

**As Introduced**

**129th General Assembly  
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**H. B. No. 557**

**Representative Gerberry**

**Cosponsors: Representatives Fedor, Murray, Fende, Milkovich**

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**A B I L L**

To amend sections 4511.63, 4511.76, 4511.761, 1  
4511.762, 4511.764, 4511.77, and 4511.79 and to 2  
enact section 4511.765 of the Revised Code to 3  
establish inspection and repair standards for 4  
wheelchair lifts installed on vehicles used for 5  
pupil transportation. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4511.63, 4511.76, 4511.761, 7  
4511.762, 4511.764, 4511.77, and 4511.79 be amended and section 8  
4511.765 of the Revised Code be enacted to read as follows: 9

**Sec. 4511.63.** (A) Except as provided in division (B) of this 10  
section, the operator of any bus, any school vehicle, or any 11  
vehicle transporting a material or materials required to be 12  
placarded under 49 C.F.R. Parts 100-185, before crossing at grade 13  
any track of a railroad, shall stop the vehicle and, while so 14  
stopped, shall listen through an open door or open window and look 15  
in both directions along the track for any approaching train, and 16  
for signals indicating the approach of a train, and shall proceed 17  
only upon exercising due care after stopping, looking, and 18  
listening as required by this section. Upon proceeding, the 19

operator of such a vehicle shall cross only in a gear that will 20  
ensure there will be no necessity for changing gears while 21  
traversing the crossing and shall not shift gears while crossing 22  
the tracks. 23

(B) This section does not apply at grade crossings when the 24  
public utilities commission has authorized and approved an exempt 25  
crossing as provided in this division. 26

(1) Any local authority may file an application with the 27  
commission requesting the approval of an exempt crossing. Upon 28  
receipt of such a request, the commission shall authorize a 29  
limited period for the filing of comments by any party regarding 30  
the application and then shall conduct a public hearing in the 31  
community seeking the exempt crossing designation. The commission 32  
shall provide appropriate prior public notice of the comment 33  
period and the public hearing. By registered mail, the commission 34  
shall notify each railroad operating over the crossing of the 35  
comment period. 36

(2) After considering any comments or other information 37  
received, the commission may approve or reject the application. By 38  
order, the commission may establish conditions for the exempt 39  
crossing designation, including compliance with division (b) of 49 40  
C.F.R. Part 392.10, when applicable. An exempt crossing 41  
designation becomes effective only when appropriate signs giving 42  
notice of the exempt designation are erected at the crossing as 43  
ordered by the commission and any other conditions ordered by the 44  
commission are satisfied. 45

(3) By order, the commission may rescind any exempt crossing 46  
designation made under this section if the commission finds that a 47  
condition at the exempt crossing has changed to such an extent 48  
that the continuation of the exempt crossing designation 49  
compromises public safety. The commission may conduct a public 50  
hearing to investigate and determine whether to rescind the exempt 51

crossing designation. If the commission rescinds the designation, 52  
it shall order the removal of any exempt crossing signs and may 53  
make any other necessary order. 54

(C) As used in this section: 55

(1) "School vehicle" means any vehicle used for the 56  
transportation of pupils to and from a school or school-related 57  
function if the vehicle is owned or operated by, or operated under 58  
contract with, a public or nonpublic school. 59

(2) "Bus" means any vehicle originally designed by its 60  
manufacturer to transport sixteen or more passengers, including 61  
the driver, or carries sixteen or more passengers, including the 62  
driver. 63

(3) "Exempt crossing" means a highway rail grade crossing 64  
authorized and approved by the public utilities commission under 65  
division (B) of this section at which vehicles may cross without 66  
making the stop otherwise required by this section. 67

(D) Except as otherwise provided in this division, whoever 68  
violates this section is guilty of a minor misdemeanor. If the 69  
offender previously has been convicted of or pleaded guilty to one 70  
or more violations of this section or section 4511.76, 4511.761, 71  
4511.762, 4511.764, 4511.765, 4511.77, or 4511.79 of the Revised 72  
Code or a municipal ordinance that is substantially similar to any 73  
of those sections, whoever violates this section is guilty of a 74  
misdemeanor of the fourth degree. 75

**Sec. 4511.76.** (A)(1) The department of public safety, by and 76  
with the advice of the superintendent of public instruction, shall 77  
adopt and enforce rules relating to the construction, design, and 78  
equipment, including lighting equipment required by section 79  
4511.771 of the Revised Code, of all school buses both publicly 80  
and privately owned and operated in this state. 81

~~(B)(2)~~ The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(B) The department of public safety shall adopt and enforce rules related to the inspection of each wheelchair lift installed on a vehicle used for pupil transportation. In adopting the rules, the department may consult with any manufacturer of a wheelchair lift that is installed on a vehicle used for pupil transportation.

The rules shall require each wheelchair lift installed on a vehicle used for pupil transportation to be inspected by a person certified by the original manufacturer of the wheelchair lift if that manufacturer is available to certify inspectors for its wheelchair lifts. The rules shall establish guidelines for alternative certification of inspectors if a wheelchair lift manufacturer is not available to certify inspectors for its wheelchair lifts. The rules may establish standards to verify and maintain certification of an inspector.

The department shall develop and provide the form to be used by a certified inspector when attesting that a wheelchair lift installed on a vehicle used for pupil transportation is in compliance with the rules adopted under this section.

Inspection of a wheelchair lift on a vehicle used for pupil transportation by a person certified as provided in rules adopted under this section may be in addition to the state highway patrol inspection of a wheelchair lift as part of a school bus inspection under section 4511.761 of the Revised Code.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory

responsibility therefor, shall permit the operation of a vehicle 113  
used for pupil transportation within this state in violation of 114  
the rules of the department of education or the department of 115  
public safety. 116

(D) The department of public safety shall adopt and enforce 117  
rules relating to the issuance of a license under section 4511.763 118  
of the Revised Code. The rules may relate to the moral character 119  
of the applicant; the condition of the equipment to be operated; 120  
the liability and property damage insurance carried by the 121  
applicant; the posting of satisfactory and sufficient bond; and 122  
such other rules as the director of public safety determines 123  
reasonably necessary for the safety of the pupils to be 124  
transported. 125

(E) As used in this section, "vehicle used for pupil 126  
transportation" means any vehicle that is identified as such by 127  
the department of education by rule and that is subject to Chapter 128  
3301-83 of the Administrative Code. 129

(F) Except as otherwise provided in this division, whoever 130  
violates this section is guilty of a minor misdemeanor. If the 131  
offender previously has been convicted of or pleaded guilty to one 132  
or more violations of this section or section 4511.63, 4511.761, 133  
4511.762, 4511.764, 4511.765, 4511.77, or 4511.79 of the Revised 134  
Code or a municipal ordinance that is substantially similar to any 135  
of those sections, whoever violates this section is guilty of a 136  
misdemeanor of the fourth degree. 137

**Sec. 4511.761.** (A) The state highway patrol shall inspect 138  
every school bus to ascertain whether its construction, design, 139  
and equipment comply with the regulations adopted pursuant to 140  
section 4511.76 of the Revised Code and all other provisions of 141  
law. 142

The superintendent of the state highway patrol shall adopt a 143

distinctive inspection decal not less than twelve inches in size, 144  
and bearing the date of the inspection, which shall be affixed to 145  
the outside surface of each side of each school bus which upon 146  
such inspection is found to comply with the regulations adopted 147  
pursuant to section 4511.76 of the Revised Code. The appearance of 148  
said decal shall be changed from year to year as to shape and 149  
color in order to provide easy visual inspection. No decal shall 150  
be issued for a vehicle equipped with a wheelchair lift unless the 151  
wheelchair lift has been inspected as required under section 152  
4511.765 of the Revised Code and the certificate attesting to 153  
compliance with the rules governing wheelchair lift inspection is 154  
presented to the person conducting the school bus inspection under 155  
this section. 156

No person shall operate, nor shall any person being the owner 157  
thereof or having supervisory responsibility therefor permit the 158  
operation of, a school bus within this state unless there are 159  
displayed thereon the decals issued by the state highway patrol 160  
bearing the proper date of inspection for the calendar year for 161  
which the inspection decals were issued. 162

(B) Except as otherwise provided in this division, whoever 163  
violates this section is guilty of a minor misdemeanor. If the 164  
offender previously has been convicted of or pleaded guilty to one 165  
or more violations of this section or section 4511.63, 4511.76, 166  
4511.762, 4511.764, 4511.765, 4511.77, or 4511.79 of the Revised 167  
Code or a municipal ordinance that is substantially similar to any 168  
of those sections, whoever violates this section is guilty of a 169  
misdemeanor of the fourth degree. 170

(C) Whenever a person is found guilty in a court of record of 171  
a violation of this section, the trial judge, in addition to or 172  
independent of all other penalties provided by law, may suspend 173  
for any period of time not exceeding three years, or cancel the 174  
license of any person, partnership, association, or corporation, 175

issued under section 4511.763 of the Revised Code. 176

**Sec. 4511.762.** (A) Except as provided in division (B) of this 177  
section, no person who is the owner of a bus that previously was 178  
registered as a school bus that is used or is to be used 179  
exclusively for purposes other than the transportation of 180  
children, shall operate the bus or permit it to be operated within 181  
this state unless the bus has been painted a color different from 182  
that prescribed for school buses by section 4511.77 of the Revised 183  
Code and painted in such a way that the words "stop" and "school 184  
bus" are obliterated. 185

(B) Any church bus that previously was registered as a school 186  
bus and is registered under section 4503.07 of the Revised Code 187  
may retain the paint color prescribed for school buses by section 188  
4511.77 of the Revised Code if the bus complies with all of the 189  
following: 190

(1) The words "school bus" required by section 4511.77 of the 191  
Revised Code are covered or obliterated and the bus is marked on 192  
the front and rear with the words "church bus" painted in black 193  
lettering not less than ten inches in height; 194

(2) The automatically extended stop warning sign required by 195  
section 4511.75 of the Revised Code is removed and the word "stop" 196  
required by section 4511.77 of the Revised Code is covered or 197  
obliterated; 198

(3) The flashing red and amber lights required by section 199  
4511.771 of the Revised Code are covered or removed; 200

(4) The inspection decal required by section 4511.761 of the 201  
Revised Code is covered or removed; 202

(5) The identification number assigned under section 4511.764 203  
of the Revised Code and marked in black lettering on the front and 204  
rear of the bus is covered or obliterated. 205

(C) Except as otherwise provided in this division, whoever  
violates this section is guilty of a minor misdemeanor. If the  
offender previously has been convicted of or pleaded guilty to one  
or more violations of this section or section 4511.63, 4511.76,  
4511.761, 4511.764, 4511.765, 4511.77, or 4511.79 of the Revised  
Code or a municipal ordinance that is substantially similar to any  
of those sections, whoever violates this section is guilty of a  
misdemeanor of the fourth degree.

(D) Whenever a person is found guilty in a court of record of  
a violation of this section, the trial judge, in addition to or  
independent of all other penalties provided by law, may suspend  
for any period of time not exceeding three years, or cancel the  
license of any person, partnership, association, or corporation,  
issued under section 4511.763 of the Revised Code.

**Sec. 4511.764.** (A) The superintendent of the state highway  
patrol shall require school buses to be registered, in the name of  
the owner, with the state highway patrol on forms and in  
accordance with regulations as the superintendent may adopt.

When the superintendent is satisfied that the registration  
has been completed, the superintendent shall assign an identifying  
number to each school bus registered in accordance with this  
section. The number so assigned shall be marked on the front and  
rear of the vehicle in black lettering not less than six inches in  
height and will remain unchanged as long as the ownership of that  
vehicle remains the same.

No person shall operate, nor shall any person, being the  
owner thereof or having supervisory responsibility therefor,  
permit the operation of a school bus within this state unless  
there is displayed thereon an identifying number in accordance  
with this section.

(B) Except as otherwise provided in this division, whoever



violates this section is guilty of a minor misdemeanor. If the 237  
offender previously has been convicted of or pleaded guilty to one 238  
or more violations of section 4511.63, 4511.76, 4511.761, 239  
4511.762, 4511.765, 4511.77, or 4511.79 of the Revised Code or a 240  
municipal ordinance that is substantially similar to any of those 241  
sections, whoever violates this section is guilty of a misdemeanor 242  
of the fourth degree. 243

Sec. 4511.765. (A) In addition to annual inspection by the 244  
state highway patrol under section 4511.761 of the Revised Code, 245  
each wheelchair lift installed on a vehicle used for pupil 246  
transportation shall be inspected annually by a person certified 247  
as provided in rules of the department of public safety under 248  
section 4511.76 of the Revised Code to ascertain whether its 249  
construction, design, and equipment comply with rules adopted 250  
under that section. For each wheelchair lift inspected and found 251  
to be in compliance with rules adopted under section 4511.76 of 252  
the Revised Code, the certified inspector shall sign a form 253  
provided by the department of public safety attesting to the 254  
compliance, which form shall be presented to the state highway 255  
patrol whenever the vehicle is inspected under section 4511.761 of 256  
the Revised Code. 257

(B) Any repair of a wheelchair lift on a vehicle used for 258  
pupil transportation shall be made by a person certified as 259  
provided in rules adopted under section 4511.76 of the Revised 260  
Code. A person who is not certified may perform routine 261  
maintenance on a wheelchair lift. 262

(C) No person shall operate, nor shall any person being the 263  
owner thereof or having supervisory responsibility therefor, 264  
permit the operation of, a vehicle used for pupil transportation 265  
that is equipped with a wheelchair lift unless the wheelchair lift 266  
has passed inspection as required by this section. 267

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(E) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel, the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code.

**Sec. 4511.77.** (A) No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the rear of the bus with the word "stop" in black lettering not less than ten inches in height.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.765, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) Whenever a person is found guilty in a court of record of

a violation of this section, the trial judge, in addition to or 299  
independent of all other penalties provided by law, may suspend 300  
for any period of time not exceeding three years, or cancel the 301  
license of any person, partnership, association, or corporation, 302  
issued under section 4511.763 of the Revised Code. 303

**Sec. 4511.79.** (A) No person shall drive a "commercial motor 304  
vehicle" as defined in section 4506.01 of the Revised Code, or a 305  
"commercial car" or "commercial tractor," as defined in section 306  
4501.01 of the Revised Code, while the person's ability or 307  
alertness is so impaired by fatigue, illness, or other causes that 308  
it is unsafe for the person to drive such vehicle. No driver shall 309  
use any drug which would adversely affect the driver's ability or 310  
alertness. 311

(B) No owner, as defined in section 4501.01 of the Revised 312  
Code, of a "commercial motor vehicle," "commercial car," or 313  
"commercial tractor," or a person employing or otherwise directing 314  
the driver of such vehicle, shall require or knowingly permit a 315  
driver in any such condition described in division (A) of this 316  
section to drive such vehicle upon any street or highway. 317

(C) Except as otherwise provided in this division, whoever 318  
violates this section is guilty of a minor misdemeanor. If the 319  
offender previously has been convicted of or pleaded guilty to one 320  
or more violations of this section or section 4511.63, 4511.76, 321  
4511.761, 4511.762, 4511.764, 4511.765, or 4511.77 of the Revised 322  
Code or a municipal ordinance that is substantially similar to any 323  
of those sections, whoever violates this section is guilty of a 324  
misdemeanor of the fourth degree. 325

**Section 2.** That existing sections 4511.63, 4511.76, 4511.761, 326  
4511.762, 4511.764, 4511.77, and 4511.79 of the Revised Code are 327  
hereby repealed. 328