

SENATE, No. 485

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

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Senator Addiego

SYNOPSIS

Requires school bus driver's complete motor vehicle driving record be shared with board of education or school bus contractor and local police.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/8/2020)

1 AN ACT concerning school bus driver motor vehicle records and
2 amending P.L.1989, c.104.

3

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

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7 1. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to
8 read as follows:

9 6. a. Prior to employment as a school bus driver, and upon
10 application for renewal of a school bus driver's license, a bus driver
11 shall submit to the Commissioner of Education the driver's name,
12 address, and fingerprints in accordance with procedures established
13 by the commissioner. No criminal history record check or check for
14 alcohol and drug-related motor vehicle violations shall be furnished
15 without the driver's written consent to such a check. The applicant
16 shall bear the cost for the checks, including all costs for
17 administering and processing the checks.

18 Upon receipt of the criminal history record information for an
19 applicant from the Federal Bureau of Investigation and the Division
20 of State Police, and information on the check for alcohol and drug-
21 related motor vehicle violations from the New Jersey Motor Vehicle
22 Commission, the Commissioner of Education shall notify the
23 applicant, in writing, of the applicant's qualification or
24 disqualification as a school bus driver. If the applicant is
25 disqualified, the convictions which constitute the basis for the
26 disqualification shall be identified in the written notice to the
27 applicant. A school bus driver, except as provided in subsection e.
28 of this section, shall be permanently disqualified from employment
29 or service if the individual's criminal history record reveals a record
30 of conviction for which public school employment candidates are
31 disqualified pursuant to section 1 of P.L.1986, c.116 (C.18A:6-7.1)
32 or if the driver has been convicted at least two times within the last
33 10 years for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512
34 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), or
35 section 16 of P.L.1990, c.103 (C.39:3-10.24); once for a violation
36 of section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of
37 P.L.1990, c.103 (C.39:3-10.24) while transporting school children;
38 or once for a violation of subsection b. or subsection c. of section 1
39 of P.L.2017, c.347 (C.2C:40-26.1).

40 Following qualification for employment as a school bus driver
41 pursuant to this section, the State Bureau of Identification shall
42 immediately forward to the Commissioner of Education any
43 information which the bureau receives on a charge pending against
44 the school bus driver. If the charge is for one of the crimes or
45 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
46 the commissioner shall notify the employing board of education or
47 contractor, and the board or contractor shall take appropriate action.

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.

1 If the pending charge results in conviction, the school bus driver
2 shall not be eligible for continued employment.

3 A school bus driver shall not be eligible to operate a school bus
4 if the individual's bus driver's license is currently revoked or
5 suspended by the New Jersey Motor Vehicle Commission in
6 accordance with R.S.39:3-10.1 or if the individual's passenger
7 endorsement or special license issued pursuant to R.S.39:3-10.1 is
8 revoked by the New Jersey Motor Vehicle Commission for life in
9 accordance with section 2 of P.L.2017, c.347 (C.18A:39-19.5).

10 Following qualification for employment as a school bus driver,
11 the New Jersey Motor Vehicle Commission shall immediately
12 forward to the Commissioner of Education any information which
13 the division receives on a conviction for an alcohol or drug-related
14 motor vehicle violation that would disqualify the driver from
15 employment pursuant to the provisions of this subsection. The
16 commissioner shall notify the employing board of education or
17 contractor that the driver is no longer eligible for employment.

18 Immediately following qualification for employment as a school
19 bus driver and annually thereafter, the New Jersey Motor Vehicle
20 Commission shall forward the complete driver history abstract of
21 the school bus driver maintained by the commission to the
22 employing board of education or contractor, as appropriate, and the
23 chief of police or other chief law enforcement officer of the
24 municipality or municipalities wherein the school bus driver
25 employed by the employing board of education or contractor
26 operates a school bus.

27 b. Notwithstanding the provisions of this section, an individual
28 shall not be disqualified from employment or service under this act
29 on the basis of any conviction disclosed by a criminal history record
30 check or a check for alcohol and drug-related motor vehicle
31 violations performed pursuant to this section without an opportunity
32 to challenge the accuracy of the disqualifying records.

33 c. When charges are pending for a crime or any other offense
34 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
35 employing board of education or contractor shall be notified that the
36 candidate shall not be eligible for employment until the
37 commissioner has made a determination regarding qualification or
38 disqualification upon adjudication of the pending charges.

39 d. The applicant shall have 30 days from the date of the written
40 notice of disqualification to challenge the accuracy of the criminal
41 history record information or the record of convictions for an
42 alcohol or drug-related motor vehicle violation. If no challenge is
43 filed or if the determination of the accuracy of the criminal history
44 record information or the record of convictions for an alcohol or
45 drug-related motor vehicle violation upholds the disqualification,
46 notification of the applicant's disqualification for employment shall
47 be forwarded to the New Jersey Motor Vehicle Commission. The
48 local board of education or the school bus contractor and the

1 County Superintendent of Schools shall also be notified of the
2 disqualification. Notwithstanding the provisions of any law to the
3 contrary, the Chief Administrator of the New Jersey Motor Vehicle
4 Commission shall, upon notice of disqualification from the
5 Commissioner of Education, immediately revoke the applicant's
6 special license issued pursuant to R.S.39:3-10.1 without necessity
7 of a further hearing. Candidates' records shall be maintained in
8 accordance with the provisions of section 4 of P.L.1986, c.116
9 (C.18A:6-7.4).

10 e. This section shall first apply to criminal history record
11 checks conducted on or after the effective date of P.L.1998, c.31
12 (C.18A:6-7.1c et al.); except that in the case of a school bus driver
13 employed by a board of education or a contracted service provider
14 who is required to undergo a check upon application for renewal of
15 a school bus driver's license, the individual shall be disqualified
16 only for the following offenses:

17 (1) any offense enumerated in this section prior to the effective
18 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

19 (2) any offense enumerated in this section which had not been
20 enumerated in this section prior to the effective date of
21 P.L.1998, c.31 (C.18A:6-7.1c et al.), if the person was convicted of
22 that offense on or after the effective date of that act.

23 f. (1) Notwithstanding any provision of this section to the
24 contrary, the check for alcohol and drug-related motor vehicle
25 violations shall be conducted in accordance with the provisions of
26 this section prior to initial employment as a school bus driver and
27 upon application for renewal of a school bus driver's license until
28 such time as the provisions of the "Motor Carrier Safety
29 Improvement Act of 1999," Pub. L. 106-159, are effective and
30 implemented by the State.

31 (2) Notwithstanding any provision of this section to the
32 contrary, upon the implementation by the State of the "Motor
33 Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check
34 for alcohol and drug-related motor vehicle violations shall be
35 conducted in accordance with the provisions of this section prior to
36 initial employment as a school bus driver. A check for alcohol and
37 drug-related motor vehicle violations conducted for any subsequent
38 renewal of a school bus driver's license shall be subject to the
39 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
40 Pub. L.106-159.

41 (3) Upon the implementation by the State of the "Motor Carrier
42 Safety Improvement Act of 1999," Pub. L. 106-159, following
43 qualification for employment as a school bus driver, the New Jersey
44 Motor Vehicle Commission shall immediately notify the
45 Commissioner of Education of the suspension or revocation of a
46 school bus driver's commercial driver's license. The commissioner
47 shall notify the employing board of education or contractor of the
48 suspension or revocation, and the employment of the school bus

1 driver shall be immediately terminated. In the case of a school bus
2 driver whose commercial driver's license has been suspended, the
3 driver may apply for re-employment at the end of the period of
4 suspension.

5 (cf: P.L.2017, c.347, s.3)

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7 2. This act shall take effect immediately, but shall remain
8 inoperative for 60 days following the date of enactment.

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STATEMENT

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13 This bill requires the New Jersey Motor Vehicle Commission
14 (commission), upon a driver's qualification for employment as a
15 school bus driver and annually thereafter, to forward the complete
16 driver history abstract of the school bus driver maintained by the
17 commission to an employing board of education or contractor, as
18 appropriate, and the chief of police or other chief law enforcement
19 officer of the municipality or municipalities wherein the school bus
20 driver employed by a board of education or contractor operates a
21 school bus.