

ASSEMBLY, No. 915

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROCCO

1 AN ACT concerning the qualifications of school bus drivers, amending
2 various parts of the statutory law and supplementing chapter 39 of
3 Title 18A of the New Jersey Statutes and chapter 3 of Title 39 of
4 the Revised Statutes.

5

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

8

9 1. N.J.S.18A:39-17 is amended to read as follows:

10 18A:39-17. **[In]** At the beginning of each school year, and prior to
11 the assignment of any driver or substitute driver to any vehicle
12 operated by the board of education of any district as a school bus,
13 there shall be filed by the secretary of such board with the county
14 superintendent and the Division of Motor Vehicles the name, driver's
15 license number and social security number of each such driver or
16 substitute driver and exclusively with the county superintendent a
17 certification of a valid school bus driver's license and criminal
18 background check.

19 (cf: P.L.1989, c.104, s.1)

20

21 2. N.J.S.18A:39-18 is amended to read as follows:

22 18A:39-18. In each school year, prior to the beginning of
23 transportation of school pupils under a contract awarded by a board
24 of education, the contractor shall furnish to the Division of Motor
25 Vehicles and the board of education the name, social security number,
26 and driver's license number of each driver or substitute driver to be
27 assigned to any vehicle in the performance of his contract. Whenever
28 a driver is newly assigned to a board of education, this information
29 shall also be furnished to the division and the board of education. The
30 board of education shall forward this information to the county
31 superintendent **[the name, social security number, and]** along with a
32 certification of a valid school bus driver's license and criminal
33 background check of each driver or substitute driver to be assigned to

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 any vehicle in the performance of his contract.

2 (cf: P.L.1989, c.104, s.2)

3

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

6 6. Prior to employment as a school bus driver, and upon
7 application for renewal of a school bus driver's license, a bus driver
8 shall submit to the Commissioner of Education his or her name,
9 address and fingerprints taken on standard fingerprint cards by a State
10 or municipal law enforcement agency. No criminal history record
11 check shall be furnished without his or her written consent to such a
12 check.

13 Upon receipt of the criminal history record information for an
14 applicant from the Federal Bureau of Investigation and the Division of
15 State Police, the Commissioner of Education shall notify the applicant,
16 in writing, of the applicant's qualification or disqualification as a
17 school bus driver. A school bus driver shall be disqualified from
18 employment or service if the individual's criminal history record
19 reveals a record of conviction of any of the following crimes and
20 offenses:

21 a. A crime or offense bearing upon or involving a sexual offense or
22 child molestation or endangering the welfare of children or
23 incompetents, as specified in section 1 of P.L.1986, c.116
24 (C.18A:6-7.1).

25 b. A crime or offense involving the manufacture, transportation,
26 sale, possession, or habitual use of a "controlled dangerous substance"
27 as defined in the "New Jersey Controlled Dangerous Substances Act,"
28 P.L.1970, c.226 (C.24:21-1 et seq.).

29 c. A crime or offense involving the use of force or the threat of
30 force to or upon a person or property including: armed robbery,
31 assault, kidnapping, arson, manslaughter and murder.

32 A school bus driver shall also be disqualified if the individual's bus
33 driver's license is currently revoked or suspended by the Division of
34 Motor Vehicles in accordance with R.S.39:3-10.1 or if the driver has
35 been convicted at least two times for a violation of R.S.39:4-50 or
36 section 2 of P.L.1981, c.512 (C.39:4-50.4a), or once for a violation of
37 either section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of
38 P.L.1990, c.103 (C.39:3-10.24) while transporting schoolchildren. A
39 driver shall also be disqualified if convicted of any of these violations
40 in connection with an accident resulting in serious bodily injury or
41 death to any person.

42 The applicant shall have 30 days from the date of the written notice
43 of disqualification to petition the Commissioner of Education for a
44 hearing on the accuracy of the criminal history record information, the
45 accuracy of the record of a conviction related to the operation of a
46 motor vehicle while under the influence of intoxicating liquor, or of a

1 narcotic, hallucinogenic or habit-producing drug, or to establish the
2 applicant's rehabilitation under subsection c. of section 1 of P.L.1986,
3 c.116 (C.18A:6-7.1). If the applicant is disqualified, the convictions
4 which constitute the basis for disqualification shall be identified in the
5 written notice with copies forwarded to the Division of Motor
6 Vehicles. The local board of education, the school bus contractor and
7 the County Superintendent of Schools shall also be notified of the
8 disqualification. Notwithstanding the provisions of any law to the
9 contrary, the Director of the Division of Motor Vehicles shall, upon
10 notice of disqualification from the Commissioner of Education,
11 immediately revoke the applicant's special license issued pursuant to
12 R.S.39:3-10.1 without necessity of a further hearing. Candidates'
13 records shall be maintained in accordance with the provisions of
14 section 4 of P.L.1986, c.116 (C.18A:6-7.4).
15 (cf: P.L.1989, c.104, s.6)

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17 4. Section 10 of P.L.1990, c.103 (C.39:3-10.18) is amended to
18 read as follows:

19 10. a. (1) Through March 31, 1992, and except as provided by
20 the director by rule or regulation, a person who has been issued a
21 commercial driver license shall not operate a commercial motor vehicle
22 unless the person is in possession of the valid commercial driver
23 license and endorsements for the class and type of vehicle being
24 operated. Such a person shall not operate a commercial motor vehicle
25 if the person is restricted from operating a commercial vehicle of that
26 class or type.

27 (2) On and after April 1, 1992, and except when operating under
28 a valid commercial driver examination or learner's permit and
29 accompanied by the holder of a commercial driver license valid for the
30 class of vehicle being operated, a person shall not operate a
31 commercial motor vehicle unless the person has been issued and is in
32 possession of a valid commercial driver license and applicable
33 endorsements for the class and type of vehicle being operated. A
34 person shall not operate a commercial motor vehicle if the person is
35 restricted from operating a commercial vehicle of that class or type.
36 A person shall not operate a school bus unless the division has marked
37 a "C" for children on his license.

38 (3) A person violating this subsection shall be fined not less than
39 \$250 or more than \$500, or imprisoned for not more than 60 days, or
40 both. This penalty shall not be applicable in cases where failure to have
41 actual possession of the commercial driver license is due to an
42 administrative or technical error by the division. If a person charged
43 with a failure to have possession of a valid commercial driver license
44 can exhibit the license to the judge of the court before whom he is
45 summoned to answer to a charge and the license was valid on the day
46 the person was charged, the judge may dismiss the charge. However,

1 the judge may impose court costs.

2 b. (1) A person who has been refused a commercial driver license,
3 whose commercial motor vehicle driving privilege or any endorsement
4 has been suspended or revoked, who has been prohibited or
5 disqualified from operating a commercial motor vehicle, who is subject
6 to an out of service order, or whose driving privilege is suspended or
7 revoked, shall not operate a commercial motor vehicle during the
8 period of refusal, suspension, revocation, prohibition, or
9 disqualification, or during the period of the out of service order.

10 (2) A person who violates this subsection shall, upon conviction,
11 be fined not more than \$5,000 for each offense, or imprisoned for a
12 term of not more than 90 days, or both. If a person is involved in an
13 accident resulting in personal injury to another person while operating
14 a commercial motor vehicle in violation of this subsection, the court
15 shall impose both a period of imprisonment for 90 days and a fine of
16 \$5,000.

17 In addition, the commercial motor vehicle driving privilege of a
18 person convicted under this subsection shall be suspended in
19 accordance with section 12 of this act.

20 (cf: P.L.1990, c.103, s.10.)

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22 5. N.J.S.18A:39-20 is amended to read as follows:

23 18A:39-20. No board of education or contractor shall approve or
24 assign a driver, as a driver or substitute driver of a school bus,
25 without first complying with the provisions of this chapter, and any
26 person violating, or failing to comply with, such provisions shall be
27 guilty of a misdemeanor and subject to a fine of not more
28 than ~~[\$500.00]~~ \$5,000 for each driver unlawfully approved or assigned.

29 However, a board of education or a contractor may employ a bus
30 driver provisionally for a period not to exceed ~~[six]~~ three months,
31 pending completion of a criminal history record check required
32 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1); provided
33 that the candidate submits to the commissioner a sworn statement
34 attesting that the candidate has not been convicted of any crime ~~[or],~~
35 disorderly persons or alcohol or drug-related driving offense as
36 described in that section.

37 (cf: P.L.1989, c.104, s.3)

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39 6. (New section) Every municipal court shall immediately notify
40 the Division of Motor Vehicles when a school bus driver is charged
41 either with a motor vehicle offense for which penalty points may be
42 assessed or with a violation of section 5 of P.L.1990, c.103
43 (C.39:3-10.13), section 16 of P.L.1990, c.103 (C.39:3-10.24),
44 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). Within
45 one business day after receiving notice from the court, the director
46 shall notify the school superintendent and bus contractor, if any, that

1 a school bus driver assigned to that district has been charged with such
2 offense or violation. The superintendent or bus contractor, as the case
3 may be, shall have the authority to immediately suspend, and upon
4 conviction, terminate, the bus driver who is charged with a motor
5 vehicle offense and has already been assessed at least two points
6 within the past three years or fulfills any of the criteria for
7 disqualification in connection with driving a school bus pursuant to
8 section 6 of P.L.1989, c.104 (C.18A:39-19.1). The commissioner
9 shall provide the division with a current listing of all school
10 superintendents prior to each school year to enable the director to
11 provide the notices required in this section.

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13 7. (New section) In addition to any other penalty provided by law,
14 a school bus driver who, while transporting schoolchildren, violates
15 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of
16 P.L.1990, c.103 (C.39:3-10.24) shall be subject to a jail sentence of up
17 to one year upon conviction.

18 Notwithstanding any other provision of law to the contrary, a
19 conviction under this section shall not merge with a conviction for a
20 violation of R.S.39:4-50, section 2 of P.L.1966, c.142 (C.39:4-50.2),
21 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of
22 P.L.1990, c.103 (C.39:3-10.24).

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24 8. This act shall take effect on the first day of the sixth month after
25 enactment.

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Strengthens screening procedures for school bus drivers.