

SENATE, No. 3378

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 21, 2021

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senators Greenstein and Holzapfel

SYNOPSIS

Requires MVC to conduct unscheduled surprise inspections of certain school buses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT concerning school bus safety inspections and amending
2 P.L.1999, c.5.

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

6
7 1. Section 3 of P.L.1999, c.5 (C.39:3B-20) is amended to read
8 as follows:

9 3. As used in **[this act]** the “School Bus Enhanced Safety
10 Inspection Act,” P.L.1999, c.5 (C.39:3B-18 et seq.):

11 **["Director"** means the Director of the Division of Motor Vehicles
12 in the Department of Transportation**]** “Chief Administrator” means
13 the Chief Administrator of the New Jersey Motor Vehicle
14 Commission;

15 **["Division"** means the Division of Motor Vehicles in the
16 Department of Transportation**]** “Commission” means the New Jersey
17 Motor Vehicle Commission;

18 "In-terminal inspection" means an inspection conducted by the
19 **[Division of Motor Vehicles]** New Jersey Motor Vehicle
20 Commission at the operator's terminal of any motor vehicle required
21 to meet the safety regulations for school buses adopted by the
22 Department of Transportation pursuant to **[R.S.39:3B-5]** section 6
23 of P.L.1965, c.119 (C.39:3B-5) and section 1 of P.L.1986, c.92
24 **[(C.18A:3B-5.4)]** (C.39:3B-5.4) and vehicle emissions standards
25 established for engine type pursuant to R.S.39:8-2 and section 3 of
26 P.L.1995, c.157 (C.39:8-61);

27 "Operator" means the owner or person responsible for the day to
28 day operation and maintenance of school buses;

29 "School bus" means all Type I and Type II school buses as defined
30 in R.S.39:1-1 and school buses retired pursuant to section 1 of
31 P.L.1986, c.92 (C.39:3B-5.4), under the jurisdiction of the [division]
32 commission.

33 (cf: P.L.1999, c.5, s.3)

34
35 2. Section 4 of P.L.1999, c.5 (C.39:3B-21) is amended to read
36 as follows:

37 4. a. The chief administrator shall establish a school bus
38 enhanced safety inspection program which shall include, but not be
39 limited to, the following elements:

40 (1) an in-terminal school bus inspection program which provides
41 for **[the semi-annual or]** a minimum of two annual inspections, of
42 which one shall be a scheduled inspection of the school buses by
43 commission inspectors and the remainder of which shall be
44 unscheduled surprise inspections of the school buses by commission
45 inspectors;

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 (2) standards and requirements pertaining to the equipment,
2 maintenance, and repair of school buses subject to inspection
3 pursuant to **[this act]** the “School Bus Enhanced Safety Inspection
4 Act,” P.L.1999, c.5 (C.39:3B-18 et seq.); all in-terminal inspections,
5 including those involving diesel vehicles, shall include an emission
6 inspection to determine whether that vehicle meets the State's
7 emission specifications and standards;

8 (3) standards and requirements pertaining to the establishment
9 and maintenance of school bus maintenance, repair, and inspection
10 records for all school buses in the operator's fleet; and

11 (4) standards and requirements pertaining to the establishment
12 and maintenance of driver employment records, including records
13 which demonstrate a driver's compliance with all statutory and
14 regulatory requirements for authorization to operate a school bus, and
15 any other records and credentials deemed necessary by the chief
16 administrator for school bus drivers employed by the operator. The
17 records shall be made available to commission inspectors during each
18 in-terminal inspection.

19 b. If an operator does not have adequate terminal facilities to
20 allow for a proper and thorough in-terminal inspection, the chief
21 administrator shall designate an in-lieu-of terminal site and direct the
22 operator to present **[his]** the operator's buses and records to that site
23 for inspection on such terms and conditions as determined by the
24 chief administrator.

25 c. The time and location of any inspection or reinspection
26 conducted pursuant to this section shall be determined by the chief
27 administrator. Unless an owner agrees to a different time schedule,
28 the chief administrator shall schedule a reinspection within three days
29 of the date of the inspection that necessitated the reinspection.

30 (cf: P.L.2009, c.331, s.3)

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32 3. Section 5 of P.L.1999, c.5 (C.39:3B-22) is amended to read
33 as follows:

34 5. a. Any operator who violates the standards for driver
35 employment records established pursuant to subsection a. of section
36 4 of **[this act]** P.L.1999, c.5 (C.39:3B-21), or who fails to retain
37 proper records for inspection as required, or who fails to make
38 available any record or document required at the time of inspection,
39 or who falsifies any record, or who fails to present or otherwise make
40 available any school bus or buses due for inspection, as requested by
41 an examiner, unless notification of the intent to withhold a bus or
42 buses from an examiner is made in writing at least 24 hours prior to
43 the scheduled inspection, shall be fined not less than \$50 and not
44 more than \$500 per violation, in accordance with a schedule of fines
45 to be established by the **[director]** chief administrator. The
46 **[director]** chief administrator shall waive the requirement of notice
47 upon a showing of good cause by an operator. A bus withheld from

1 an examiner pursuant to this section shall be inspected within 30 days
2 of the date of the originally scheduled inspection, unless otherwise
3 agreed by the operator and the **【director】** chief administrator. The
4 operator shall be responsible for all fines.

5 Nothing in this subsection shall be deemed to preclude any other
6 enforcement actions provided by law.

7 b. Any fine imposed pursuant to the provisions of this section
8 may be collected, with costs, in a summary proceeding pursuant to
9 **【"the penalty enforcement law," N.J.S.2A:58-1 et seq】** the "Penalty
10 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
11 The Superior Court or municipal court of the county or municipality
12 in which the violation occurs or in which the operator resides or has
13 a place of business or principal office in this State, shall have
14 jurisdiction to enforce the provisions of **【"the penalty enforcement**
15 **law"】** the "Penalty Enforcement Law of 1999," P.L.1999, c.274
16 (C.2A:58-10 et seq.) in connection with any violation of **【this act】**
17 the "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5
18 (C.39:3B-18 et seq.).

19 The **【director】** chief administrator or any duly authorized
20 representative of the **【director】** chief administrator may issue a
21 summons and complaint returnable in any court of competent
22 jurisdiction for a violation of **【this act】** the "School Bus Enhanced
23 Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.) or any rule
24 or regulation adopted pursuant to **【this act】** the "School Bus
25 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.).
26 A municipal, county, or State prosecutor is authorized to assist the
27 **【director】** chief administrator in the enforcement of **【this act】** the
28 "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5
29 (C.39:3B-18 et seq.). The **【director】** chief administrator may
30 institute an action in the Superior Court for injunctive relief to
31 prevent or restrain any violation of **【this act】** the "School Bus
32 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.),
33 or any rule or regulation adopted, or any administrative or judicial
34 order issued, pursuant to **【this act】** the "School Bus Enhanced Safety
35 Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.).

36 c. Any officer charged with the enforcement of State and
37 municipal laws is authorized to assist the **【director】** chief
38 administrator or any duly authorized representative of the **【director】**
39 chief administrator in the enforcement of the provisions of **【this act】**
40 the "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5
41 (C.39:3B-18 et seq.), or any rule or regulation adopted, or any
42 administrative or judicial order issued, pursuant to **【this act】** the
43 "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5
44 (C.39:3B-18 et seq.).

45 d. Any fine imposed pursuant to the provisions of this section
46 that is collected and remitted to the commission shall be used for the

1 continued administration of the school bus enhanced safety
2 inspection program established pursuant to section 4 of P.L.1999, c.5
3 (C.39:3B-21).

4 (cf: P.L.1999, c.5, s.5)

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6 4. This act shall take effect on the first day of the first full fiscal
7 year following enactment. The Chief Administrator of the New
8 Jersey Motor Vehicle Commission may take such anticipatory
9 actions as may be necessary for the timely implementation of this act.

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STATEMENT

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14 This bill requires the New Jersey Motor Vehicle Commission
15 (MVC) to conduct a minimum of two annual inspections of school
16 buses through the MVC school bus enhanced safety inspection
17 program (program). In addition to the annual scheduled inspection
18 of school buses required under current law, MVC is also required to
19 conduct unscheduled surprise inspections.

20 The bill also provides that any fine imposed pursuant to the
21 "School Bus Enhanced Safety Inspection Act" that is collected and
22 remitted to the MVC is required to be used for the continued
23 administration of the program.