

[First Reprint]

**SENATE, No. 2848**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JULY 23, 2018

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

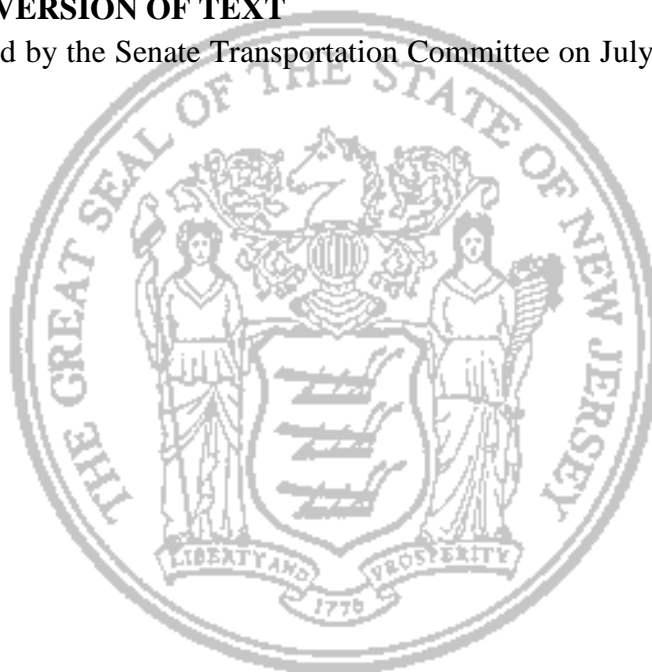
**Senators Holzapfel, Singer and Greenstein**

**SYNOPSIS**

Requires school bus drivers to submit medical certificate to MVC to prove continuing physical fitness and to submit to medical examination that includes certain screenings.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on July 26, 2018, with amendments.



**(Sponsorship Updated As Of: 9/14/2018)**

1 AN ACT concerning <sup>1</sup>**[proof of physical fitness]** medical  
 2 examinations<sup>1</sup> for certain special licenses and amending  
 3 R.S.39:3-10.1 <sup>1</sup>and P.L.1975, c.284<sup>1</sup>.

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

7  
 8 1. R.S.39:3-10.1 is amended to read as follows:

9 39:3-10.1. No person shall drive any motor vehicle or trackless  
 10 trolley with a capacity of more than six passengers used for the  
 11 transportation of passengers for hire or for the transportation of  
 12 passengers to or from summer day camps or summer residence  
 13 camps or any bus as defined by the **[director]** chief administrator  
 14 used for the transportation of passengers, **[except vehicles used in**  
 15 **ride-sharing arrangements, taxicabs, motor vehicles with a capacity**  
 16 **of more than six passengers, which are owned and operated directly**  
 17 **by businesses engaged in the practice of mortuary science when**  
 18 **those vehicles are used exclusively for providing transportation**  
 19 **related to the provision of funeral services and which shall not be**  
 20 **used in that capacity at any time to pick up or discharge passengers**  
 21 **to any airline terminal, train station or other transportation center or**  
 22 **for any purpose not directly related to the provision of funeral**  
 23 **services]** or any bus used to transport children to and from school  
 24 pursuant to N.J.S.18A:39-1 et seq. or when being used by a private  
 25 school to transport children to and from school, unless specially  
 26 licensed so to do by the chief administrator or in the case of a  
 27 nonresident, licensed pursuant to the laws of **[his resident]** the  
 28 nonresident's state <sup>1</sup>of residence<sup>1</sup> with respect to the licensing of  
 29 bus drivers, except that this provision shall not apply to the  
 30 operators of vehicles used in ride-sharing arrangements, taxicabs,  
 31 motor vehicles with a capacity of more than six passengers, which  
 32 are owned and operated directly by businesses engaged in the  
 33 practice of mortuary science when those vehicles are used  
 34 exclusively for providing transportation related to the provision of  
 35 funeral services and which shall not be used in that capacity at any  
 36 time to pick up or discharge passengers to any airline terminal, train  
 37 station, or other transportation center, or for any purpose not  
 38 directly related to the provision of funeral services.

39 Such license shall not be granted by the chief administrator until  
 40 the applicant therefor is at least 18 years of age and has passed a  
 41 satisfactory examination in ascertainment of **[his]** the applicant's  
 42 driving ability and familiarity with the mechanism of said vehicle  
 43 and has presented evidence, satisfactory to the chief administrator  
 44 of **[his]** the applicant's previous experience (including proof that

**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:**

<sup>1</sup>Senate STR committee amendments adopted July 26, 2018.

1 **[he]** the applicant has had at least three years of driving  
2 experience), good character, and physical fitness in the form of a  
3 medical examination and accompanying medical <sup>1</sup>**[report]**  
4 certificate<sup>1</sup> completed by a medical examiner listed on the National  
5 Registry of Certified Medical Examiners maintained by the Federal  
6 Motor Carrier Safety Administration. The accompanying medical  
7 <sup>1</sup>**[report]** certificate<sup>1</sup> shall contain the medical examiner's National  
8 Registry of Certified Medical Examiners number. Said license shall  
9 be effective until suspended or revoked by the **[director]** chief  
10 administrator; provided, the special licensee is also the holder of a  
11 license as provided for in R.S.39:3-10.

12 Every holder of a special license issued pursuant to this section  
13 shall furnish to the chief administrator satisfactory evidence of  
14 continuing physical fitness in the form of a medical examination  
15 and accompanying medical <sup>1</sup>**[report]** certificate<sup>1</sup> completed by a  
16 medical examiner listed on the National Registry of Certified  
17 Medical Examiners maintained by the Federal Motor Carrier Safety  
18 Administration, good character, and experience at the time of  
19 application renewal or such other time as the chief administrator  
20 may require, and in such form as the chief administrator may  
21 require, except that every holder of a special license issued pursuant  
22 to this section for the transporting of children to and from schools,  
23 pursuant to N.J.S.18A:39-1 et seq., who is 70 years of age or older  
24 shall annually furnish to the chief administrator satisfactory  
25 evidence of continuing physical fitness in the form of a medical  
26 examination and accompanying medical <sup>1</sup>**[report]** certificate<sup>1</sup>  
27 completed by a medical examiner listed on the National Registry of  
28 Certified Medical Examiners maintained by the Federal Motor  
29 Carrier Safety Administration and every holder of a special license  
30 issued pursuant to this section for the transporting of children to and  
31 from schools, pursuant to N.J.S.18A:39-1 et seq., who is 75 years of  
32 age or older shall furnish to the chief administrator satisfactory  
33 evidence of continuing physical fitness in the form of a medical  
34 examination and accompanying medical <sup>1</sup>**[report]** certificate<sup>1</sup>  
35 completed by a medical examiner listed on the National Registry of  
36 Certified Medical Examiners maintained by the Federal Motor  
37 Carrier Safety Administration every six months. The accompanying  
38 medical <sup>1</sup>**[report]** certificate<sup>1</sup> shall contain the medical examiner's  
39 National Registry of Certified Medical Examiners number. In  
40 addition, any person applying for a special license <sup>1</sup>and any person  
41 who is the holder of a special license<sup>1</sup> pursuant to this section for  
42 the transporting of children to and from schools, pursuant to  
43 N.J.S.18A:39-1 et seq., shall comply with the provisions of <sup>1</sup>section  
44 2 of P.L.1975, c.284 (C.39:3-10.1a) and<sup>1</sup> section 6 of P.L.1989,  
45 c.104 (C.18A:39-19.1).

46 The chief administrator may suspend or revoke a license granted  
47 under authority of this section for a violation of any of the

1 provisions of this subtitle, or on other reasonable grounds, or where,  
2 in **[his]** the chief administrator's opinion, the licensee is either  
3 physically or morally unfit to retain the same. Notwithstanding the  
4 provisions of any law to the contrary, the chief administrator shall,  
5 upon notice of disqualification from the Commissioner of Education  
6 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1),  
7 immediately revoke the special license granted under authority of  
8 this section without the necessity of a further hearing.

9 The chief administrator may make such rules and regulations as  
10 **[he]** the chief administrator may deem necessary to carry out the  
11 provisions of this section.

12 (cf: P.L.2004, c.124, s.1)

13

14 <sup>1</sup>2. Section 2 of P.L.1975, c.284 (C.39:3-10.1a) is amended to  
15 read as follows:

16 2. a. All drivers of buses or other vehicles used by a board of  
17 education or by a private or parochial school for the transportation  
18 of pupils to and from school shall, in addition to any exam required  
19 by law, submit to a medical exam for the presence of alcohol,  
20 narcotics, or habit-producing drugs within the scope of the "New  
21 Jersey Controlled Dangerous Substances Act," **[P.L.1970, c. 226,**  
22 **C. 24:21-1]** P.L.1970, c.226 (C.24:21-1 et seq.).

23 b. All drivers of buses or other vehicles used by a board of  
24 education or by a private or parochial school for the transportation  
25 of pupils to and from school shall, in addition to any exam required  
26 by law, submit to a medical exam that includes cognitive, hearing,  
27 and visual acuity tests that are in accordance with the provisions of  
28 the "Motor Carrier Safety Improvement Act of 1999," 49 U.S.C.  
29 s.113, any supplements or amendments thereto, and any federal  
30 regulations promulgated thereunder.<sup>1</sup>

31 (cf: P.L.1975, c.284, s.2)

32

33 <sup>1</sup>**[2.] 3.**<sup>1</sup> This act shall take effect immediately.