

# ASSEMBLY, No. 597

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

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**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblymen Singleton, Caputo, Houghtaling and Assemblywoman Caride**

**SYNOPSIS**

Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Education Committee with technical review.

(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning school bus operators, supplementing Title 2C  
2 and Title 18A of the New Jersey Statutes, and amending  
3 P.L.1989, c.104.  
4

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

8 1. (New Section) a. For the purposes of this section, “school  
9 bus” shall have the meaning set forth in R.S.39:1-1.

10 b. A person, knowingly operating a school bus transporting one  
11 or more students, while that person’s driving privileges have been  
12 suspended or revoked shall be guilty of a crime of the fourth  
13 degree.

14 c. A person, knowingly operating a school bus while that  
15 person’s driving privileges have been suspended or revoked, who is  
16 involved in an accident resulting in bodily injury to another person  
17 shall be guilty of a crime of the third degree.  
18

19 2. (New Section) a. The Chief Administrator of the New  
20 Jersey Motor Vehicle Commission shall revoke for life the  
21 passenger endorsement on the commercial driver’s license of a  
22 person convicted of a violation of subsection b. or subsection c. of  
23 section 1 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill).

25 b. The chief administrator shall revoke for life the special  
26 license issued pursuant to R.S.39:3-10.1 to a person convicted of a  
27 violation of subsection b. or subsection c. of section 1 of P.L. ,  
28 c. (C ) (pending before the Legislature as this bill).  
29

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

32 6. a. Prior to employment as a school bus driver, and upon  
33 application for renewal of a school bus driver's license, a bus driver  
34 shall submit to the Commissioner of Education **【his or her】** the  
35 driver’s name, address, and fingerprints in accordance with  
36 procedures established by the commissioner. No criminal history  
37 record check or check for alcohol and drug-related motor vehicle  
38 violations shall be furnished without **【his or her】** the driver’s  
39 written consent to such a check. The applicant shall bear the cost  
40 for the checks, including all costs for administering and processing  
41 the checks.

42 Upon receipt of the criminal history record information for an  
43 applicant from the Federal Bureau of Investigation and the Division  
44 of State Police, and information on the check for alcohol and drug-  
45 related motor vehicle violations from the **【Division of Motor**

**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 Vehicle Services] New Jersey Motor Vehicle Commission, the  
2 Commissioner of Education shall notify the applicant, in writing, of  
3 the applicant's qualification or disqualification as a school bus  
4 driver. If the applicant is disqualified, the convictions which  
5 constitute the basis for the disqualification shall be identified in the  
6 written notice to the applicant. A school bus driver, except as  
7 provided in subsection e. of this section, shall be permanently  
8 disqualified from employment or service if the individual's criminal  
9 history record reveals a record of conviction for which public  
10 school employment candidates are disqualified pursuant to section 1  
11 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted  
12 at least two times within the last 10 years for a violation of  
13 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5  
14 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103  
15 (C.39:3-10.24); **[or]** once for a violation of section 5 of P.L.1990,  
16 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-  
17 10.24) while transporting school children; or once for a violation of  
18 subsection b. or subsection c. of section 1 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill).

20 Following qualification for employment as a school bus driver  
21 pursuant to this section, the State Bureau of Identification shall  
22 immediately forward to the Commissioner of Education any  
23 information which the bureau receives on a charge pending against  
24 the school bus driver. If the charge is for one of the crimes or  
25 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),  
26 the commissioner shall notify the employing board of education or  
27 contractor, and the board or contractor shall take appropriate action.  
28 If the pending charge results in conviction, the school bus driver  
29 shall not be eligible for continued employment.

30 A school bus driver shall not be eligible to operate a school bus  
31 if the individual's bus driver's license is currently revoked or  
32 suspended by the **[Division of Motor Vehicle Services]** New Jersey  
33 Motor Vehicle Commission in accordance with R.S.39:3-10.1 or if  
34 the individual's passenger endorsement or special license issued  
35 pursuant to R.S.39:3-10.1 is revoked by the New Jersey Motor  
36 Vehicle Commission for life in accordance with section 2 of P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill).

38 Following qualification for employment as a school bus driver,  
39 the **[Division of Motor Vehicle Services]** New Jersey Motor  
40 Vehicle Commission shall immediately forward to the  
41 Commissioner of Education any information which the division  
42 receives on a conviction for an alcohol or drug-related motor  
43 vehicle violation that would disqualify the driver from employment  
44 pursuant to the provisions of this subsection. The commissioner  
45 shall notify the employing board of education or contractor that the  
46 driver is no longer eligible for employment.

47 b. Notwithstanding the provisions of this section, an individual  
48 shall not be disqualified from employment or service under this act

1 on the basis of any conviction disclosed by a criminal history record  
2 check or a check for alcohol and drug-related motor vehicle  
3 violations performed pursuant to this section without an opportunity  
4 to challenge the accuracy of the disqualifying records.

5 c. When charges are pending for a crime or any other offense  
6 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the  
7 employing board of education or contractor shall be notified that the  
8 candidate shall not be eligible for employment until the  
9 commissioner has made a determination regarding qualification or  
10 disqualification upon adjudication of the pending charges.

11 d. The applicant shall have 30 days from the date of the written  
12 notice of disqualification to challenge the accuracy of the criminal  
13 history record information or the record of convictions for an  
14 alcohol or drug-related motor vehicle violation. If no challenge is  
15 filed or if the determination of the accuracy of the criminal history  
16 record information or the record of convictions for an alcohol or  
17 drug-related motor vehicle violation upholds the disqualification,  
18 notification of the applicant's disqualification for employment shall  
19 be forwarded to the **【Division of Motor Vehicle Services】** New  
20 Jersey Motor Vehicle Commission. The local board of education or  
21 the school bus contractor and the County Superintendent of Schools  
22 shall also be notified of the disqualification. Notwithstanding the  
23 provisions of any law to the contrary, the **【Director】** Chief  
24 Administrator of the **【Division of Motor Vehicle Services】** New  
25 Jersey Motor Vehicle Commission shall, upon notice of  
26 disqualification from the Commissioner of Education, immediately  
27 revoke the applicant's special license issued pursuant to R.S.39:3-  
28 10.1 without necessity of a further hearing. Candidates' records  
29 shall be maintained in accordance with the provisions of section 4  
30 of P.L.1986, c.116 (C.18A:6-7.4).

31 e. This section shall first apply to criminal history record  
32 checks conducted on or after the effective date of P.L.1998, c.31  
33 (C.18A:6-7.1c et al.); except that in the case of a school bus driver  
34 employed by a board of education or a contracted service provider  
35 who is required to undergo a check upon application for renewal of  
36 a school bus driver's license, the individual shall be disqualified  
37 only for the following offenses:

38 (1) any offense enumerated in this section prior to the effective  
39 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

40 (2) any offense enumerated in this section which had not been  
41 enumerated in this section prior to the effective date of P.L.1998,  
42 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that  
43 offense on or after the effective date of that act.

44 f. (1) Notwithstanding any provision of this section to the  
45 contrary, the check for alcohol and drug-related motor vehicle  
46 violations shall be conducted in accordance with the provisions of  
47 this section prior to initial employment as a school bus driver and  
48 upon application for renewal of a school bus driver's license until

1 such time as the provisions of the "Motor Carrier Safety  
2 Improvement Act of 1999," Pub. L. 106-159, are effective and  
3 implemented by the State.

4 (2) Notwithstanding any provision of this section to the  
5 contrary, upon the implementation by the State of the "Motor  
6 Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check  
7 for alcohol and drug-related motor vehicle violations shall be  
8 conducted in accordance with the provisions of this section prior to  
9 initial employment as a school bus driver. A check for alcohol and  
10 drug-related motor vehicle violations conducted for any subsequent  
11 renewal of a school bus driver's license shall be subject to the  
12 provisions of the "Motor Carrier Safety Improvement Act of 1999,"  
13 Pub. L.106-159.

14 (3) Upon the implementation by the State of the "Motor Carrier  
15 Safety Improvement Act of 1999," Pub. L. 106-159, following  
16 qualification for employment as a school bus driver, the **Division**  
17 **of Motor Vehicle Services** New Jersey Motor Vehicle Commission  
18 shall immediately notify the Commissioner of Education of the  
19 suspension or revocation of a school bus driver's commercial  
20 driver's license. The commissioner shall notify the employing  
21 board of education or contractor of the suspension or revocation,  
22 and the employment of the school bus driver shall be immediately  
23 terminated. In the case of a school bus driver whose commercial  
24 driver's license has been suspended, the driver may apply for re-  
25 employment at the end of the period of suspension.

26 (cf: P.L.2003, c.66, s.4)

27

28 4. This act shall take effect on the first day of the seventh  
29 month after the date of enactment.