SENATE, No. 277

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator THOMAS H. KEAN, JR.
District 21 (Morris, Somerset and Union)
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SYNOPSIS

"Emma's Law"; requires school buses that transport students with special needs to be equipped with certain safety features.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 6/8/2020)

AN ACT requiring certain school buses to be equipped with certain equipment, designated as Emma's Law, and supplementing Title 39 of the Revised Statutes.

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

1. a. Every school bus, as defined in R.S.39:1-1, that transports one or more students with special needs shall be equipped with:

(1) a video camera on the interior of the school bus to monitor student safety while the students are being transported;

(2) a global positioning system that provides information about the location and speed of each school bus in real time; and

(3) two-way communications equipment, which may include, but not be limited to, a cellular or other wireless telephone.

b. Notwithstanding the provisions of this section, a school bus driver shall comply with the provisions of section 1 of P.L.2002, c.120 (C.39:3B-25) while operating a school bus.

c. Any video footage collected from a video camera and any global positioning system data collected from the global positioning system pursuant to this section shall not be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records.

2. The State Board of Education, in consultation with the New Jersey Motor Vehicle Commission, shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning: the installation and use of video cameras, global positioning systems, and two-way communications equipment as required pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) on school buses that transport students with special needs; the use of data collected from the global positioning systems; and the retention of video footage from the video cameras, including, but not limited to, a minimum and maximum amount of time that footage may be retained.

3. This act shall take effect on the first day of the sixth month after enactment, but the Commissioner of Education and the Chief Administrator of the New Jersey Motor Vehicle Commission may take such administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

This bill requires school buses that transport students with special needs to be equipped with: a video camera on the interior of the school bus to monitor student safety; a global positioning system that provides information about the location and speed of each school bus in real time; and two-way communications equipment. The bill requires a school bus driver to comply with the provisions of law that prohibit a school bus driver from using a cellular or other wireless telephone while operating a school bus. The bill provides that video footage and global positioning system data collected from a school bus video camera and global positioning system are not to be considered government records.

Under the bill, the State Board of Education, in consultation with the New Jersey Motor Vehicle Commission, is to promulgate rules concerning the installation and use of the video cameras, global positioning systems, and two-way communications equipment; the use of data collected from the global positioning systems; and the retention of video footage, including, but not limited to, the minimum and maximum amount of time that the footage may be retained.

The bill is designated as "Emma's Law" after Emma, a non-verbal, special needs student who experienced a stressful and upsetting event when her bus driver became lost for several hours while transporting her, and fellow students, to school. The experience was traumatic for Emma, who was unaware of where the school bus was going and was unable to communicate with the school bus driver. It is the sponsor's intent that this legislation will prevent similar traumatic events from occurring in the future.