

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Transportation

(2) Agency Number:

18-435

IRRC Number: 3102

(3) PA Code Cite: 67 Pa. Code, Chapter 71

(4) Short Title: School Bus Drivers

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

Kara N. Templeton, Director
Bureau of Driver Licensing
P.O. Box 68676
Harrisburg, Pennsylvania 17106-8676
(717) 787-4701
ktempleton@pa.gov

Secondary Contact:

Laura Krol, Acting Manager
Driver Safety Division, Bureau of Driver Licensing
P.O. Box 68676
Harrisburg, Pennsylvania 17106-8676
(717) 787-2977
lkrol@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☒ Proposed Regulation
☐ Final Regulation
☐ Final Omitted Regulation

- ☐ Emergency Certification Regulation;
☐ Certification by the Governor
☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of Chapter 71 is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers.

The purpose of these amendments to Chapter 71 is to: 1) separate two medical conditions (seizure and loss of consciousness) that are currently linked in the school bus driver medical regulations; and 2) update the medical requirements and standards for school bus drivers to ensure they meet the field of vision standards established in accordance with the most current recommendations from the Department's Medical Advisory Board. These amendments will ensure that only school bus drivers who meet appropriate medical

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standards, established in accordance with the most current medical research as communicated to the Department by its Medical Advisory Board, are transporting school children on school buses in this Commonwealth.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is contained in Sections 1504, 1508, 1508.1, 1509, 1517, 1518, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, as amended (75 Pa. C.S. §§ 1504, 1508, 1508.1, 1509, 1517, 1518, and 6103).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While the Department is authorized by various provisions of the Pennsylvania Vehicle Code to promulgate regulations that set the minimum medical qualifications to obtain and maintain a school bus endorsement, this particular regulatory package is not mandated by any federal or state law or court order or federal regulations.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

These amendments will impact school bus drivers being treated for loss of consciousness or field of vision issues. These proposed regulatory amendments reflect consultation with the Department's Medical Advisory Board and are consistent with existing medical practices and improved technology relative to the care and treatment of individuals diagnosed with loss of consciousness or field of vision issues. The compelling public interest behind this regulatory package is the safety of all motorists and the children who use school buses, which is met through proactively defining and clarifying those medical conditions that significantly impair a school bus driver's ability to operate a motor vehicle.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. School Bus drivers who are employed by a school district are exempt from the federal regulations for commercial drivers. School bus drivers who are employed by a school bus contractor are exempt from the federal regulations when transporting students from home to school and school to home. If they are transporting students for other reasons, they may be required to meet the federal regulations. The federal regulations for commercial drivers do not allow a driver with established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle. They also require a commercial driver to have a field of vision of at least 70 degrees in the horizontal meridian in each eye.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

These regulations are comparable to other states' and federal standards. These amendments to this regulation will not put Pennsylvania at a competitive disadvantage with reference to other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The amendments to the regulations are as a result of consultation with the Department's Medical Advisory Board and are consistent with existing medical practice and improved technology relative to the care and treatment of individuals diagnosed with a seizure disorder or individuals who have a loss of consciousness which is of unknown etiology or not otherwise categorized. The amendments are also consistent with existing medical practice and improved technology relative to the necessary field of vision required to operate a school bus. PennDOT worked with the Medical Advisory Board to review and formulate the regulations for license applicants and license holders. These regulations were approved by the full Medical Advisory Board.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

School bus drivers and health care providers will be required to comply with these regulations; however, they are already required to comply with the current standards. No impact to small businesses is anticipated because of these regulations, with the exception of small business bus contractors.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

School bus drivers and health care providers will be required to comply with these regulations; however, they are already required to comply with the current standards. There are approximately 46,000 licensed school bus operators in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being qualified to operate a school bus because of a condition covered by these

regulatory amendments.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There should be no significant, additional financial, economic, and social impacts of these amendments to the regulation on school bus drivers or health care providers as they must comply with the current standards. The benefits consist principally of altering the loss of consciousness and field of vision standards, per the recommendation of the Department's Medical Advisory Board, to better reflect current medical standards and terminology. To the extent that an additional amount of school bus drivers are prohibited from operating a school bus, there may be additional financial, economic and social impacts to those individuals; however, any impact or inconvenience is outweighed by the stated goal and social impact of this regulatory package—the overall safety of the motoring public and children transported by school bus.

While additional, prospective or current licensees may not be able to meet the altered medical standards, the Department has provided waiver provisions under certain circumstances in these amended regulations to allow the affected potential or current licensees to demonstrate their ability to drive a school bus despite their failure to meet the loss of consciousness/field of vision requirements. These waiver provisions thus strike a balance between the public need to assure that only drivers that meet these standards are licensed to drive a school bus in the Commonwealth against an individual licensee's or potential licensee's desire for a license.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Adjusting the loss of consciousness and field of vision standards, in accord with the Department's Medical Advisory Board recommendations and most current medical standards, will better ensure that only medically qualified individuals are licensed to drive school buses by the Department. The benefit to all motorists and children transported by school bus, which is achieved through proactively defining and clarifying those medical conditions that significantly impair an individual's ability to operate a school bus, outweighs any potential costs that arise out of a potential increase in the number of prospective or current school bus drivers that may not be able to meet the altered medical standards. While the Department is sensitive to potentially impacted licensees, it has developed a waiver procedure and taken other measures to ensure that this regulation reflects the most up-to-date medical information that is applied in furtherance of ensuring the overall safety of the motoring public and children transported by school bus.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs and/or savings to the regulated community cannot be calculated because the exact number of drivers who will be impacted by the regulatory changes is unknown at this time. Likewise, it is difficult,

if not impossible, to quantify the cost impact to licensees that may be impacted. The amendments may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

No costs and/or savings to the local governments are anticipated.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

No costs and/or savings to the state government are anticipated.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

A statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements is untenable given the unquantifiable nature of the groups and entities involved.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						

State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
School Bus	\$363,324.12	\$418,306.38	\$341,771.69	\$301,408.38
Medical and				
Training Program				

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

These amendments set or further refine physical and mental standards relative to seizure, loss of consciousness, and field of vision for individuals licensed to operate a school bus. There are approximately 46,000 licensed school bus operators in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being qualified to operate a school bus because of a

condition covered by these regulatory amendments.

(a) The regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted are small business bus companies of unknown quantity with drivers subject to these amendments and health care entities qualifying as small businesses, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The number of such businesses is unknown. However, the health care personnel noted in § 1518(b) already have reporting requirements pursuant to § 1518(b).

(b) The amendments do not impose any additional reporting, recordkeeping or other administrative costs or requirements on businesses large or small as they relate to individuals; they do not have any adverse impact on small businesses. Health care personnel as noted above may be required to report an increased number of individuals under this standard, but they currently already have reporting requirements.

(c) There are approximately 31,000 school buses operating in Pennsylvania. Roughly 75% of these are operated by school bus companies; 25% by school districts. To the extent that drivers in these fleets are subject to these amendments, there could be a secondary impact on those businesses and school districts if a current driver becomes disqualified under these amendments to the regulation.

(d) There is no less intrusive or less costly way to achieve the purpose of these proposed amendments, which is to keep school children safe by providing rigorous health qualifications for school bus drivers.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions were developed to meet the particular needs of affected groups or persons, although restoration provisions are in place for certain individuals who can demonstrate a renewed ability to meet the medical standards.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There were no alternative regulatory provisions considered. These proposed changes merely update existing field of vision, seizure, seizure disorder, and loss of consciousness requirements for school bus drivers based on recommendations from the Department's Medical Advisory Board in light of current medical standards.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting

requirements for small businesses;

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) As noted above, the regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted are small business bus companies of unknown quantity with drivers subject to these amendments and health care entities qualifying as small businesses, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The establishment of less stringent compliance or reporting requirements for small businesses would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business. In the case of health care professionals, such an accommodation would likely require a statutory change, as 75 Pa.C.S. § 1518 mandates health care personnel reporting.

b) The proposed amendments to the regulations do not impose additional schedules or deadlines. To the extent there are schedules or deadlines imposed for health care personnel to report medical conditions, they are statutorily-based (75 Pa.C.S. § 1518 requires reporting under certain circumstances within 10 days).

c) See the response to subsection (a) above. The consolidation or simplification of compliance or reporting requirements for small businesses is not possible.

d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation is not a practical possibility in view of the need to have a uniform regulatory scheme based on the most up-to-date medical practices.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|-----------------|
| A. The date by which the agency must receive public comments: | <u>07/15/14</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>10/15/14</u> |
| D. The expected effective date of the final-form regulation: | <u>10/15/14</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>10/15/14</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

PennDOT's Medical Advisory Board meets semiannually and will review and discuss the medical regulations contained in Chapter 71 periodically to ensure that the minimum standards are consistent with current treatment and testing requirements and continually monitor their effectiveness.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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Copy below is hereby approved as to form and legality.
Attorney General.

By

Angela M. Elliott
(Deputy Attorney General)

MAY 11 2015

Date of Approval

Copy of below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-435

DATE OF ADOPTION _____

BY

Bruce J. Rhee
Secretary of Transportation

☐ Check if applicable

Copy not approved. Objections attached.

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY

4/15/16

(Date of Approval)

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike Inapplicable Title)

☐ Check if applicable. No attorney
General Approval or Objection within
30 days after submission.

NOTICE OF PROPOSED RULEMAKING

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

Notice of Proposed Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 1504, 1508, 1508.1, 1509, 1517, 1518 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 1504, 1508, 1508.1, 1509, 1517, 1518 and 6103), proposes to amend Chapter 71 of the Department of Transportation Regulations, Title 67, as set forth in Annex A to this Notice.

Purpose of Chapter

The purpose of Chapter 71 is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers.

Purpose of the Proposed Amendments

The purpose of these amendments to Chapter 71 is to: 1) separate two medical conditions (seizure and loss of consciousness) that are currently linked in the school bus driver medical regulations; and 2) update the medical requirements and standards for school bus drivers to ensure they meet the field of vision standards established in accordance with the most current recommendations from the Department's Medical

Advisory Board. These amendments will ensure that only school bus drivers who meet appropriate medical standards, established in accordance with the most current medical research as communicated to the Department by its Medical Advisory Board, are transporting school children on school buses in this Commonwealth.

Summary of Significant Amendments

Section 71.2 is being amended to add definitions for seizure and seizure disorder. These definitions mirror the definitions contained in Chapter 83, Physical and Mental Criteria, including Vision Standards relating to the Licensing of Drivers.

Section 71.3(b)(1)(iv) has been amended to disqualify individuals who have a binocular visual field defect of 30 contiguous degrees or more. The Department will make an exception to this disqualification if the individual's health care provider verifies in writing that the individual's otherwise disqualifying condition does not pose a risk to the individual's ability to safely drive a school bus and the individual also demonstrates appropriate visual compensation through a knowledge and driving skills evaluation administered by the Department.

Section 71.3(b)(10) is being amended to specifically address seizure disorders and eliminate the reference to "another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus safely" because Section 71.3(b)(15) is being amended to specifically address an episode of loss of consciousness.

Section 71.3(b)(15) is being amended to add criteria related to loss of consciousness. The language currently in Section 71.3(b)(15) is being moved to a new Section 71.3(b)(16).

Persons and Entities Affected

These proposed amendments to the regulations will affect all licensed school bus drivers and individuals interested in being licensed to be a school bus driver, as such individuals will have to meet amended field of vision and loss of consciousness standards based on the most current recommendations from the Department's Medical Advisory Board.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the medical community. Anyone intending to obtain or maintain a school bus driver's license will be required to submit to a field of vision test as part of their annual vision testing.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), the agency submitted a copy of this proposed regulation on May 21, 2015 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. § 101, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness, in coordination with its Medical Advisory Board.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Kara N. Templeton Director, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania 17106-8676 or to ktempleton@pa.gov within thirty days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Laura Krol, Acting Manager, Driver Safety Division, Department of Transportation, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania 17106-8676, telephone number: (717) 787-2977, email: lkrol@pa.gov.

Leslie S. Richards,
Secretary of Transportation

ANNEX A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

Notice of Proposed Rulemaking

§ 71.2. Definitions.

* * * * *

Seizure—A paroxysmal disruption of cerebral function characterized by altered consciousness, altered motor activity or behavior identified by a licensed physician as inappropriate for the individual.

Seizure disorder—Condition in which an individual has experienced a single seizure of electrically diagnosed epilepsy, or has experienced more than one seizure not including seizures resulting from an acute illness, intoxication, metabolic disorder, or trauma.

* * * * *

§ 71.3. Physical examination

* * * * *

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

(1) Meets the following visual requirements without the aid of telescopic and prism lenses:

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

* * * * *

(iv) Has a combined field of vision of at least 160[°] degrees in extent along the horizontal meridian, [excepting the normal blind spots.] provided, however, that individuals who have a binocular visual field defect of 30 contiguous degrees or more may not drive unless the following conditions are satisfied:

(A) The individual's health care provider verifies in writing that the individual's condition does not pose a risk to the individual's ability to safely drive; and

(B) The individual demonstrates appropriate visual compensation through a knowledge and driving skills evaluation administered by the Department.

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

* * * * *

(10) Has no established medical history or clinical diagnosis of seizure disorders [or another condition likely to cause loss or impairment of consciousness or loss of ability to drive a school bus safely]. A waiver may be granted to these persons provided:

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

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

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

* * * * *

(15) Has not had an episode of loss of consciousness, which is of unknown etiology or not otherwise categorized, within the previous 12 months.

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

* * * * *



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 21, 2015

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
18-435 — 67 Pa. Code, Chapter 71
School Bus Drivers

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 71 of the Department of Transportation's (Department) regulations which the Department intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of these materials were also delivered today to the Legislative Reference Bureau and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,


Jeffrey M. Spotts,
Regulatory Counsel


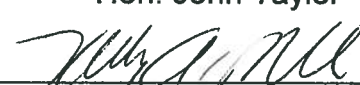
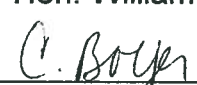
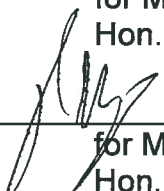
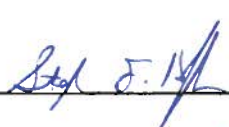
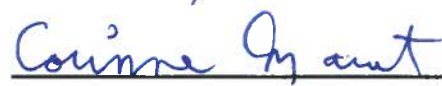
**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-435
SUBJECT: School Bus Drivers
67 Pa. Code, Chapter 71
AGENCY: Department of Transportation

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
5/21/15	 for Majority Chair Hon. John Taylor	HOUSE COMMITTEE ON TRANSPORTATION
5-21-15	 for Minority Chair Hon. William F. Keller	
5-21-15	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
	 5/21/15 for Minority Chair Hon. John N. Wozniak	
	N/A	OFFICE OF ATTORNEY GENERAL
5/21/15		INDEPENDENT REGULATORY REVIEW COMMISSION
5/21/15		LEGISLATIVE REFERENCE BUREAU

Date: May 21, 2015

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