualification records include:
 - a. Application,
 - b. Driving record, ~~and~~
 - c. Copy of physical examination form, ~~and controlled substance test results.~~
 - d. Physical performance test form.
- 5-7. Training records include:
 - a. ~~An applicant's initial training date and the name and certification number of the instructor~~ A copy of the classroom-training course log required under subsection (F)(6) that shows the applicant's attendance.
 - b. ~~A school bus driver's refresher training date and the name and certification of the classroom instructor~~ A copy of the refresher-training course log required under subsection (I)(5) that shows the school bus driver's attendance.
 - c. ~~Classroom and behind-the-wheel~~ The classroom training examination scores score,
 - d. The applicant's behind-the-wheel training log.
 - e. The Proof of Completion of Behind-the-wheel Training and Driving Test form.
 - df. A copy of the first-aid card and cardiopulmonary resuscitation card or other written documentation of completion of first-aid and cardiopulmonary resuscitation training, and
 - eg. A copy of the school bus driver certification card issued by the Department.

J.K. Denial, cancellation, or suspension of certificate

1. Based on an assessment of the totality of the circumstances, the Department may deny a certificate to an applicant or may cancel or suspend a certificate of a school bus driver for:
 - a. Failing to meet or comply with the requirements of this Article;
 - b. Being convicted of or subject to an outstanding warrant for any felony;
 - c. Being convicted of or subject to an outstanding warrant for a misdemeanor reasonably related to the occupation of a school bus driver including:
 - i. Civil traffic violation (A.R.S. § 28-1591 et seq.);
 - ii. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - iii. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - iv. Any abuse of a child (A.R.S. § 13-3623); or
 - v. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.).
 - d. Providing false, incomplete, or misleading information to the Department;
 - e. Under A.R.S. § 28-1381, driving a school bus while under the influence of intoxicating liquor or drugs; or
 - f. Under A.R.S. §§ 28-3301 through ~~28-3320~~ 28-3322, having a commercial driver license canceled, suspended, revoked, or denied.
2. An applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended may request a hearing within 30 days from the date of receipt of the notice of the denial, cancellation, or suspension. The hearing shall be conducted according to the procedures contained in A.R.S. Title 41, Chapter 6, Article 10.
3. The Department shall inform an applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended of the amount of time that must elapse before the applicant or the school bus driver may reapply for certification. The Department shall include this information in the notice of denial, cancellation, or suspension and the notice of final order, if any, served on the applicant or school bus driver. In determining the amount of time that must elapse before reapplication, the Department shall consider:
 - a. The seriousness of the offense leading to denial, cancellation, or suspension;
 - b. The frequency with which the offense occurred; and
 - c. The amount of time required to correct the offense.

K.L. If a school bus driver is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a school bus driver transfers employment from one employer to a second employer, within 14 days of the transfer the second employer shall provide written notice to the Department of the:

1. School bus driver's name,
2. School bus driver's certification number,
3. Name of the transferring employer, and
4. Effective date of the transfer.

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R17-9-103. Certification Qualification of Classroom and Behind-the-wheel Instructors

- A.** ~~Before being certified~~ To be qualified as a classroom instructor, an applicant individual shall:
1. ~~Submit to the Department an application through the employer, the following two letters:~~
 - a. A letter from, signed, and dated by the applicant individual, that states the applicant's individual's:
 - ~~a-i.~~ Name, home address, and home phone number;
 - ~~b-ii.~~ Social security number;
 - ~~c-iii.~~ Date of birth;
 - ~~d-iv.~~ Current employer's name, address, and phone number; and
 - ~~e-v.~~ Dates of all previous applications letters submitted under this subsection; and
 2. ~~Submit a b. A letter to the Department~~ from the current employer recommending that the applicant individual be considered as a classroom instructor; and
 - 3-2. Pass a written examination standardized by the Department:
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in R17-9-102 (E)(1).
 - b. Each question has a value of 2 two points. To pass the examination, an applicant individual shall receive a score that equals or exceeds 90% of the total possible score.
 - c. If an applicant individual taking the written examination is unable to read or speak English, the employer shall arrange to have the examination administered orally ~~to the applicant~~ in the language with which the applicant individual is most familiar.
 - d. If an applicant individual does not pass the examination, the applicant individual may take a second examination that is different from the first examination.
 - e. If ~~the applicant~~ an individual fails to pass the second examination, the applicant individual may receive further consideration by submitting ~~a new application and documents required by these rules~~ again the letters required by subsection (A)(1) and taking the written examination required by this subsection.
 - f. The ~~classroom instructor employer~~ shall submit each applicant's individual's examination score to the Department within seven days from the date of the examination.
- B.** ~~The Department shall process an application for certification as a classroom instructor under R17-9-109.~~
- C-B.** ~~To maintain certification by the Department remain qualified as a classroom instructor,~~ a classroom instructor shall teach a minimum of 12 hours of classroom or refresher training every 24 months from the date of certification the classroom instructor is first recognized by the Department as qualified. ~~The classroom instructor shall submit the following written documentation to the Department within 15 days of completion of a training program:~~
- 1- Name and certification number of classroom instructor;
 - 2- Location of training provided;
 - 3- Subject matter of training provided;
 - 4- Date of training; and
 - 5- Number of hours of training completed.
- D-C.** ~~Before being certified~~ To be qualified as a behind-the-wheel instructor, an applicant individual shall:
1. Be certified continuously as a school bus driver in Arizona for the 12 months immediately ~~preceding the application~~ before submitting the letters described in subsection (C)(2) and be employed as a certified school bus driver at the time of application qualification as a behind-the-wheel instructor;
 2. ~~Submit an application to the Department through the employer, the following two letters:~~
 - a. A letter from, signed, and dated by the applicant individual, that states the applicant's individual's:
 - ~~a-i.~~ Name, home address, and home phone number;
 - ~~b-ii.~~ Social security number;
 - ~~c-iii.~~ Commercial driver license number;
 - ~~d-iv.~~ Current employer's name, address, and phone number; and
 - ~~e-v.~~ Dates of all previous applications letters submitted under this subsection; and
 - 3- ~~Submit a b. A letter to the Department~~ from the current employer recommending that the applicant individual be considered as a behind-the-wheel instructor; and
 - 4-3. Pass a written examination standardized by the Department:
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in R17-9-102(E)(1):
 - b. Each question has a value of 2 two points. To pass the examination, an applicant individual shall receive a score that equals or exceeds 80% of the total possible score.
 - c. If an applicant individual is unable to read or speak English, the employer shall arrange to have the examination administered orally ~~to the applicant~~ in the language with which the applicant individual is most familiar.
 - d. If an applicant individual does not pass the examination, the applicant individual may take a second examination that is different from the first examination.
 - e. If ~~the applicant~~ an individual fails to pass the second examination, the applicant individual may receive further consideration by submitting ~~a new application and documents required by these rules~~ again the letters required

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by subsection (C)(2) and taking the written examination required by this subsection.

- f. The ~~classroom instructor~~ employer shall submit each applicant's ~~individual's~~ examination score to the Department within seven days from the date of the examination.

~~E.~~ The Department shall process an application for certification as a behind-the-wheel instructor under R17-9-109.

~~F.D.~~ To maintain certification by the Department ~~remain qualified as a behind-the-wheel instructor~~, a behind-the-wheel instructor shall maintain certification as a school bus driver in this state and teach a minimum of 12 hours of behind-the-wheel training every 24 months from the date of certification ~~the behind-the-wheel instructor is first recognized by the Department as qualified.~~

~~G.E.~~ Records

1. The employer shall maintain the following records for each classroom and behind-the-wheel instructor for 24 months from the date of certification ~~the instructor is first recognized by the Department as qualified.~~
 - a. ~~Application~~ Letter submitted under subsection (A)(1)(a) or (C)(2)(a),
 - b. ~~Driving record;~~
 - e. ~~Letters b. Letter~~ of recommendation submitted under subsection (A)(1)(b) or (C)(2)(b), and
 - ~~d.c.~~ Examination scores ~~score.~~
2. The Department shall maintain the documents required by ~~subsection (C) under R17-9-202(F)(5) and (I)(4)~~ for 24 months.

~~H.F.~~ Denial, cancellation, or suspension of certificate of classroom or ~~The Department shall not recognize an individual as qualified to be a classroom or behind-the-wheel instructor if the individual:~~

1. ~~Based on an assessment of the totality of the circumstances, the Department may deny a certificate to an applicant or may cancel or suspend a certificate of a behind-the-wheel instructor for:~~
 - a. ~~Failing 1.~~ Fails to meet or comply with the requirements of this Article;
 - b. ~~Being 2.~~ Is convicted of or subject to an outstanding warrant for a felony;
 - e. ~~Being 3.~~ Is convicted of or subject to an outstanding warrant for a misdemeanor reasonably related to the occupation of a school bus driver, including:
 - i.a. Civil traffic violation (A.R.S. § 28-1591 et seq.);
 - ii.b. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - iii.c. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - iv.d. Any abuse of a child (A.R.S. § 13-3623); or
 - v.e. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.);
 - d. ~~Providing 4.~~ Provides false, incomplete, or misleading information to the Department;
 - e.5. Under A.R.S. § 28-1381, ~~driving drives~~ a school bus while under the influence of intoxicating liquor or drugs; or
 - f.6. Under A.R.S. §§ 28-3301 through ~~28-3320~~ 28-3322, ~~having has~~ a commercial driver's license canceled, suspended, revoked, or denied.
2. ~~The Department shall deny a certificate to an applicant or shall cancel or suspend a certificate of a classroom instructor for:~~
 - a. ~~Failing to meet or comply with the requirements of this Article; or~~
 - b. ~~Providing false, incomplete, or misleading information to the Department.~~
4. ~~An applicant who is denied a certificate or an instructor whose certificate is canceled or suspended may request a hearing within 30 days from the date of receipt of the notice of the denial, cancellation, or suspension. The hearing shall be conducted according to the procedures contained in A.R.S. Title 41, Chapter 6, Article 10.~~
5. ~~The Department shall inform an applicant who is denied a certificate or an instructor whose certificate is canceled or suspended of the amount of time that must elapse before the applicant or instructor may reapply for certification. The Department shall include this information in the notice of denial, cancellation, or suspension and the notice of final order, if any, served on the applicant or instructor. In determining the amount of time that must elapse before reapplication, the Department shall consider:~~
 - a. ~~The seriousness of the offense leading to denial, cancellation, or suspension;~~
 - b. ~~The frequency with which the offense occurred; and~~
 - e. ~~The amount of time required to correct the offense.~~

~~I.G.~~ If a classroom or behind-the-wheel instructor is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a classroom or behind-the-wheel instructor transfers employment from one employer to a second employer, within seven days of the transfer the second employer shall provide written notice to the Department of the:

1. Name of the classroom or behind-the-wheel instructor,
2. ~~Certification~~ Identification number of the classroom or behind-the-wheel instructor,
3. Name of the transferring employer, and
4. Effective date of the transfer.

R17-9-104. Minimum Standards for School Bus Operation

- A. A school bus driver shall perform operations checks of a school bus as required by A.A.C. R17-9-108.
- B. Loading or unloading of passengers:

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1. As of February 16, 1996, an 8-lamp system as described in A.A.C. R17-9-107(15) shall be installed on a school bus before it is introduced into Arizona. When preparing to stop a school bus on a street or highway, the school bus driver shall activate the alternately flashing amber lamps of an 8-lamp system or the alternately flashing red lamps of a 4-lamp system for a minimum distance of 100 feet, in accordance with A.R.S. § 28-930(B). Whenever the school bus is stopped on a street or highway to load or unload passengers, the school bus driver shall deactivate the alternately flashing amber lamps and activate the alternately flashing red lamps of an 8-lamp system, and extend the stop arm and open the service door.
 2. When a school bus driver stops the school bus to load or unload passengers, the school bus driver shall set the parking brake and place the transmission in neutral.
 3. The distance between stops for the purpose of loading or unloading passengers shall be no less than 600 feet, unless the school determines that more frequent stops are necessary for safety. The school bus driver shall stop the school bus as near the right edge of the traveled portion of the street or highway as possible.
 4. A school bus driver shall not load or unload passengers on the traffic side of the bus.
 5. When a school bus driver loads or unloads passengers who must cross a street or highway at a location other than an intersection, the passengers shall cross at least 10 feet in front of the front bumper of the school bus. The school bus driver shall not permit passengers who must cross a street or highway to be unloaded from the school bus until all traffic to the front and rear of the school bus is stopped. The school bus driver shall not move the school bus until all passengers have crossed the street or highway.
 6. In intersections that use lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 100 feet of the traffic control signal so the passengers may cross with the traffic control signal, either before or after the school bus proceeds.
 7. In intersections without lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 50 feet of the intersection so the passengers may cross at the intersection, either before or after the school bus proceeds.
 8. A school bus driver shall not stop a school bus on an interstate highway for the purpose of loading or unloading passengers, except that:
 - a. A school bus stop may be established on a frontage road that parallels an interstate highway if no passenger is allowed to cross a divided highway.
 - b. A school bus may stop in a safety rest area as defined by A.R.S. § 28-7901(8) that is part of or adjacent to an interstate highway.
 9. A school bus driver shall load or unload passengers on school grounds only in an area designated by the school and marked with a sign as a school bus loading area.
 10. During loading or unloading of passengers at a designated school bus loading area at a school, the school shall restrict the loading area to school buses, passengers, and school employees assisting in the loading or unloading of passengers.
 11. A school shall allow passengers in a designated school bus loading area only when the passengers are being loaded on or unloaded from a school bus.
 12. A school shall designate all school bus loading areas at locations that prevent backing of the school bus.
 13. In areas at a school not designated as a school bus loading area, a school bus driver shall not back upon or adjacent to the school grounds unless an individual authorized by the school bus driver directs the backing procedure while standing at the rear of the school bus in a position visible to the school bus driver. This provision does not apply to a school bus garage or school bus storage area where passengers are not allowed.
 14. Immediately before a school bus driver engages in backing a school bus, the school bus driver shall sound the horn to warn motorists and pedestrians of the backing procedure. This provision does not apply if the school bus is equipped with an alarm that operates automatically when the school bus is backing.
 15. In addition to the requirements for railroad grade crossings contained in A.R.S. § 28-853, a school bus driver shall comply with the following:
 - a. Use hazard warning lights as described in A.R.S. § 28-947 (D) within a minimum of 100 feet of ~~at a~~ a railroad grade ~~crossings~~ crossing to warn motorists of an intended stop.
 - b. Shut off any radio, compact-disc player, and other source of sound within 50 feet of a railroad grade crossing.
 - c. Stop the school bus, with or without passengers aboard, at a railroad grade ~~crossings~~ crossing when traffic at the railroad grade crossing is not directed by a police officer.
 - d. While stopped at a railroad grade crossing at which traffic is not directed by a police officer, completely open the service door and the window to the left of the driver and, by hearing and sight, determine that it is safe to cross. Before proceeding, close the service door.
 - e. Do not stop to load or unload passengers within 200 feet of a railroad grade crossing. This provision does not prohibit stops at a railroad station or on a highway that parallels the railroad tracks.
 16. When a school bus driver loads a wheelchair passenger on a school bus, the school bus driver shall secure both the wheelchair and the wheelchair passenger using the systems described in R17-9-105(E).
- C. An employer shall not allow or require a school bus driver to drive a school bus nor shall a school bus driver drive a

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school bus:

1. For more than 10 hours after having been off-duty for a minimum of eight consecutive hours;
2. For any period after having been on-duty for 15 hours after having been off-duty for a minimum of eight consecutive hours;
3. After having been on-duty 60 hours in any seven consecutive days if the employer does not operate school buses for seven consecutive days; or
4. After having been on-duty 70 hours in any eight consecutive days if the employer operates school buses every day of the week.

D. Other requirements:

1. A school bus driver shall wear a seat belt whenever the school bus is in motion.
2. While operating a school bus, a school bus driver shall wear closed-toe, closed-heel shoes that will not interfere with driving the school bus safely or ~~with~~ performing other duties of the school bus driver.
3. A school bus driver shall comply with all state traffic laws while operating a school bus except that the school bus driver shall not exceed 65 miles per hour or the posted speed limit, whichever is less, when operating the school bus on an interstate highway.
4. Passengers shall comply with all instructions given to them by a school bus driver. A passenger or a non-passenger who boards ~~the~~ a school bus and refuses to comply with the school bus driver's instructions may be surrendered into the custody of a person who is authorized by the school to assume responsibility for the passenger or non-passenger.
5. All passengers shall sit with their backs against the seat backs, their legs facing towards the front of the school bus, and all parts of their bodies clear of all aisles whenever the school bus is in motion.
6. A school bus driver shall not transport in a school bus more passengers than the rated capacity stated by the school bus manufacturer.
7. A school bus driver shall close the service doors of a school bus before operating the school bus. The service doors shall remain closed whenever the school bus is in motion.
8. A school bus driver shall not place the transmission in neutral or coast with the clutch disengaged on a downhill grade.
9. The driver of a school bus equipped with a ~~2~~ two-speed axle shall not shift the axle while descending any hill posted with grade warning signs.
10. A school bus driver shall ensure that a school bus is not fueled in a closed building, while the school bus engine is running or while passengers are on board.
11. A school bus driver or passenger shall not use tobacco in any form on a school bus.
12. A school bus driver shall not carry on a school bus or consume any beverage containing any alcohol while on-duty with the employer or within eight hours before going on-duty with the employer.
13. A school bus driver shall not eat or drink on a school bus unless the school bus is completely stopped.
14. A school bus driver shall not at any time carry on a school bus or use a controlled substance.
15. A passenger shall not carry on a school bus, or consume while being transported in a school bus, any ~~controlled substance or any~~ beverage containing any alcohol.
16. A passenger shall not carry on a school bus or consume while being transported in a school bus, any dangerous or narcotic drug, as defined in A.R.S. § 13-3401, unless:
 - a. A medical practitioner authorized by the state to write a prescription for the dangerous or narcotic drug has prescribed the dangerous or narcotic drug for the passenger who is carrying or consuming it;
 - b. The school district governing board establishes written policies and procedures regarding the administration of a dangerous or narcotic drug by a trained district employee to a passenger who is being transported in a school bus;
and
 - c. The parent or legal guardian of a passenger to whom a dangerous or narcotic drug is administered while being transported in a school bus provides prior written authorization for the dangerous or narcotic drug to be administered to the passenger by a trained district employee.
- ~~16-17.~~ A school bus driver shall not assume responsibility for transporting any medication, whether prescription or over-the-counter, that belongs to a passenger.
- ~~17-18.~~ A school bus driver shall not transport animals, insects, or reptiles in a school bus with the exception of service ~~dogs~~ animals, as defined at A.R.S. § 11-1024(G) (J), which assist disabled passengers.
- ~~18-19.~~ Except for eyeglasses, a passenger or school bus driver shall not carry or transport glass objects on a school bus.
- ~~19-20.~~ A school bus driver or passenger shall not carry on or transport in a school bus an explosive device, gun, knife, or other weapon as defined by school-district policy.
- ~~20-21.~~ A passenger shall not place any part of the passenger's body out of a school bus window or door except when exiting the school bus.
- ~~21-22.~~ When instruments or equipment related to musical or athletic events are transported on a school bus, the school bus driver shall transport them as follows:
 - a. Instruments or equipment shall not occupy seating space if needed for a passenger,
 - b. Instruments or equipment shall not be placed in the school bus driver's compartment or step-well of the school

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bus,

c. Instruments or equipment shall be under the passenger's control at all times or secured in the school bus, and

d. Instruments or equipment shall not block an aisle or emergency exit of the school bus at any time.

~~22-23.~~ A passenger who carries onto a school bus an object other than an instrument or equipment related to musical or athletic events shall control the object at all times or secure the object in the school bus. If the passenger is not able to control or secure the object in the school bus, the passenger shall not carry the object onto the school bus.

~~23-24.~~ A school bus driver shall ensure that all objects inside the school bus are under a passenger's control or secured in a manner that prevents the objects from causing physical injury to others or affecting the safe operation of the school bus.

~~24-25.~~ A school bus driver shall not drive a school bus with a trailer or other vehicle attached to the school bus.

~~25-26.~~ A school bus driver shall stop the school bus and check the wheels and tires for wear, damage, and inflation after every two continuous hours of driving.

~~26-27.~~ All school buses shall have and school bus drivers shall use a ~~2~~ two-way voice communication system.

~~27-28.~~ A school bus driver shall not wear an audio headset, earphones, or ear plugs, or use a cellular telephone when the school bus is in motion

~~28-29.~~ Except when complying with R17-9-108(D), if a school bus driver leaves the driver's compartment, the school bus driver shall set the parking-brake system, place a standard transmission in either first or reverse gear, place an automatic transmission in park or neutral, and turn off the ignition and remove the ignition key from an ignition that uses a key, or set the ignition power-deactivation switch of an ignition that does not use a key.

~~29-30.~~ Each time a school bus driver unloads passengers and it appears that no passengers remain on the school bus, the school bus driver shall inspect the interior of the school bus for passengers remaining and objects left on the school bus.

~~30-31.~~ At least twice during every school year, a school shall conduct an evacuation drill of a school bus at the school that includes every passenger who rides a school bus and is in school on the day of the evacuation drill. At least 14 days before an evacuation drill, a school shall submit to the Department a written notice stating the date, time, and location of the evacuation drill. Each school bus driver shall participate in a minimum of two evacuation drills during every school year. Evacuation drills shall include:

a. Practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first aid equipment, windows as a means of escape, and communication systems;

b. Practice and instruction in when and how to approach, load, unload, and move away from the school bus a minimum of 100 feet;

c. Instructions on how weather-related hazards affect emergency procedures; and

d. Instructions on the importance of orderly conduct.

~~31-32.~~ A white, flashing, strobe lamp as described in A.A.C. R17-9-107(15)(f) may be used only during conditions that produce low visibility or that are hazardous.

~~32-33.~~ An owner shall ensure that no lock, except as provided in R17-9-107(8)(h), is installed on any school bus emergency exit or service door.

~~34.~~ A school bus driver shall ensure that nothing obstructs or interferes with the use of any school bus emergency exit or service door.

~~33-35.~~ All a school bus drivers and passengers driver, passenger, or school administrator shall immediately report to the employer any violation of these rules or state statutes that the school bus driver, passenger, or school administrator reasonably believes threatens the health, safety, or welfare of a passenger.

E. Reports and recordkeeping:

1. Immediately following any accident involving a school bus, the school bus driver shall report the accident to the employer.

2. Immediately upon receiving notification of any accident involving a school bus, the employer shall notify the Department of the accident by telephone. The employer shall submit written verification of the accident to the Department within 72 hours of the telephone notification.

3. Immediately upon becoming aware of a violation of these rules or state statutes that a reasonable person could conclude causes caused injury to or threatened the health, safety, or welfare of a passenger, the employer shall notify the Department of the violation by telephone. The employer shall submit a written report of the violation to the Department within 72 hours of the telephone notification.

4. No later than 14 days after an evacuation drill, a school district shall submit to the Department a written report of the evacuation drill identifying the school district, participating school, date, and number of participants.

5. From the date on which a record is created, the employer shall maintain for three years the following written records for each school bus driver:

a. On a daily basis, the period of time each school bus driver is on-duty for the employer including the date, each start and quit time, and the total number of hours on-duty for the employer.

b. On a daily basis, the total number of hours on-duty for an entity other than the employer during the previous seven days.

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6. A school bus driver who performs any compensated work for an entity other than the employer shall provide the employer, in writing, the name and telephone number of the entity and the number of hours the school bus driver works each day for the entity.
7. A school bus driver who receives a citation, whether on-duty or off-duty, shall immediately inform the employer by telephone about the citation and shall submit a copy of the citation to the employer within five days.

R17-9-109. Time-frames for Making Certification Determinations

- A. For certification as a school bus driver, ~~classroom instructor, or behind-the-wheel instructor~~, the time-frames required by A.R.S. § 41-1072 et seq. are:
 1. Overall time-frame: 60 days
 2. Administrative completeness review time-frame: 45 days
 3. Substantive review time-frame: 15 days
- B. An administratively complete application for certification as a school bus driver consists of all the information and documents listed in:
 - ~~1. R17-9-102(A) for a school bus driver,~~
 - ~~2. R17-9-103(A) for a classroom instructor, and~~
 - ~~3. R17-9-103(D) for a behind-the-wheel instructor.~~
- C. An administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Department receives an application.
 1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
 2. Within 120 days from the postmark date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the postmark date of the deficiency notice until the date the Department receives the missing documents and information.
 3. If the applicant fails to provide the missing documents and information within the time provided, the Department shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 ~~or R17-9-103~~.
 4. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.
- D. A substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the postmark date of the notice of administrative completeness.
 1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information.
 2. The applicant shall submit to the Department the additional information identified in the request for additional information within 20 days from the postmark date of the request for additional information. The time-frame for the Department to finish the substantive review of the application is suspended from the postmark date of the request for additional information until the Department receives the additional information.
 3. Unless an applicant requests that the Department deny certification within the 20-day period in subsection (D)(2), the Department shall close the file of an applicant who fails to submit the additional information within the 20 days provided. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 ~~or R17-9-103~~.
 4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to certify the applicant.
 - a. The Department shall deny certification if it determines that the applicant does not meet all substantive criteria for certification required by statute and rule. An applicant who is denied certification may appeal the Department's decision under A.R.S. § 41-1092 et seq. and any rules ~~adopted~~ made under A.R.S. § 41-1092.01(C)(4).
 - b. The Department shall grant certification if it determines that the applicant meets all substantive criteria for certification required by statute and rule.

R17-9-112. Enforcement Audits

- A. To enforce the provisions of this Chapter, the Department may conduct an audit of any of the records required to be maintained under this Chapter. The audit may be conducted for cause or without cause.
- B. The Department may enter an employer's or owner's place of business to conduct an audit.
- C. An employer or owner shall make records available to the Department during regular business hours at the employer's or owner's place of business or at another mutually agreeable location.
- D. Within 10 business days after completing an audit, the Department shall inform the employer or owner in writing of any concerns identified.
- E. The Department and the employer or owner shall make a written agreement specifying the actions that must be taken to address the concerns identified by the audit and the time within which the actions will be taken.

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Exhibit A. ~~Proof of Completion of Behind the wheel Training and Driving Test~~ Repealed

**ARIZONA DEPARTMENT OF PUBLIC SAFETY
~~PROOF OF COMPLETION OF BEHIND THE WHEEL TRAINING AND
DRIVING TEST~~**

A.R.S. § 28-3228 requires an applicant to “complete... behind the wheel training,” before being certified as a school bus driver. The behind the wheel instructor shall complete this form to show that the applicant has completed a minimum of 20 hours of behind the wheel training as required by A.A.C. R17-9-102(E)(6).

Applicant's Name _____ Date of Completion of Training _____

Employer/School Dist. _____ Employer No./Dist. No. _____

Hours of training on each type of school bus:

Type A _____
Type B _____
Type C _____
Type D _____
Special Needs (Type A, B, C, or D) _____

ROAD TEST

After completing a minimum of 20 hours of behind the wheel training, an applicant shall demonstrate the ability to operate a school bus and transport passengers safely by passing an operations test. The behind the wheel instructor shall accompany the applicant and rate the applicant's performance.

INSTRUCTION

This test shall be conducted on streets or highways. Simulated stops (passenger loading and unloading and railroad grade crossings) shall be in areas where traffic will not be disrupted.

DRIVING TEST SCORE SHEET

~~A behind the wheel instructor shall place an X on a square if the applicant demonstrates competence in the following areas:~~

~~PRE TRIP OPERATIONS CHECK~~

Checks all items listed in R17-9-108(D)(1) and (2)
Fastens seat belt before moving the school bus

~~GEAR SELECTION & CLUTCH~~

Selects proper gear
Coordinates use of clutch & accelerator
Performs downshifting/double-clutching procedures
Is able to start motion of school bus on a grade
Not applicable (automatic transmission)

~~BRAKES~~

Applies brakes smoothly
Observes air pressure, vacuum, or hydraulic gauge

~~MIRRORS~~

Checks for proper adjustment of outside and inside mirrors

~~STOPS FOR RAILROADS~~

Stops within 50 ft., but more than 15 ft., from nearest rail
Turns radio off and other sources of noise within 50 ft. of nearest rail
Activates hazard lamps no more than 100 ft. from railroad crossing
Stops, opens service door and driver's side window,
looks and listens for trains in accordance with R17-9-104(B)(15)
Closes service door before moving across the railroad tracks
Crosses railroad crossing without changing gears of the school bus

~~DRIVING TECHNIQUES~~

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- Uses turn signals when changing lanes
- Uses turn signals when making turns
- Uses proper lanes when turning
- Activates turn signal no less than 100 ft. before turn
- Maintains distance between school bus and other vehicles appropriate for speed and traffic and weather conditions
- Drives at speed that is legal and appropriate for conditions
- Follows all rules when driving through school zone

PASSENGER LOADING/UNLOADING

- Properly uses 4 or 8 light system
- Extends stop arm when stopped
- Positions school bus in compliance with R17-9-104(B) when loading and unloading passengers

BACKING

- Complies with R17-9-104(B)(13) and (14)
- Uses assistance when backing adjacent to a school
- Sounds horn if there is no alarm that works automatically with backup lamps
- Observes backing procedure in all situations

PARKING

- Uses proper parking procedures
- Uses parking brake system properly
- Uses proper gear placement when parking

The following require that an applicant be rejected:

- ~~1. A chargeable accident during testing.~~
- ~~2. Instructor having to take controls of school bus because of unsafe driving performance.~~
- ~~3. Violation of A.R.S. Title 28 or this Chapter that could cause an accident or injury to passengers.~~

Based on the driving test given, I conclude that _____
Applicant's Name

is ~~•~~ is not ~~•~~ qualified to operate a school bus and transport passengers safely.

Behind the wheel Instructor Inst. Cert. No. Date

Behind the wheel Instructor printed name