

# 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)**

**Co-Sponsored by:**

**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**

As reported by the Senate Transportation Committee with technical review.



**(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

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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.