

[Second Reprint]

ASSEMBLY, No. 4346

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED AUGUST 27, 2018

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

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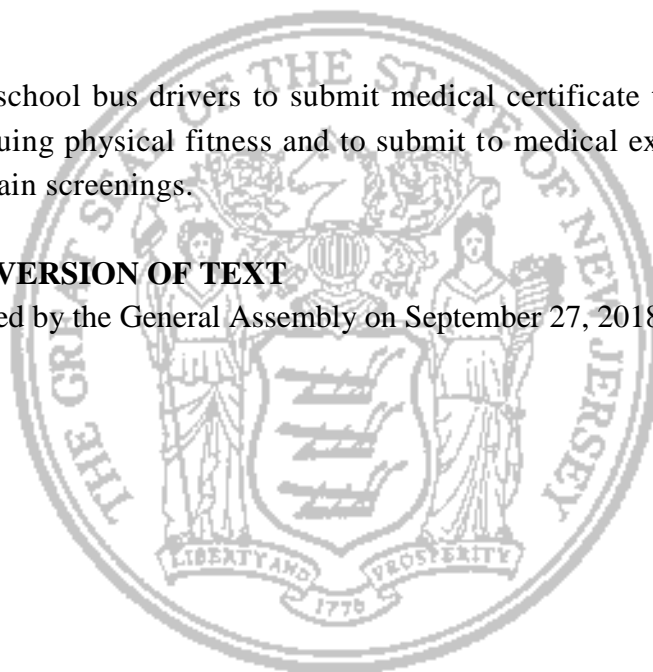
Assemblywoman Murphy, Assemblyman Danielsen, Assemblywomen Reynolds-Jackson, Downey, Assemblyman Freiman, Assemblywoman Timberlake and Assemblyman Johnson

SYNOPSIS

Requires school bus drivers to submit medical certificate to employer to prove continuing physical fitness and to submit to medical examination that includes certain screenings.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 27, 2018.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning medical examinations for certain special
2 licenses and amending R.S.39:3-10.1 and P.L.1975, c.284.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:3-10.1 is amended to read as follows:

8 39:3-10.1. No person shall drive any motor vehicle or trackless
9 trolley with a capacity of more than six passengers used for the
10 transportation of passengers for hire or for the transportation of
11 passengers to or from summer day camps or summer residence
12 camps or any bus as defined by the **[director]** chief administrator
13 used for the transportation of passengers, **[except vehicles used in**
14 **ride-sharing arrangements, taxicabs, motor vehicles with a capacity**
15 **of more than six passengers, which are owned and operated directly**
16 **by businesses engaged in the practice of mortuary science when**
17 **those vehicles are used exclusively for providing transportation**
18 **related to the provision of funeral services and which shall not be**
19 **used in that capacity at any time to pick up or discharge passengers**
20 **to any airline terminal, train station or other transportation center or**
21 **for any purpose not directly related to the provision of funeral**
22 **services]** or any bus used to transport children to and from school
23 pursuant to N.J.S.18A:39-1 et seq. or when being used by a private
24 school to transport children to and from school, unless specially
25 licensed so to do by the chief administrator or in the case of a
26 nonresident, licensed pursuant to the laws of **[his resident]** the
27 nonresident's state of residence with respect to the licensing of bus
28 drivers, except that this provision shall not apply to the operators of
29 vehicles used in ride-sharing arrangements, taxicabs, motor vehicles
30 with a capacity of more than six passengers, which are owned and
31 operated directly by businesses engaged in the practice of mortuary
32 science when those vehicles are used exclusively for providing
33 transportation related to the provision of funeral services and which
34 shall not be used in that capacity at any time to pick up or discharge
35 passengers to any airline terminal, train station, or other
36 transportation center, or for any purpose not directly related to the
37 provision of funeral services.

38 Such license shall not be granted by the chief administrator until
39 the applicant therefor is at least 18 years of age and has passed a
40 satisfactory examination in ascertainment of **[his]** the applicant's
41 driving ability and familiarity with the mechanism of said vehicle
42 and has presented evidence, satisfactory to the chief administrator
43 of **[his]** the applicant's previous experience (including proof that

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted September 17, 2018.

²Assembly floor amendments adopted September 27, 2018.

1 **[he]** the applicant has had at least three years of driving
2 experience), good character, and physical fitness in the form of a
3 medical examination and accompanying medical certificate
4 completed by a medical examiner listed on the National Registry of
5 Certified Medical Examiners maintained by the Federal Motor
6 Carrier Safety Administration. The accompanying medical
7 certificate shall contain the medical examiner's National Registry of
8 Certified Medical Examiners number. Said license shall be
9 effective until suspended or revoked by the **[director]** chief
10 administrator; provided, the special licensee is also the holder of a
11 license as provided for in R.S.39:3-10.

12 Every holder of a special license issued pursuant to this section
13 shall furnish to the chief administrator satisfactory evidence of
14 continuing physical fitness in the form of a medical examination
15 and accompanying medical certificate completed by a medical
16 examiner listed on the National Registry of Certified Medical
17 Examiners maintained by the Federal Motor Carrier Safety
18 Administration, good character, and experience at the time of
19 application renewal or such other time as the chief administrator
20 may require, and in such form as the chief administrator may
21 require **²[, except that].**

22 In addition to the medical examination required of every holder
23 of a special license issued pursuant to this section,² every holder of
24 a special license issued pursuant to this section for the transporting
25 of children to and from schools, pursuant to N.J.S.18A:39-1 et seq.
26 **²[.] :**

27 a.² who is 70 years of age or older shall annually furnish to the
28 **¹[chief administrator]** holder's employer for review by the
29 commission at the commission's biannual inspection¹ satisfactory
30 evidence of continuing physical fitness in the form of a medical
31 examination **²[and accompanying medical certificate completed by**
32 **a medical examiner listed on the National Registry of Certified**
33 **Medical Examiners maintained by the Federal Motor Carrier Safety**
34 **Administration]** completed by a licensed medical doctor or licensed
35 osteopathic physician;² and **²[every holder of a special license**
36 **issued pursuant to this section for the transporting of children to and**
37 **from schools, pursuant to N.J.S.18A:39-1 et seq.,]**

38 b.² who is 75 years of age or older shall ²every six months²
39 furnish to the **¹[chief administrator]** holder's employer for review
40 by the commission at the commission's biannual inspection¹
41 satisfactory evidence of continuing physical fitness in the form of a
42 medical examination **²[and accompanying medical certificate**
43 **completed by a medical examiner listed on the National Registry of**
44 **Certified Medical Examiners maintained by the Federal Motor**
45 **Carrier Safety Administration every six months. The accompanying**
46 **medical certificate shall contain the medical examiner's National**

1 Registry of Certified Medical Examiners number completed by a
2 licensed medical doctor or licensed osteopathic physician². In
3 addition, any person applying for a special license and any person
4 who is the holder of a special license pursuant to this section for
5 the transporting of children to and from schools, pursuant to
6 N.J.S.18A:39-1 et seq., shall comply with the provisions of section
7 2 of P.L.1975, c.284 (C.39:3-10.1a) and section 6 of P.L.1989,
8 c.104 (C.18A:39-19.1).

9 The chief administrator may suspend or revoke a license granted
10 under authority of this section for a violation of any of the
11 provisions of this subtitle, or on other reasonable grounds, or where,
12 in **his** the chief administrator's opinion, the licensee is either
13 physically or morally unfit to retain the same. Notwithstanding the
14 provisions of any law to the contrary, the chief administrator shall,
15 upon notice of disqualification from the Commissioner of Education
16 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1),
17 immediately revoke the special license granted under authority of
18 this section without the necessity of a further hearing.

19 The chief administrator may make such rules and regulations as
20 **he** the chief administrator may deem necessary to carry out the
21 provisions of this section.
22 (cf: P.L.2004, c.124, s.1)

23
24 2. Section 2 of P.L.1975, c.284 (C.39:3-10.1a) is amended to
25 read as follows:

26 2. a. All drivers of buses or other vehicles used by a board of
27 education or by a private or parochial school for the transportation
28 of pupils to and from school shall, in addition to any exam required
29 by law, submit to a medical exam for the presence of alcohol,
30 narcotics, or habit-producing drugs within the scope of the "New
31 Jersey Controlled Dangerous Substances Act," **[(P.L.1970, c.226,**
32 **C.24:21-1)]** P.L.1970, c.226 (C.24:21-1 et seq.).

33 b. All drivers of buses or other vehicles used by a board of
34 education or by a private or parochial school for the transportation
35 of pupils to and from school shall, in addition to any exam required
36 by law, submit to a medical exam that includes **['cognitive,']**
37 hearing **['.']** and visual acuity tests that are in accordance with the
38 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
39 49 U.S.C. s.113, any supplements or amendments thereto, and any
40 federal regulations promulgated thereunder.

41 (cf: P.L.1975, c.284, s.2)

42
43 3. This act shall take effect immediately.