

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 915

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 915.

Under Assembly Bill No. 915, at the beginning of each year and prior to the assignment of a driver or substitute driver to a vehicle operated by a board of education, the board's secretary is required to file with the county superintendent and the Division of Motor Vehicles, the school bus driver's name, social security number and driver's license number. The secretary is still required to provide the county superintendent, but not the Division of Motor Vehicles, with a certification of the driver's valid school bus driver's license and criminal background check.

School bus contractors are required to provide to the board of education and the Division of Motor Vehicles the name, social security number and driver's license number of any driver to be assigned or newly assigned to drive a school bus. The board of education must then forward this information to the county superintendent in addition to a certification of a valid school bus driver's license and criminal background check for each driver or substitute driver that will be assigned to drive a school bus.

The bill establishes additional grounds for the disqualification of a school bus driver. School bus drivers will be disqualified if they have been twice convicted of driving while intoxicated or once convicted for refusing to submit to a breath or chemical test while transporting schoolchildren or if the conviction is in connection with an accident resulting in serious bodily injury or death. Similar to challenging the accuracy of a criminal history check, the bill accords applicants 30 days in which to petition for a hearing to challenge the accuracy of a record of conviction related to the operation of a motor vehicle under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit-producing drug.

So that municipal courts are able to readily identify licensed drivers who operate school buses, drivers are prohibited from operating a school bus unless they have ensured that their licenses have been marked with a "C," for children, by the Division of Motor Vehicles. The bill requires municipal courts to immediately notify the division whenever a school bus driver is charged with a motor vehicle violation for which points are assessed, operating a commercial vehicle while

under the influence of alcohol or a controlled dangerous substance, refusing to submit to a chemical test while driving a commercial vehicle, driving while intoxicated or refusing to submit to a breath test. The director is then required to notify the school superintendent or bus contractor of the charge. The superintendent or contractor may suspend and, upon conviction, terminate the bus driver.

School bus drivers who, while transporting children, are convicted of operating a commercial vehicle while under the influence of alcohol or a controlled dangerous substance or refusing to submit to a breath test are subject to a one-year term of imprisonment. A board of education or contractor who unlawfully approves or assigns a school bus driver can be fined up to \$5,000 for each driver unlawfully approved or assigned. School bus drivers may still be hired on a provisional basis pending the completion of the check of their criminal and driving records under the bill, but only for a period of up to three rather than six months and if they provide a sworn statement attesting that they have not been convicted of a crime, a disorderly persons offense or an alcohol or drug-related driving offense.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review, which have been performed.