ASSEMBLY, No. 1363

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires provision in school transportation contracts for termination of contract for certain misconduct by school bus contractor; authorizes temporary debarment of certain school bus contractors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning school transportation and supplementing Title 18A of the New Jersey Statutes.

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

1. a. Notwithstanding the provision of any other law, rule, or regulation to the contrary, any contract for the transportation of students that is entered into or renewed by an agency, school district, board of education, or nonpublic school after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall include a provision that requires termination of the contract if the school bus contractor:

(1) knowingly, recklessly, or negligently allows an individual to operate a school bus more than 24 hours after the school bus contractor has received notice that the individual is no longer authorized to operate a school bus due to suspension or revocation of the individual's commercial driver license, passenger endorsement, or school bus endorsement; or

(2) knowingly, recklessly, or negligently allows any other unauthorized individual to operate a school bus, including, but not limited to, an individual who does not possess a valid commercial driver license, passenger endorsement, or school bus endorsement.

b. The contract shall also include a provision requiring the school bus contractor to pay for any increase in costs incurred by the agency, school district, board of education, or nonpublic school related to the provision of student transportation that arises out of the termination of the contract.

c. The Commissioner of Education may temporarily bar, for a period not to exceed 120 days, any school bus contractor whose contract has been terminated pursuant to this section from entering into contracts concerning the provision of student transportation. Any such bar shall be reserved for repeated violations, except that the commissioner may bar a school bus contractor under this section if a singular violation is particularly egregious, at the discretion of the commissioner.

d. The Commissioner of Education shall adopt rules and regulations concerning the temporary debarment of school bus contractors pursuant to subsection c. of this section. The rules and regulations shall provide due process to any school bus contractor prior to a final determination of debarment, including the establishment of a process by which a school bus contractor facing debarment pursuant to subsection c. of this section may appeal that determination.

e. Any school bus contractor that has been barred from entering into contracts concerning the provision of student transportation pursuant to section c. of this section shall provide written notice of that debarment to any agency, school district,

board of education, or nonpublic school during any subsequent bidding process or contractual negotiation concerning the provision of student transportation.

2. This act shall take effect immediately.

STATEMENT

This bill requires contracts for student transportation to include a provision that requires termination of the contract if the school bus contractor knowingly allows an individual to operate a school bus more than 24 hours after the school bus contractor has received notice that the individual is no longer authorized to operate a school bus due to suspension or revocation of the individual's commercial driver license, passenger endorsement, or school bus endorsement, or knowingly allows any other unauthorized individual to operate a school bus, including but not limited to, an individual who does not possess a valid commercial driver license, passenger endorsement, or school bus endorsement. The contract is also required to include a provision requiring the school bus contractor to pay for any increase in costs incurred by the agency, school district, board of education, or nonpublic school related to the provision of student transportation that arises out of the termination of the contract.

The bill authorizes the Commissioner of Education (commissioner) to temporarily bar a school bus contractor from entering into future contracts concerning the provision of student transportation for a period not to exceed 120 days. The bill requires the commissioner to adopt rules and regulations concerning the temporary debarment of school bus contractors. The rules and regulations are to provide due process to any school bus contractor prior to a final determination of debarment, including the establishment of a process by which a school bus contractor facing debarment may appeal that determination.

The bill provides that any school bus contractor barred pursuant to the bill is required to provide written notice of that debarment to any agency, school district, board of education, or nonpublic school during any subsequent bidding process or contractual negotiation concerning the provision of student transportation.