

[First Reprint]

ASSEMBLY, No. 2180

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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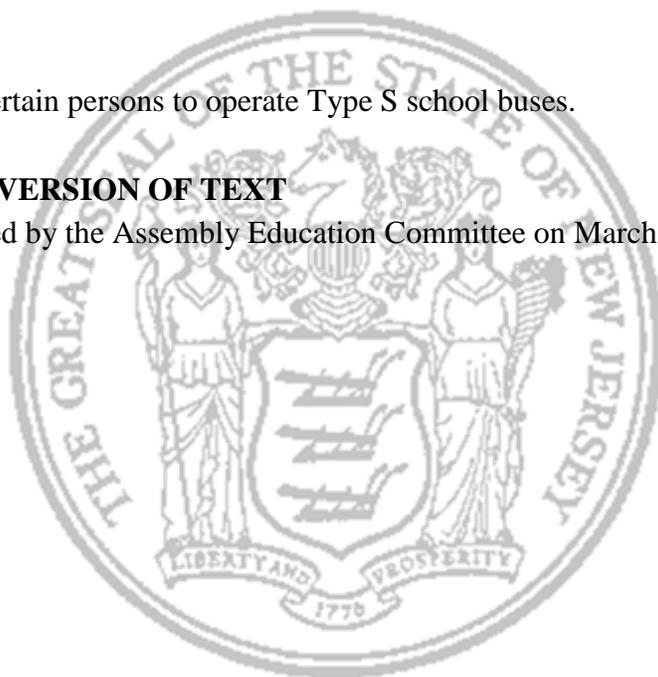
Flynn, Assemblyman Inganamort, Assemblywomen Speight and Carter

SYNOPSIS

Permits certain persons to operate Type S school buses.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on March 11, 2024, with amendments.



(Sponsorship Updated As Of: 4/15/2024)

1 AN ACT concerning school transportation, supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law.

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

7
8 1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall be
25 eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination pursuant
32 to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

37 (6) has completed any other conditions as determined by the
38 Chief Administrator of the New Jersey Motor Vehicle Commission
39 in collaboration with the Commissioner of Education.

40 c. Notwithstanding any other law, rule, or regulation to the
41 contrary, the holder of a valid non-commercial basic driver’s
42 license and a certificate may operate a Type S school bus to
43 transport children to and from school for secular or religious
44 education and for school-related activities and shall not be required

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted March 11, 2024.

1 to obtain a commercial driver license, passenger endorsement, or
2 school bus endorsement.

3 d. A school bus driver or driver as referenced in the following
4 provisions of law shall include a person who drives a Type S school
5 bus pursuant to this section:

- 6 (1) N.J.S.18A:25-2;
- 7 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 8 (3) N.J.S.18A:39-17;
- 9 (4) N.J.S.18A:39-18;
- 10 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 11 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 12 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 13 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 14 (9) N.J.S.18A:39-20;
- 15 (10) P.L.2003, c.19 (C.18A:39-26 et seq.);
- 16 (11) section 1 of P.L.2007, c.77 (C.18A:39-28);
- 17 (12) section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 18 (13) section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 19 (14) section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 20 (15) section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 21 (16) section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 22 (17) section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 23 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).

24
25 2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
26 read as follows:

27 1. a. For the purposes of this section, **["school"]**:
28 “School bus” shall have the meaning set forth in R.S.39:1-1.
29 “Type S school bus” shall have the meaning set forth in section 1
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32 b. A person, knowingly operating a school bus or Type S
33 school bus transporting one or more students, while that person's
34 driving privileges have been suspended or revoked shall be guilty of
35 a crime of the fourth degree.

36 c. A person, knowingly operating a school bus or Type S
37 school bus while that person's driving privileges have been
38 suspended or revoked, who is involved in an accident resulting in
39 bodily injury to another person shall be guilty of a crime of the third
40 degree.

41 (cf: P.L.2017, c.347, s.1)

42
43 3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended to
44 read as follows:

45 2. a. The Chief Administrator of the New Jersey Motor Vehicle
46 Commission shall revoke for life the passenger endorsement on the
47 commercial driver's license of a person convicted of a violation of

1 subsection b. or subsection c. of section 1 of P.L.2017, c.347
2 (C.2C:40-26.1).

3 b. The chief administrator shall revoke for life the special
4 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
5 certificate issued pursuant to section 1 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), to a person convicted
7 of a violation of subsection b. or subsection c. of section 1 of
8 P.L.2017, c.347 (C.2C:40-26.1).
9 (cf: P.L.2017, c.347, s.2)

10
11 4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
12 read as follows:

13 2. a. In the event that, after notice and opportunity to be heard,
14 a school bus driver or driver of a Type S school bus pursuant to
15 P.L. , c. (C.) (pending before the Legislature as this bill) is
16 found to have left a pupil on the school bus or a Type S school bus
17 as defined in section 1 of P.L. , c. (C.) (pending before the
18 Legislature as this bill), at the end of **【his】** the driver's route, 【his】
19 the driver's school bus endorsement or Type S school bus
20 certificate, in the case of a Type S school bus driver, shall be:

21 (1) suspended for six months, for a first offense; or

22 (2) permanently revoked, for a second offense.

23 b. In the event of a suspension of a Type S school bus certificate
24 pursuant to this section, the driver shall complete a 10 hour training
25 course approved by the chief administrator, of which, two hours
26 shall include instruction on post-trip inspection procedures. The
27 training required pursuant to this subsection shall be completed
28 before the driver's Type S school bus certificate is reinstated.

29 (cf: P.L.2007, c.77, s.2)

30
31 5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to read
32 as follows:

33 3. In the event that a pupil, who was left on a bus by a school
34 bus driver at the end of the route, including a pupil who is left on a
35 Type S school bus as defined in section 1 of P.L. , c. (C.)
36 (pending before the Legislature as this bill) by the driver of a Type
37 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
38 before the Legislature as this bill), is harmed as a result of
39 foreseeable danger and the driver is found, after notice and
40 opportunity to be heard, to have acted with gross negligence, **【his】**
41 the driver's school bus endorsement or Type S School Bus
42 certificate, in the case of a Type S school bus driver, shall be
43 permanently revoked.

44 (cf: P.L.2007, c.77, s.3)

45
46 6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to read
47 as follows:

48 1. a. For the purposes of this section:

1 "Chief administrator" means the Chief Administrator of the New
2 Jersey Motor Vehicle Commission.

3 "Commercial motor vehicle" shall have the same meaning as
4 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

5 "Motor vehicle moving violation" means any violation of the
6 motor vehicle laws of this State or any other jurisdiction for which
7 motor vehicle points are assessed by the chief administrator
8 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
9 violation of the motor vehicle laws of any other jurisdiction for
10 which motor vehicle points would be assessed if that violation had
11 occurred in this State.

12 "Non-commercial motor vehicle" shall have the same meaning as
13 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

14 "Type S school bus" means a motor vehicle that: (1) is operated
15 by, or under contract with, a public school, nonpublic school,
16 charter school, renaissance school, or approved private school for
17 students with disabilities for the transportation of students to and
18 from school for secular or religious education and for school-related
19 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
20 or more, which vehicle was originally designed by the manufacturer
21 with a maximum seating capacity of nine passengers or less,
22 excluding the driver.

23 b. The chief administrator shall suspend the school bus
24 endorsement of a person, or the Type S school bus certificate of a
25 person who drives a Type S school bus pursuant to section 1 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 for 90 days following the date of the last conviction, or upon
28 notification of an out-of-State conviction, whichever date is later in
29 time, if the person is convicted of three or more motor vehicle
30 moving violations in a three-year period or accumulates six or more
31 motor vehicle penalty points while operating a commercial motor
32 vehicle or non-commercial motor vehicle.

33 c. The chief administrator shall notify the Commissioner of
34 Education of the suspension of a **【school bus】** driver's school bus
35 endorsement or Type S school bus certificate pursuant to subsection
36 b. of this section within one business day following the date of the
37 suspension.

38 d. Upon notification from the chief administrator pursuant to
39 subsection c. of this section, the Commissioner of Education shall
40 notify the board of education that employs the **【school bus】** driver,
41 the nonpublic school that employs the **【school bus】** driver, or the
42 contractor that employs the **【school bus】** driver that the **【school**
43 **bus】** driver's school bus endorsement or Type S school bus
44 certificate has been suspended pursuant to subsection b. of this
45 section within one business day following the date of notification of
46 the suspension. If a board of education, a nonpublic school, or a
47 contractor that employs the **【school bus】** driver is notified by the

1 commissioner that the **school bus** driver's school bus endorsement
2 or Type S school Bus certificate has been suspended, the employing
3 board of education, nonpublic school, or contractor, within 24 hours
4 of the notification, shall provide a statement to the Department of
5 Education verifying that the **school bus** driver no longer operates
6 a school bus or Type S school bus for the board, nonpublic school,
7 or contractor.

8 e. Prior to the reinstatement of any school bus endorsement or
9 Type S school bus certificate suspended pursuant to subsection b. of
10 this section, the chief administrator shall require:

11 (1) the person to complete a defensive driving course approved
12 by the chief administrator **and**;

13 (2) the person to complete a 10 hour training course approved by
14 the chief administrator, of which, two hours shall include
15 instruction on post-trip inspection procedures.

16 The chief administrator may require the person to fulfill any
17 other requirement that the chief administrator deems appropriate
18 prior to reinstatement of any school bus endorsement or Type S
19 school bus certificate.

20 f. This section shall apply to convictions that occur after the
21 effective date of P.L.2019, c.9 (C.39:3-10.1b).

22 (cf: P.L.2019, c.9, s.1)

23
24 7. This act shall take effect on the first day of the ¹**[2023-2024]**
25 first full¹ school year next following the date of enactment¹, except
26 that the Chief Administrator of the New Jersey Motor Vehicle
27 Commission and the Commissioner of Education may take any
28 anticipatory administrative action in advance as may be necessary
29 for the timely implementation of this act.