

[Senate, July 5, 1988 — Substituted by the Senate (committee on Bills in the Third Reading) as a new text of House, No. 5753, further regulating the operation of motor vehicles transporting school children.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

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

1 "SECTION 1. Section 8A of chapter 90 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out the first paragraph and inserting in place thereof the
4 following paragraph: —

5 Application for a license to be a school bus operator may be
6 made by any person who shall have attained the age of eighteen
7 years but who has not passed his seventieth birthday, except as
8 otherwise provided herein, and who shall have been a duly licensed
9 motor vehicle operator for a period of three continuous years
10 immediately prior to his application except a person who has been
11 licensed and whose license is not in force because of revocation
12 or suspension or whose right to operate is suspended by the
13 registrar; but before such person shall be so licensed the registrar
14 shall be satisfied that he is of good moral character and has
15 successfully completed a driving performance test, a visual test,
16 a written test and a physical examination by a licensed physician
17 within a three month period of the date of his application in con-
18 formity with such minimum physical qualifications as shall be
19 determined by the registrar; provided, however, that a person who
20 has passed his seventieth birthday and is mentally and physically
21 capable of performing the duties of a school bus operator shall
22 be eligible for a license under this section. Such person shall twice
23 annually, at his own expense, be examined by a physician to deter-
24 mine such capability. Said examination shall not be completed
25 within a six month period of each other and that the first physi-

26 cal examination shall be completed within thirty days prior to the
27 beginning of the school year and the second examination shall
28 not be less than six months nor more than seven months there-
29 after; provided, further, that no license shall be issued to a per-
30 son who has been convicted of the crime of rape, unnatural act,
31 sodomy, or the use, sale, manufacture or distribution of or pos-
32 session with intent to distribute any of the controlled substances
33 which are unlawful under the provisions of section thirty-one of
34 chapter ninety-four C, or to any person who has been convicted
35 of operating a motor vehicle while under the influence of
36 intoxicating liquor or of marijuana, narcotic drugs, depressants
37 or stimulant substances, all as defined in section one of said chap-
38 ter ninety-four C, or of the vapors of glue, within the preceding
39 five year period under the provisions of section twenty-four. Any
40 person who has consented to have any such case disposed of under
41 the provisions of section twenty-four D shall, for the purposes of
42 this section, be deemed to have been convicted.

1 SECTION 2. The first paragraph of section 8A½ of said chap-
2 ter 90, as so appearing, is hereby amended by striking out the
3 second sentence and inserting in place thereof the following two
4 sentences: — Application for such license may be made by any
5 person who shall have attained the age of twenty-one years, but
6 has not passed his seventieth birthday, except as otherwise
7 provided herein and who shall have been a duly licensed motor
8 vehicle operator for a period of three continuous years
9 immediately prior to his application, except a person who has been
10 duly licensed and whose license is not in force because of revoca-
11 tion or suspension or whose right to operate is suspended by the
12 registrar, but before such a person shall be so licensed the registrar
13 shall be satisfied that he is of good moral character and has suc-
14 cessfully completed a written test, a visual test, and a physical
15 examination in conformity with such minimum physical qualifi-
16 cations as shall be determined by the registrar; provided, however,
17 that a person who has passed his seventieth birthday and is
18 mentally and physically capable of operating motor vehicles
19 transporting school children shall be eligible for a license under
20 this section. Such person shall twice annually, at his own expense,
21 be examined by a physician to determine such capability.