

280-RICR-30-05-5

TITLE 280 – DEPARTMENT OF REVENUE

CHAPTER 30 – DIVISION OF MOTOR VEHICLES

SUBCHAPTER 05 – LICENSING

PART 5 – Rules and Regulations Regarding Eligibility for Pupil Transportation Certificate

5.1 Authority

This Part is promulgated pursuant to R.I. Gen. Laws §§ 31-22-10 and 31-22.1-3.

5.2 Purpose

The purpose of this Part is to establish eligibility criteria to obtain a pupil transportation certificate.

5.3 Definitions

A. The following words used in this Part shall have the following meaning:

1. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; or the payment of a fine or court cost or violation of condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. See R.I. Gen. Laws § 31-10.3-3 (11).
2. "Division of Motor Vehicles" or "DMV" means the division that exists within the State of Rhode Island Department of Revenue, pursuant to the requirements of R.I. Gen. Laws § 42-142-1, or any successor Department.
3. "Moving violation" means any statutory violation committed by the driver of a vehicle, while the vehicle is in motion.
4. "Pupil transportation certificate" means a specific license endorsement which authorizes the holder to operate a pupil transportation vehicle, as defined in R.I. Gen. Laws Chapter 31-22.

5.4 Application for Pupil Transportation Certificate

- A. Applicant must complete the Application for Chauffeur's License and Pupil Transportation Certificate. Applicant must also complete the Medical Form certifying their fitness to operate a pupil transportation vehicle.
- B. Applicant must bring completed application to the police department in the city or town in which he/she lives in order to have a criminal background check conducted.
- C. If the applicant is not a Rhode Island resident or has moved into the state within the past five (5) years, applicant must obtain a certified criminal record check as well as a certified driving record from current or former home state(s). These documents must be no more than thirty (30) days old and must be submitted with original Application for Chauffeur's License and Pupil Transportation Certificate. Only original documents will be accepted.
- D. After obtaining the criminal record check and driving abstract, applicant must bring these documents along with Application for Chauffeur's License and Pupil Transportation Certificate to the Division of Motor Vehicles. A letter of sponsorship, verifying applicant will be employed as a driver of a pupil transportation vehicle, must accompany this application (from a school department school bus company, child care agency, YMCA, etc).

5.5 Minimum Qualifications

- A. An applicant for a pupil transportation certificate must be at least twenty-one (21) years of age and have had a driver's license for three (3) continuous years.
- B. A chauffeur's license and a pupil transportation certificate are required to operate a pupil transportation vehicle.
- C. Operators who hold an active commercial driver's license issued by the Rhode Island DMV may operate a pupil transportation vehicle without a chauffeur's license but must have an active pupil transportation certificate.
- D. Current holders of a valid school bus certificate are not required to obtain a pupil transportation certificate to operate pupil transportation vehicles.
- E. On an annual basis, holders of a pupil transportation certificate must submit a completed Medical Form.
- F. Holders of a pupil transportation certificate who are seventy (70) years or older must submit a completed Medical Form every six months.

- G. DMV shall have the authority to conduct a criminal background check of the applicant and to review applicant's driving record.

5.6 Mandatory Disqualifiers

- A. The Division of Motor Vehicles shall not issue a pupil transportation certificate to any person who has one or more convictions of the following:
1. Two (2) moving violations within a twelve (12) month period during the past twenty-four (24) months;
 2. Three (3) moving violations within a thirty-six (36) month period;
 3. Within the past five (5) years of a motor vehicle offense which is a criminal offense in the State of Rhode Island or which, if committed outside the State of Rhode Island would be considered a criminal offense if committed in the State of Rhode Island;
 4. Within the past five (5) years of an alcohol related driving offense (including civil and criminal violations for refusal to submit to a breath or blood/alcohol test);
 5. A felony offense.

5.7 Discretionary Disqualifiers

- A. The Division of Motor Vehicles shall review all applications for Pupil Transportation Certificates. If any of the following apply, a certificate shall not be issued until after a hearing is conducted by DMV at which it is determined that operation of a pupil transportation vehicle by the applicant would not imperil the public health, safety and welfare:
1. Involvement in three (3) motor vehicle accidents within a two (2) year period;
 2. Conviction of a misdemeanor within a twelve (12) month period or more than one (1) misdemeanor within the last five (5) years;
 3. A license suspension within the past three (3) years;
 4. Where the application contains inaccurate or incomplete information;
 5. Conviction of three (3) non-moving violations within a twelve (12) month period during the last three (3) years (non-moving violations shall not include parking tickets);

6. Where other information obtained during the course of the application process brings into question the applicant's fitness or competency to safely transport school children.

5.8 Hearing

- A. Request. Upon receiving a hearing request from an individual whose application has been denied, the Division of Motor Vehicles shall afford a hearing as early as practical, but no later than twenty (20) days after receiving the request, as set forth in R.I. Gen. Laws § 31-11-7(b).
- B. Conduct of hearing.
 1. An individual whose application has been denied will be afforded the following rights at the hearing:
 - a. a hearing before an impartial decision maker;
 - b. the opportunity to compel the production of documents and witnesses, including members of the Division of Motor Vehicles 's Medical Advisory Board;
 - c. the opportunity to confront and cross-examine witnesses;
 - d. access to all of the evidence upon which the Division of Motor Vehicles relied in making its determination to suspend; and
 - e. the right to present any and all relevant evidence including the right to obtain and present the results of a recently administered road test, as set forth in R.I. Gen. Laws § 31-11-7(d).
- C. Decision.
 1. After the hearing conducted pursuant to § 5.8(B) of this Part, the Division of Motor Vehicles shall issue a written decision within thirty (30) days after the hearing based solely on the evidence adduced at the hearing and containing the legal and factual basis for the determination. The Division of Motor Vehicles may rescind its order of denial; determine that denial is not warranted; or may deny the license application, as set forth in R.I. Gen. Laws § 31-11-7(f).

5.9 Appeals

- A. Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles regarding license denial may appeal the order to the sixth division of the

district court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken, as set forth in R.I. Gen. Laws § 31-11-15.

- B. A party aggrieved by a final order of the court may seek further appellate review pursuant to the procedures set forth in R.I. Gen. Laws § 42-35-15.

5.10 Renewals

Pupil Transportation certificates are valid for one year and shall expire on July 31st of each year.

5.11 Display of Certificate

Pupil Transportation Certificate must be conspicuously displayed when operating a Pupil Transportation Vehicle.

5.12 Employer Responsibility

Employers must verify that each Pupil Transportation Certificate holder in their employ is properly licensed by obtaining documentation from DMV.

5.13 Liberal Construction

The terms and provisions of this Part shall be liberally construed to permit the Division of Motor Vehicles to effectuate the purposes of state law, goals, and policies.

5.14 Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules and Regulations which can be given effect, and to this end the provisions of these Rules and Regulations are declared to be severable.

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**PART 5 - RULES AND REGULATIONS REGARDING ELIGIBILITY FOR PUPIL
TRANSPORTATION CERTIFICATE**

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