

ASSEMBLY, No. 1334

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DeCROCE and Assemblywoman MURPHY

1 AN ACT concerning the fingerprinting of school bus drivers and
2 amending P.L.1989, c.104.

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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. Prior to initial employment as a school bus driver by a local
10 board of education or by a private entity which contracts with a local
11 board of education for the provision of pupil transportation services,
12 [and upon application for renewal of a school bus driver's license,]a
13 bus driver shall submit to the Commissioner of Education his or her
14 name, address and fingerprints taken on standard fingerprint cards by
15 a State or municipal law enforcement agency. No criminal history
16 record check shall be furnished without his or her written consent to
17 such a check. Upon application for renewal of a school bus driver's
18 license, a bus driver who has remained in continuous employment with
19 the board of education or private entity shall be subject to a name
20 check by the Division of State Police. A change of employer or a
21 break in service when school is in regular session for other than an
22 approved leave of absence shall be considered an initial employment
23 for the purposes of this section.

24 Upon receipt of the criminal history record information for an
25 applicant from the Federal Bureau of Investigation and the Division of
26 State Police or the name check from the Division of State Police, the
27 Commissioner of Education shall notify the applicant, in writing, of the
28 applicant's qualification or disqualification as a school bus driver. A
29 school bus driver shall be disqualified from employment or service if
30 the individual's criminal history record or name check reveals a record
31 of conviction of any of the following crimes and offenses:

32 a. A crime or offense bearing upon or involving a sexual offense or

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 child molestation or endangering the welfare of children or
2 incompetents, as specified in section 1 of P.L.1986, c.116
3 (C.18A:6-7.1).

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

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

11 A school bus driver shall also be disqualified if the individual's bus
12 driver's license is currently revoked or suspended by the Division of
13 Motor Vehicles in accordance with R.S.39:3-10.1.

14 The applicant shall have 30 days from the date of the written notice
15 of disqualification to petition the Commissioner of Education for a
16 hearing on the accuracy of the criminal history record information or
17 to establish the applicant's rehabilitation under subsection c. of section
18 1 of P.L.1986, c.116 (C.18A:6-7.1). If the applicant is disqualified,
19 the convictions which constitute the basis for disqualification shall be
20 identified in the written notice with copies forwarded to the Division
21 of Motor Vehicles. The local board of education, the school bus
22 contractor and the County Superintendent of Schools shall also be
23 notified of the disqualification. Notwithstanding the provisions of any
24 law to the contrary, the Director of the Division of Motor Vehicles
25 shall, upon notice of disqualification from the Commissioner of
26 Education, immediately revoke the applicant's special license issued
27 pursuant to R.S.39:3-10.1 without necessity of a further hearing.
28 Candidates' records shall be maintained in accordance with the
29 provisions of section 4 of P.L.1986, c.116 (C.18A:6-7.4).
30 (cf: P.L.1989, c.104, s.6)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill eliminates the requirement that school bus drivers in
38 continuous employment with a board of education or a private entity
39 which contracts with a board of education for the transportation of
40 pupils must be fingerprinted each time the driver applies for renewal
41 of his school bus driver's license. Fingerprinting would still be
42 required prior to initial employment as a school bus driver.
43 Thereafter, so long as the driver remained in continuous employment
44 with the same employer, the driver would be subject to a name check
45 by the State Police each time the bus driver's license is renewed. The
46 bus driver's license is issued as an endorsement to the regular driver's

- 1 license and is valid for the four year term of that license (R.S.39:3-10).
2 Under the bill, a break in service or change of employer would
3 constitute initial employment and the bus driver would have to be
4 fingerprinted and undergo a full criminal history record check.
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7 _____
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9 Eliminates requirement that school bus drivers be fingerprinted on
10 application for license renewal.