

ASSEMBLY, No. 5526

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires MVC to conduct unscheduled school bus inspections.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2021)

1 AN ACT concerning school bus inspections and amending P.L.1999,
2 c.5.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1999, c.5 (C.39:3B-20) is amended to read as
8 follows:

9 3. As used in **[this act]** the “School Bus Enhanced Safety
10 Inspection Act,” P.L.1999, c.5 (C.39:3B-18 et seq.):

11 **["Director"** means the Director of the Division of Motor
12 Vehicles in the Department of Transportation] “Chief
13 Administrator” means the Chief Administrator of the New Jersey
14 Motor Vehicle Commission;

15 **["Division"** means the Division of Motor Vehicles in the
16 Department of Transportation] “Commission” means the New
17 Jersey Motor Vehicle Commission;

18 "In-terminal inspection" means an inspection conducted by the
19 **[Division of Motor Vehicles]** New Jersey Motor Vehicle
20 Commission at the operator's terminal of any motor vehicle required
21 to meet the safety regulations for school buses adopted **[by the**
22 **Department of Transportation]** pursuant to **[R.S.39:3B-5]** section 6
23 of P.L.1965, c.119 (C.39:3B-5) and section 1 of P.L.1986, c.92
24 **[(C.18A:3B-5.4)]** (C.39:3B-5.4) and vehicle emissions standards
25 established for engine type pursuant to R.S.39:8-2 and section 3 of
26 P.L.1995, c.157 (C.39:8-61);

27 "Operator" means the owner or person responsible for the day to
28 day operation and maintenance of school buses;

29 "School bus" means all Type I and Type II school buses as
30 defined in R.S.39:1-1 and school buses retired pursuant to section 1
31 of P.L.1986, c.92 (C.39:3B-5.4), under the jurisdiction of the
32 **[division]** commission.

33 (cf: P.L.1999, c.5. s.3)

34
35 2. Section 4 of P.L.1999, c.5 (C.39:3B-21) is amended to read as
36 follows:

37 4. a. The chief administrator shall establish a school bus
38 enhanced safety inspection program which shall include, but not be
39 limited to, the following elements:

40 (1) (a) an in-terminal school bus inspection program which
41 provides for the semi-annual or annual inspection of school buses
42 by commission inspectors; and

43 (b) an unscheduled school bus inspection program which
44 provides for the unannounced inspection of school buses by
45 commission inspectors.

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 The commission shall conduct unscheduled school bus
2 inspections as required by this section in addition to school bus
3 inspections conducted pursuant to the in-terminal school bus
4 inspection program. Nothing in this section shall require the
5 commission to conduct or prohibit the commission from conducting
6 an unscheduled school bus inspection at the facility of the school
7 bus operator.

8 During the first calendar year following the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 the commission shall inspect at least five percent of all school buses
11 under the unscheduled school bus inspection program. During the
12 second calendar year following the effective date of P.L. , c.
13 (C.) (pending before the Legislature as this bill), the
14 commission shall inspect at least 10 percent of all school buses
15 under the unscheduled school bus inspection program. During the
16 third calendar year following the effective date of P.L. , c.
17 (C.) (pending before the Legislature as this bill), the
18 commission shall inspect at least 15 percent of all school buses
19 under the unscheduled school bus inspection program. During the
20 fourth calendar year following the effective date of P.L. , c.
21 (C.) (pending before the Legislature as this bill), the
22 commission shall inspect at least 20 percent of all school buses
23 under the unscheduled school bus inspection program. During the
24 fifth calendar year following the effective date of P.L. , c.
25 (C.) (pending before the Legislature as this bill), the
26 commission shall inspect at least 25 percent of all school buses
27 under the unscheduled school bus inspection program. During the
28 sixth calendar year following the effective date of P.L. , c.
29 (C.) (pending before the Legislature as this bill) and thereafter,
30 the chief administrator shall determine the number of school buses
31 that the commission shall inspect per year under the unscheduled
32 school bus inspection program, provided that the commission shall
33 inspect at least 25 percent of all school buses under the unscheduled
34 school bus inspection program;

35 (2) standards and requirements pertaining to the equipment,
36 maintenance, and repair of school buses subject to inspection
37 pursuant to **【this act】** the “School Bus Enhanced Safety Inspection
38 Act,” P.L.1999, c.5 (C.39:3B-18 et seq.); all in-terminal and
39 unscheduled inspections, including those involving diesel vehicles,
40 shall include an emission inspection to determine whether that
41 vehicle meets the State's emission specifications and standards;

42 (3) standards and requirements pertaining to the establishment
43 and maintenance of school bus maintenance, repair, and inspection
44 records for all school buses in the operator's fleet; and

45 (4) standards and requirements pertaining to the establishment
46 and maintenance of driver employment records, including records
47 which demonstrate a driver's compliance with all statutory and
48 regulatory requirements for authorization to operate a school bus,

1 and any other records and credentials deemed necessary by the chief
2 administrator for school bus drivers employed by the operator. The
3 records shall be made available to commission inspectors during
4 each in-terminal inspection and unscheduled school bus inspection.

5 b. If an operator does not have adequate terminal facilities to
6 allow for a proper and thorough in-terminal inspection, the chief
7 administrator shall designate an in-lieu-of terminal site and direct
8 the operator to present **【his】** the operator's buses and records to that
9 site for inspection on such terms and conditions as determined by
10 the chief administrator.

11 c. The time and location of any inspection or reinspection
12 conducted pursuant to this section shall be determined by the chief
13 administrator. Unless an owner agrees to a different time schedule,
14 the chief administrator shall schedule a reinspection within three
15 days of the date of the inspection that necessitated the reinspection.
16 (cf: P.L.2009, c.331, s.3)

17
18 3. Section 5 of P.L.1999, c.5 (C.39:3B-22) is amended to read
19 as follows:

20 5. a. Any operator who violates the standards for driver
21 employment records established pursuant to subsection a. of section
22 4 of **【this act】** P.L.1999, c.5 (C.39:3B-21), or who fails to retain
23 proper records for inspection as required, or who fails to make
24 available any record or document required at the time of inspection,
25 or who falsifies any record, or who fails to present or otherwise
26 make available any school bus or buses due for inspection, whether
27 scheduled or unscheduled, as requested by an examiner, unless
28 notification of the intent to withhold a bus or buses from an
29 examiner is made in writing at least 24 hours prior to the
30 **【scheduled】** time of inspection, shall be fined **【not less than \$50**
31 **and not more than \$500 per violation,】** in accordance with a
32 schedule of fines to be established by the **【director】** chief
33 administrator; provided that if an operator provides pupil
34 transportation services under contract with a board of education, the
35 fine for a first violation shall not be more than one percent of the
36 value of the contract, the fine for a second occurrence of the same
37 violation shall not be more than five percent of the value of the
38 contract, and the fine for a third and any subsequent occurrence of
39 the same violation shall not be more than 10 percent of the value of
40 the contract. The **【director】** chief administrator shall waive the
41 requirement of notice upon a showing of good cause by an operator.
42 A bus withheld from an examiner pursuant to this section shall be
43 inspected within 30 days of the date of the originally scheduled
44 inspection, unless otherwise agreed by the operator and the
45 **【director】** chief administrator. The operator shall be responsible for
46 all fines.

1 Nothing in this subsection shall be deemed to preclude any other
2 enforcement actions provided by law.

3 Nothing in this subsection shall be deemed to allow an operator
4 to withhold a school bus from an unscheduled school bus
5 inspection.

6 b. Any fine imposed pursuant to the provisions of this section
7 may be collected, with costs, in a summary proceeding pursuant to
8 **["the penalty enforcement law," N.J.S.2A:58-1 et seq]** the "Penalty
9 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58:10 et seq.).
10 The Superior Court or municipal court of the county or municipality
11 in which the violation occurs or in which the operator resides or has
12 a place of business or principal office in this State, shall have
13 jurisdiction to enforce the provisions of **["the penalty enforcement**
14 **law"]** the "Penalty Enforcement Law of 1999," P.L.1999, c.274
15 (C.2A:58-10 et seq.) in connection with any violation of **[this act]**
16 the "School Bus Enhanced Safety Inspection Act," P.L.1999, c.5
17 (C.39:3B-18 et seq.).

18 The **[director]** chief administrator or any duly authorized
19 representative of the **[director]** chief administrator may issue a
20 summons and complaint returnable in any court of competent
21 jurisdiction for a violation of **[this act]** the "School Bus Enhanced
22 Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.) or any
23 rule or regulation adopted pursuant to **[this act]** the "School Bus
24 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
25 seq.). A municipal, county, or State prosecutor is authorized to
26 assist the **[director]** chief administrator in the enforcement of **[this**
27 **act]** the "School Bus Enhanced Safety Inspection Act," P.L.1999,
28 c.5 (C.39:3B-18 et seq.). The **[director]** chief administrator may
29 institute an action in the Superior Court for injunctive relief to
30 prevent or restrain any violation of **[this act]** the "School Bus
31 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
32 seq.), or any rule or regulation adopted, or any administrative or
33 judicial order issued, pursuant to **[this act]** the "School Bus
34 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
35 seq.).

36 c. Any officer charged with the enforcement of State and
37 municipal laws is authorized to assist the **[director]** chief
38 administrator or any duly authorized representative of the
39 **[director]** chief administrator in the enforcement of the provisions
40 of **[this act]** the "School Bus Enhanced Safety Inspection Act,"
41 P.L.1999, c.5 (C.39:3B-18 et seq.), or any rule or regulation
42 adopted, or any administrative or judicial order issued, pursuant to
43 **[this act]** the "School Bus Enhanced Safety Inspection Act,"
44 P.L.1999, c.5 (C.39:3B-18 et seq.).
45 (cf: P.L.1999, c.5, s.5)

1 4. Section 6 of P.L.1999, c.5 (C.39:3B-23) is amended to read as
2 follows:

3 6. Any school bus that fails an inspection based on out-of-
4 service criteria as established by the **【director】** chief administrator
5 shall be immediately removed from service, including any school
6 bus inspected pursuant to the unscheduled school bus inspection
7 program that fails an inspection based on out-of-service criteria
8 established by the chief administrator.

9 (cf: P.L.1999, c.5, s.6)

10

11 5. (New section) Six years after the effective date of P.L. , c.
12 (C.) (pending before the Legislature as this bill), the Chief
13 Administrator of the New Jersey Motor Vehicle Commission shall
14 prepare and submit a report to the Governor, and pursuant to section
15 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature detailing the
16 results of the unscheduled school bus inspection program and
17 providing recommendations to improve the program.

18

19 6. This act shall take effect immediately.

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STATEMENT

23

24 This bill amends the “School Bus Enhanced Safety Inspection
25 Act” to require the Chief Administrator of the New Jersey Motor
26 Vehicle Commission (commission) to establish an unscheduled
27 school bus inspection program in addition to an in-terminal school
28 bus inspection program. Under the bill, the commission is required
29 to conduct unannounced inspections of a certain percentage of all
30 school buses per calendar year as follows:

- 31 • five percent of all school buses in the first calendar year;
32 • 10 percent of all school buses in the second calendar year;
33 • 15 percent of all school buses in the third calendar year;
34 • 20 percent of all school buses in the fourth calendar year;
35 • 25 percent of all school buses in the fifth calendar year; and
36 • an amount to be determined by the chief administrator in the
37 sixth calendar year and thereafter, but the commission is
38 required to inspect at least 25 percent of all school buses
39 under the unscheduled school bus inspection program in the
40 sixth calendar year and thereafter.

41 The commission is not required to conduct or prohibited from
42 conducting unscheduled school bus inspections at the facility of the
43 school bus operator. Under the bill, certain records are to be made
44 available to commission inspectors during each unscheduled school
45 bus inspection, in addition to each in-terminal inspection, and an
46 unscheduled inspection is to include an emissions inspection.

47 The bill changes the fine for certain violations under the “School
48 Bus Enhanced Safety Inspection Act” from a fine of not less than

1 \$50 or more than \$500 per violation to an amount to be determined
2 by the chief administrator. The bill also provides that if a school
3 bus operator provides pupil transportation services under contract
4 with a board of education, the fine for a first violation is to be not
5 more than one percent of the value of the contract, the fine for a
6 second occurrence of the same violation is to be not more than five
7 percent of the value of the contract, and the fine for a third and any
8 subsequent occurrence of the same violation is to be not more than
9 10 percent of the value of the contract.

10 The bill clarifies that an operator is prohibited from withholding
11 a school bus from an unscheduled inspection and provides that a
12 school bus that is inspected pursuant to the unscheduled school bus
13 inspection program that fails the inspection based on out-of-service
14 criteria is to be immediately removed from service.

15 The bill requires the chief administrator to prepare and submit a
16 report to the Governor and Legislature six years after the effective
17 date of the bill. The report is to detail the results of the
18 unscheduled school bus inspection program and provide
19 recommendations to improve the program.