ASSEMBLY, No. 5814

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:
Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)
Assemblyman P. CHRISTOPHER TULLY
District 38 (Bergen and Passaic)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Assemblywomen Vainieri Huttle, Lopez, Chaparro, McKnight,
Assemblyman Johnson and Assemblywoman Jasey

SYNOPSIS

Creates School Bus Safety Ombudsman position in, but not of, Department of Education.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on June 14, 2021, with amendments.

(Sponsorship Updated As Of: 6/24/2021)
AN ACT concerning school bus safety and supplementing chapter 39
of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. There is established in but not of the Department of
Education the Office of the School Bus Safety Ombudsman. For the
purpose of complying with the provisions of Article V, Section IV,
paragraph 1 of the New Jersey Constitution, the Office of the School
Bus Safety Ombudsman is hereby allocated within the Department of
Education, but notwithstanding this allocation, the office shall be
independent of any supervision or control by the department or any
board or officer thereof, or any other cabinet-level department, board,
or officer thereof. The purpose of the office is to oversee the school
busing industry and to coordinate enforcement and accountability
among the department, school bus drivers, school bus contractors, and
the New Jersey Motor Vehicle Commission.

b. The Governor shall appoint a School Bus Safety Ombudsman,
who shall be qualified by training and experience related to the school
bus industry in order to perform the duties of the office. The
ombudsman shall be a person of recognized judgment, integrity, and
objectivity, and shall be skilled in communication, conflict resolution,
and professionalism.

c. The ombudsman shall organize and direct the work of the
office, including the work of such professional and clerical staff as
may be necessary to carry out the ombudsman's duties.

2. a. The duties of the School Bus Safety Ombudsman shall
include, but not be limited to, the following:

(1) review a school bus driver’s information collected by the
Commissioner of Education pursuant to section 6 of P.L.1989,
c.104 (C.18A:39-19.1);

(2) review all training certifications for school bus drivers from
employers pursuant to subsection b. of section 2 of P.L.2015, c.123
(C.18A:39-19.3);

(3) assist in the development of a student information card
pursuant to section 3 of P.L.2015, c.123 (18A:39-19.4);

(4) review statements provided by a board of education or
contractor that verify a school bus driver, whose bus driver’s
license is suspended or revoked, no longer operates a school bus for
the board or contractor pursuant to section 1 of P.L.2018, c.152
(C.18A:39-19.6);

(5) the establishment of a publicly accessibly database that
compiles the violations and subsequent fines of school bus drivers,

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:

Assembly ATR committee amendments adopted June 14, 2021.
school bus contractors that employ the school bus drivers, and the
owners, operators, or any officers associated with the school bus
contractor. The ombudsman shall develop and implement an appeal
mechanism to resolve any dispute raised by a school bus driver,
school bus contractor, or owner, operator, or officer associated with
a school bus company concerning inclusion in the database;

(6) maintain a list of all persons barred from bidding on any
pupil transportation contract pursuant to section 3 of P.L. , c.
(C. ) (pending before the Legislature as Assembly Bill No.
5818 or Senate Bill No. 3849 of 2021);

(7) render a decision as to whether a person shall be debarred
from bidding on a pupil transportation contract pursuant to the
provisions of P.L. , c. (C. ) (pending before the Legislature
as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021);

(8) collect and review the name, address, and contact
information of school bus contractors and the owners of school bus
contracting companies;

(9) determine if a board of education or contractor has failed to
comply with the provisions of N.J.S.18A:39-20;

(10) review and recommend changes to the commissioner of the
rules and regulations governing school bus safety; and

(11) any other duties the ombudsman deems appropriate to
ensure the safety of school buses for students in the State.

b. The ombudsman shall treat communications received in the
course of the ombudsman’s duties, including personally identifiable
information regarding students, parents or guardians, school bus
drivers, and others from whom information is acquired, as
confidential, except when disclosure is necessary to enable the
ombudsman to perform the duties of the office and consent for
disclosure is obtained. Upon receipt of information that by law is
confidential or privileged, the ombudsman shall maintain the
confidentiality of such information and shall not disclose or
disseminate the information except as provided by applicable State
or federal law.

c. As used in this section, “person” means an individual and
any business, including any corporation, partnership, association, or
proprietorship in which such individual is a principal, or with
respect to which the individual owns, directly or indirectly, or
controls any of the stock or other equity interest of such business.

3. The ombudsman shall submit an annual report to the
Governor, the Legislature pursuant to section 2 of P.L.1991, c.164
(C.52:14-19.1), and the New Jersey Motor Vehicle Commission
which includes a summary of the services provided, and
enforcement actions taken, by the ombudsman during the school
year, and any specific recommendations the ombudsman deems
appropriate and necessary concerning the oversight and
management within the ombudsman’s purview.
4. This act shall take effect with the enactment into law of P.L. , c. (C. ) (pending before the Legislature as Assembly Bill No. 5818 or Senate Bill No. 3849 of 2021).