

[Third Reprint]

SENATE, No. 2848

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JULY 23, 2018

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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 Senate on September 27, 2018.

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

1 AN ACT concerning ¹**[proof of physical fitness]** medical
 2 examinations¹ for certain special licenses and amending
 3 R.S.39:3-10.1 ¹and P.L.1975, c.284¹.

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

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

9 39:3-10.1. No person shall drive any motor vehicle or trackless
 10 trolley with a capacity of more than six passengers used for the
 11 transportation of passengers for hire or for the transportation of
 12 passengers to or from summer day camps or summer residence
 13 camps or any bus as defined by the **[director]** chief administrator
 14 used for the transportation of passengers, **[except vehicles used in**
 15 **ride-sharing arrangements, taxicabs, motor vehicles with a capacity**
 16 **of more than six passengers, which are owned and operated directly**
 17 **by businesses engaged in the practice of mortuary science when**
 18 **those vehicles are used exclusively for providing transportation**
 19 **related to the provision of funeral services and which shall not be**
 20 **used in that capacity at any time to pick up or discharge passengers**
 21 **to any airline terminal, train station or other transportation center or**
 22 **for any purpose not directly related to the provision of funeral**
 23 **services]** or any bus used to transport children to and from school
 24 pursuant to N.J.S.18A:39-1 et seq. or when being used by a private
 25 school to transport children to and from school, unless specially
 26 licensed so to do by the chief administrator or in the case of a
 27 nonresident, licensed pursuant to the laws of **[his resident]** the
 28 nonresident's state ¹of residence¹ with respect to the licensing of
 29 bus drivers, except that this provision shall not apply to the
 30 operators of vehicles used in ride-sharing arrangements, taxicabs,
 31 motor vehicles with a capacity of more than six passengers, which
 32 are owned and operated directly by businesses engaged in the
 33 practice of mortuary science when those vehicles are used
 34 exclusively for providing transportation related to the provision of
 35 funeral services and which shall not be used in that capacity at any
 36 time to pick up or discharge passengers to any airline terminal, train
 37 station, or other transportation center, or for any purpose not
 38 directly related to the provision of funeral services.

39 Such license shall not be granted by the chief administrator until
 40 the applicant therefor is at least 18 years of age and has passed a
 41 satisfactory examination in ascertainment of **[his]** the applicant's
 42 driving ability and familiarity with the mechanism of said vehicle

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:

¹Senate STR committee amendments adopted July 26, 2018.

²Senate SBA committee amendments adopted September 13, 2018.

³Senate floor amendments adopted September 27, 2018.

1 and has presented evidence, satisfactory to the chief administrator
2 of **[his]** the applicant's previous experience (including proof that
3 **[he]** the applicant has had at least three years of driving
4 experience), good character, and physical fitness in the form of a
5 medical examination and accompanying medical ¹**[report]**
6 certificate¹ completed by a medical examiner listed on the National
7 Registry of Certified Medical Examiners maintained by the Federal
8 Motor Carrier Safety Administration. The accompanying medical
9 ¹**[report]** certificate¹ shall contain the medical examiner's National
10 Registry of Certified Medical Examiners number. Said license shall
11 be effective until suspended or revoked by the **[director]** chief
12 administrator; provided, the special licensee is also the holder of a
13 license as provided for in R.S.39:3-10.

14 Every holder of a special license issued pursuant to this section
15 shall furnish to the chief administrator satisfactory evidence of
16 continuing physical fitness in the form of a medical examination
17 and accompanying medical ¹**[report]** certificate¹ completed by a
18 medical examiner listed on the National Registry of Certified
19 Medical Examiners maintained by the Federal Motor Carrier Safety
20 Administration, good character, and experience at the time of
21 application renewal or such other time as the chief administrator
22 may require, and in such form as the chief administrator may
23 require ³**[, except that]**.

24 In addition to the medical examination required of every holder
25 of special license issued pursuant to this section,³ every holder of a
26 special license issued pursuant to this section for the transporting of
27 children to and from schools, pursuant to N.J.S.18A:39-1 et seq.
28 ³**[.]** :

29 a.³ who is 70 years of age or older shall annually furnish to the
30 ²**[chief administrator]** holder's employer for review by the
31 commission at the commission's biannual inspection² satisfactory
32 evidence of continuing physical fitness in the form of a medical
33 examination ³**[and accompanying medical** ¹**[report]** certificate¹
34 completed by a medical examiner listed on the National Registry of
35 Certified Medical Examiners maintained by the Federal Motor
36 Carrier Safety Administration] completed by a licensed medical
37 doctor or licensed osteopathic physician;³ and ³**[every holder of a**
38 special license issued pursuant to this section for the transporting of
39 children to and from schools, pursuant to N.J.S.18A:39-1 et seq..]

40 b.³ who is 75 years of age or older shall ³every six months³
41 furnish to the ²**[chief administrator]** holder's employer for review
42 by the commission at the commission's biannual inspection²
43 satisfactory evidence of continuing physical fitness in the form of a
44 medical examination ³**[and accompanying medical** ¹**[report]** certificate¹
45 completed by a medical examiner listed on the National
46 Registry of Certified Medical Examiners maintained by the Federal

1 Motor Carrier Safety Administration every six months. The
2 accompanying medical ¹[report] certificate¹ shall contain the
3 medical examiner's National Registry of Certified Medical
4 Examiners number¹ completed by a licensed medical doctor or
5 osteopathic physician³. In addition, any person applying for a
6 special license ¹and any person who is the holder of a special
7 license¹ pursuant to this section for the transporting of children to
8 and from schools, pursuant to N.J.S.18A:39-1 et seq., shall comply
9 with the provisions of ¹section 2 of P.L.1975, c.284 (C.39:3-10.1a)
10 and¹ section 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

21 The chief administrator may make such rules and regulations as
22 **[he]** the chief administrator may deem necessary to carry out the
23 provisions of this section.

24 (cf: P.L.2004, c.124, s.1)

25

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

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

35 b. All drivers of buses or other vehicles used by a board of
36 education or by a private or parochial school for the transportation
37 of pupils to and from school shall, in addition to any exam required
38 by law, submit to a medical exam that includes ²**[cognitive,]²**
39 hearing ²**[.]² and visual acuity tests that are in accordance with the**
40 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
41 49 U.S.C. s.113, any supplements or amendments thereto, and any
42 federal regulations promulgated thereunder.¹

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

44

45 ¹**[2.] 3.¹** This act shall take effect immediately.