

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/MM

P.L. 2024, CHAPTER 81, *approved October 4, 2024*
Assembly, No. 2180 (*Second Reprint*)

1 AN ACT concerning school transportation, ²**[supplementing Title 39**
2 of the Revised Statutes, and amending various parts of the
3 statutory law **]** amending P.L.2015, c.268 (C.18A:39-20.1)².
4

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

8 ²**[**1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall be
25 eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination pursuant
32 to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

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:

¹Assembly AED committee amendments adopted March 11, 2024.

²Assembly amendments adopted in accordance with Governor's recommendations September 26, 2024.

1 (6) has completed any other conditions as determined by the
 2 Chief Administrator of the New Jersey Motor Vehicle Commission
 3 in collaboration with the Commissioner of Education.

4 c. Notwithstanding any other law, rule, or regulation to the
 5 contrary, the holder of a valid non-commercial basic driver's
 6 license and a certificate may operate a Type S school bus to
 7 transport children to and from school for secular or religious
 8 education and for school-related activities and shall not be required
 9 to obtain a commercial driver license, passenger endorsement, or
 10 school bus endorsement.

11 d. A school bus driver or driver as referenced in the following
 12 provisions of law shall include a person who drives a Type S school
 13 bus pursuant to this section:

- 14 (1) N.J.S.18A:25-2;
- 15 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 16 (3) N.J.S.18A:39-17;
- 17 (4) N.J.S.18A:39-18;
- 18 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 19 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 20 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 21 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 22 (9) N.J.S.18A:39-20;
- 23 (10) P.L.2003, c.19 (C.18A:39-26 et seq.);
- 24 (11) section 1 of P.L.2007, c.77 (C.18A:39-28);
- 25 (12) section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 26 (13) section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 27 (14) section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 28 (15) section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 29 (16) section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 30 (17) section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 31 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).²

32
 33 ²[2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
 34 read as follows:

35 1. a. For the purposes of this section, **["school"]**:

36 "School bus" shall have the meaning set forth in R.S.39:1-1.

37 "Type S school bus" shall have the meaning set forth in section 1
 38 of P.L. , c. (C.) (pending before the Legislature as this
 39 bill).

40 b. A person, knowingly operating a school bus or Type S
 41 school bus transporting one or more students, while that person's
 42 driving privileges have been suspended or revoked shall be guilty of
 43 a crime of the fourth degree.

44 c. A person, knowingly operating a school bus or Type S
 45 school bus while that person's driving privileges have been
 46 suspended or revoked, who is involved in an accident resulting in

1 bodily injury to another person shall be guilty of a crime of the third
2 degree.

3 (cf: P.L.2017, c.347, s.1)]²

4

5 ²[3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended
6 to read as follows:

7 2. a. The Chief Administrator of the New Jersey Motor Vehicle
8 Commission shall revoke for life the passenger endorsement on the
9 commercial driver's license of a person convicted of a violation of
10 subsection b. or subsection c. of section 1 of P.L.2017, c.347
11 (C.2C:40-26.1).

12 b. The chief administrator shall revoke for life the special
13 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
14 certificate issued pursuant to section 1 of P.L. , c. (C.)
15 (pending before the Legislature as this bill), to a person convicted
16 of a violation of subsection b. or subsection c. of section 1 of
17 P.L.2017, c.347 (C.2C:40-26.1).

18 (cf: P.L.2017, c.347, s.2)]²

19

20 ²[4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
21 read as follows:

22 2. a. In the event that, after notice and opportunity to be heard,
23 a school bus driver or driver of a Type S school bus pursuant to
24 P.L. , c. (C.) (pending before the Legislature as this bill) is
25 found to have left a pupil on the school bus or a Type S school bus
26 as defined in section 1 of P.L. , c. (C.) (pending before the
27 Legislature as this bill), at the end of **[his]** the driver's route, [his]
28 the driver's school bus endorsement or Type S school bus
29 certificate, in the case of a Type S school bus driver, shall be:

30 (1) suspended for six months, for a first offense; or

31 (2) permanently revoked, for a second offense.

32 b. In the event of a suspension of a Type S school bus certificate
33 pursuant to this section, the driver shall complete a 10 hour training
34 course approved by the chief administrator, of which, two hours
35 shall include instruction on post-trip inspection procedures. The
36 training required pursuant to this subsection shall be completed
37 before the driver's Type S school bus certificate is reinstated.

38 (cf: P.L.2007, c.77, s.2)]²

39

40 ²[5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to
41 read as follows:

42 3. In the event that a pupil, who was left on a bus by a school
43 bus driver at the end of the route, including a pupil who is left on a
44 Type S school bus as defined in section 1 of P.L. , c. (C.)
45 (pending before the Legislature as this bill) by the driver of a Type
46 S school bus pursuant to section 1 of P.L. , c. (C.) (pending

1 before the Legislature as this bill), is harmed as a result of
2 foreseeable danger and the driver is found, after notice and
3 opportunity to be heard, to have acted with gross negligence, **[his]**
4 the driver's school bus endorsement or Type S School Bus
5 certificate, in the case of a Type S school bus driver, shall be
6 permanently revoked.
7 (cf: P.L.2007, c.77, s.3)**】**²

8
9 ²**[6.** Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to
10 read as follows:

11 1. a. For the purposes of this section:

12 "Chief administrator" means the Chief Administrator of the New
13 Jersey Motor Vehicle Commission.

14 "Commercial motor vehicle" shall have the same meaning as
15 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

16 "Motor vehicle moving violation" means any violation of the
17 motor vehicle laws of this State or any other jurisdiction for which
18 motor vehicle points are assessed by the chief administrator
19 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
20 violation of the motor vehicle laws of any other jurisdiction for
21 which motor vehicle points would be assessed if that violation had
22 occurred in this State.

23 "Non-commercial motor vehicle" shall have the same meaning as
24 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

25 "Type S school bus" means a motor vehicle that: (1) is operated
26 by, or under contract with, a public school, nonpublic school,
27 charter school, renaissance school, or approved private school for
28 students with disabilities for the transportation of students to and
29 from school for secular or religious education and for school-related
30 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
31 or more, which vehicle was originally designed by the manufacturer
32 with a maximum seating capacity of nine passengers or less,
33 excluding the driver.

34 b. The chief administrator shall suspend the school bus
35 endorsement of a person, or the Type S school bus certificate of a
36 person who drives a Type S school bus pursuant to section 1 of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 for 90 days following the date of the last conviction, or upon
39 notification of an out-of-State conviction, whichever date is later in
40 time, if the person is convicted of three or more motor vehicle
41 moving violations in a three-year period or accumulates six or more
42 motor vehicle penalty points while operating a commercial motor
43 vehicle or non-commercial motor vehicle.

44 c. The chief administrator shall notify the Commissioner of
45 Education of the suspension of a **[school bus]** driver's school bus
46 endorsement or Type S school bus certificate pursuant to subsection

1 b. of this section within one business day following the date of the
2 suspension.

3 d. Upon notification from the chief administrator pursuant to
4 subsection c. of this section, the Commissioner of Education shall
5 notify the board of education that employs the **【school bus】** driver,
6 the nonpublic school that employs the **【school bus】** driver, or the
7 contractor that employs the **【school bus】** driver that the **【school**
8 **bus】** driver's school bus endorsement or Type S school bus
9 certificate has been suspended pursuant to subsection b. of this
10 section within one business day following the date of notification of
11 the suspension. If a board of education, a nonpublic school, or a
12 contractor that employs the **【school bus】** driver is notified by the
13 commissioner that the **【school bus】** driver's school bus endorsement
14 or Type S school Bus certificate has been suspended, the employing
15 board of education, nonpublic school, or contractor, within 24 hours
16 of the notification, shall provide a statement to the Department of
17 Education verifying that the **【school bus】** driver no longer operates
18 a school bus or Type S school bus for the board, nonpublic school,
19 or contractor.

20 e. Prior to the reinstatement of any school bus endorsement or
21 Type S school bus certificate suspended pursuant to subsection b. of
22 this section, the chief administrator shall require:

23 (1) the person to complete a defensive driving course approved
24 by the chief administrator **【and】**;

25 (2) the person to complete a 10 hour training course approved by
26 the chief administrator, of which, two hours shall include
27 instruction on post-trip inspection procedures.

28 The chief administrator may require the person to fulfill any
29 other requirement that the chief administrator deems appropriate
30 prior to reinstatement of any school bus endorsement or Type S
31 school bus certificate.

32 f. This section shall apply to convictions that occur after the
33 effective date of P.L.2019, c.9 (C.39:3-10.1b).

34 (cf: P.L.2019, c.9, s.1)]²

35

36 ²1. Section 1. of P.L.2015, c.268 (C.18A:39-20.1) is amended to
37 read as follows:

38 1. a. Notwithstanding any statute or regulation to the contrary,
39 any board of education, governing body of a nonpublic school or
40 State agency may authorize qualified school personnel, State
41 employees or parents, to transport school children to and from
42 related school activities in a private vehicle with a capacity of eight
43 or less. The board of education, governing body of a nonpublic
44 school or State agency may also designate school personnel to
45 transport school children to and from school. The designated
46 personnel will only be deemed qualified to transport school children

1 to and from school if the designated school personnel meet the
2 following criteria:

- 3 (1) be at least 21 years of age;
4 (2) possess a New Jersey driver's license for a minimum of three
5 years;
6 (3) have a completed physical on file with the school district or
7 local education agency;
8 (4) have a completed a criminal history background check by the
9 New Jersey Department of Education and a Child Abuse Record
10 Information check;
11 (5) submit a driving record for the past five years demonstrating
12 evidence of no alcohol or drug-related motor vehicle violations; and
13 (6) has completed the training program established in accordance
14 with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on appropriate
15 procedures for interacting with students with special needs.

16 The designated personnel that meet these criteria must utilize a
17 vehicle that does not exceed a maximum seating capacity of 8
18 passengers, excluding the driver to transport school children to and
19 from school.

20 Any person authorized by a board, body or agency to provide
21 such transportation services shall not be required to be licensed or
22 regulated as a school bus driver. Such transportation shall be
23 exempt from all registration, equipment, inspection and
24 maintenance requirements imposed on the transportation of pupils
25 by school bus. Evidence of appropriate automobile insurance
26 requirements for the vehicle must be submitted by the board of
27 education, governing body of a nonpublic school or State agency to
28 the Executive County Superintendent by a date set by the
29 Commissioner of the New Jersey Department of Education.

30 Each year prior to transporting school children, the board of
31 education, governing body of a nonpublic school or State agency
32 designating school personnel as qualified to transport school
33 children to and from school pursuant to this law, must submit the
34 list of designated drivers to the Executive County Superintendent by
35 a date set by the Commissioner of the New Jersey Department of
36 Education. Only school personnel submitted by that date will be
37 eligible to transport school children to and from school for a given
38 school year.

39 The board of education, governing body of a nonpublic school or
40 State agency designating school personnel as qualified to transport
41 school children to and from school pursuant to this law, must also
42 submit periodic copies of the designated personnel's driving record
43 showing no alcohol or drug-related motor vehicle violations, or any
44 other motor vehicle violations motor vehicle violations that would
45 disqualify the driver's eligibility of transporting school children
46 pursuant to Titles 18A and Title 39 to the Executive County
47 Superintendent by a date set, and at a frequency set, by the

1 Commissioner of the New Jersey Department of Education. Failure
2 to provide the requisite driving record within the prescribed time
3 frame will result in the removal of that individual from the list of
4 designated drivers.

5 b. Notwithstanding any statute or regulation to the contrary, any
6 board of education, governing body of a nonpublic school or State
7 agency may authorize a person certified as a mobility assistance
8 vehicle technician to transport a student with medical needs to and
9 from school or related school activities in a mobility assistance
10 vehicle. Any certified mobility assistance vehicle technician
11 authorized by a board, body or agency to provide such
12 transportation services shall not be required to be licensed or
13 regulated as a school bus driver. Such transportation shall be
14 exempt from all registration, equipment, inspection and
15 maintenance requirements imposed on the transportation of students
16 by a school bus.

17 Each year prior to transporting students, a certified mobility
18 assistance vehicle technician who transports a student with medical
19 needs in accordance with this section shall furnish to the executive
20 county superintendent a criminal history background check and
21 evidence of a check for the technician's record of alcohol and drug-
22 related motor vehicle violations.

23 For the purposes of this subsection, "student with medical
24 needs," means a school-aged child who suffers from a life-
25 threatening medical condition, and as a result of such condition,
26 requires more individualized and continuous care.²

27 (cf: P.L.2015, c.268, s.1)

28

29 ²**[7.] 2.**² This act shall take effect on the first day of the ¹**[2023-**
30 **2024]** first full¹ school year next following the date of enactment¹,
31 except that ²**[the Chief Administrator of the New Jersey Motor**
32 **Vehicle Commission and]**² the Commissioner of Education may
33 take any anticipatory administrative action in advance as may be
34 necessary for the timely implementation of this act.

35

36

37

38

39 _____
Permits certain school personnel to transport students.

CHAPTER 81

AN ACT concerning school transportation, amending P.L.2015, c.268 (C.18A:39-20.1).

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

1. Section 1 of P.L.1981, c.51 (C.18A:39-20.1) is amended to read as follows:

C.18A:39-20.1 Transportation of students in certain vehicles.

1. a. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school, or State agency may authorize qualified school personnel, State employees, or parents to transport school children to and from related school activities in a private vehicle with a capacity of eight or less. The board of education, governing body of a nonpublic school, or State agency may also designate school personnel to transport school children to and from school. The designated personnel will only be deemed qualified to transport school children to and from school if the designated school personnel meet the following criteria:

- (1) be at least 21 years of age;
- (2) possess a New Jersey driver's license for a minimum of three years;
- (3) have a completed physical on file with the school district or local education agency;
- (4) have completed a criminal history background check by the New Jersey Department of Education and a Child Abuse Record Information check;
- (5) submit a driving record for the past five years demonstrating evidence of no alcohol- or drug-related motor vehicle violations; and
- (6) have completed the training program established in accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on appropriate procedures for interacting with students with special needs.

The designated personnel that meet these criteria must utilize a vehicle that does not exceed a maximum seating capacity of eight passengers, excluding the driver, to transport school children to and from school.

Any person authorized by a board, body, or agency to provide such transportation services shall not be required to be licensed or regulated as a school bus driver. Such transportation shall be exempt from all registration, equipment, inspection, and maintenance requirements imposed on the transportation of pupils by school bus. Evidence of appropriate automobile insurance requirements for the vehicle must be submitted by the board of education, governing body of a nonpublic school, or State agency to the Executive County Superintendent by a date set by the Commissioner of the New Jersey Department of Education.

Each year prior to transporting school children, the board of education, governing body of a nonpublic school, or State agency designating school personnel as qualified to transport school children to and from school pursuant to this law must submit the list of designated drivers to the Executive County Superintendent by a date set by the Commissioner of the New Jersey Department of Education. Only school personnel submitted by that date will be eligible to transport school children to and from school for a given school year.

The board of education, governing body of a nonpublic school, or State agency designating school personnel as qualified to transport school children to and from school pursuant to this law must also submit periodic copies of the designated personnel's driving record showing no alcohol- or drug-related motor vehicle violations or any other motor vehicle violations that would disqualify the driver's eligibility of transporting school children pursuant to Title 18A of the New Jersey Statutes and Title 39 of the Revised Statutes to the Executive County Superintendent by a date set, and at a frequency set, by the Commissioner of the New Jersey

Department of Education. Failure to provide the requisite driving record within the prescribed time frame will result in the removal of that individual from the list of designated drivers.

b. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school, or State agency may authorize a person certified as a mobility assistance vehicle technician to transport a student with medical needs to and from school or related school activities in a mobility assistance vehicle. Any certified mobility assistance vehicle technician authorized by a board, body, or agency to provide such transportation services shall not be required to be licensed or regulated as a school bus driver. Such transportation shall be exempt from all registration, equipment, inspection, and maintenance requirements imposed on the transportation of students by a school bus.

Each year prior to transporting students, a certified mobility assistance vehicle technician who transports a student with medical needs in accordance with this section shall furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol- and drug-related motor vehicle violations.

For the purposes of this subsection, "student with medical needs" means a school-aged child who suffers from a life-threatening medical condition and, as a result of such condition, requires more individualized and continuous care.

2. This act shall take effect on the first day of the first full school year next following the date of enactment, except that the Commissioner of Education may take any anticipatory administrative action in advance as may be necessary for the timely implementation of this act.

Approved October 4, 2024.

ASSEMBLY, No. 2180

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

**Assemblymen Sauickie, S.Kean, Assemblywoman Reynolds-Jackson,
Assemblymen Stanley, Atkins and Sampson**

SYNOPSIS

Permits certain persons to operate Type S school buses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning school transportation, supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law.

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

7
8 1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall be
25 eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of three
29 years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination pursuant
32 to R.S.39:3-10.1;

33 (5) has completed the training program established in accordance
34 with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on appropriate
35 procedures for interacting with students with special needs; and

36 (6) has completed any other conditions as determined by the
37 Chief Administrator of the New Jersey Motor Vehicle Commission
38 in collaboration with the Commissioner of Education.

39 c. Notwithstanding any other law, rule, or regulation to the
40 contrary, the holder of a valid non-commercial basic driver’s
41 license and a certificate may operate a Type S school bus to
42 transport children to and from school for secular or religious
43 education and for school-related activities and shall not be required
44 to obtain a commercial driver license, passenger endorsement, or
45 school bus endorsement.

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 d. A school bus driver or driver as referenced in the following
2 provisions of law shall include a person who drives a Type S school
3 bus pursuant to this section:

- 4 (1) N.J.S.18A:25-2;
- 5 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 6 (3) N.J.S.18A:39-17;
- 7 (4) N.J.S.18A:39-18;
- 8 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 9 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 10 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 11 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 12 (9) N.J.S.18A:39-20;
- 13 (10) P.L.2003, c.19 (C.18A:39-26 et seq.);
- 14 (11) section 1 of P.L.2007, c.77 (C.18A:39-28);
- 15 (12) section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 16 (13) section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 17 (14) section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 18 (15) section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 19 (16) section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 20 (17) section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 21 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).

22
23 2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
24 read as follows:

25 1. a. For the purposes of this section, **["school"]**;
26 "School bus" shall have the meaning set forth in R.S.39:1-1,
27 "Type S school bus" shall have the meaning set forth in section 1
28 of P.L. , c. (C.) (pending before the Legislature as this
29 bill).

30 b. A person, knowingly operating a school bus or Type S
31 school bus transporting one or more students, while that person's
32 driving privileges have been suspended or revoked shall be guilty of
33 a crime of the fourth degree.

34 c. A person, knowingly operating a school bus or Type S
35 school bus while that person's driving privileges have been
36 suspended or revoked, who is involved in an accident resulting in
37 bodily injury to another person shall be guilty of a crime of the third
38 degree.

39 (cf: P.L.2017, c.347, s.1)

40
41 3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended to
42 read as follows:

43 2. a. The Chief Administrator of the New Jersey Motor Vehicle
44 Commission shall revoke for life the passenger endorsement on the
45 commercial driver's license of a person convicted of a violation of
46 subsection b. or subsection c. of section 1 of P.L.2017, c.347
47 (C.2C:40-26.1).

1 b. The chief administrator shall revoke for life the special
2 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
3 certificate issued pursuant to section 1 of P.L. , c. (C.)
4 (pending before the Legislature as this bill), to a person convicted
5 of a violation of subsection b. or subsection c. of section 1 of
6 P.L.2017, c.347 (C.2C:40-26.1).
7 (cf: P.L.2017, c.347, s.2)

8
9 4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
10 read as follows:

11 2. a. In the event that, after notice and opportunity to be heard,
12 a school bus driver or driver of a Type S school bus pursuant to
13 P.L. , c. (C.) (pending before the Legislature as this bill) is
14 found to have left a pupil on the school bus or a Type S school bus
15 as defined in section 1 of P.L. , c. (C.) (pending before the
16 Legislature as this bill), at the end of **【his】** the driver's route, 【his】
17 the driver's school bus endorsement or Type S school bus
18 certificate, in the case of a Type S school bus driver, shall be:

- 19 (1) suspended for six months, for a first offense; or
20 (2) permanently revoked, for a second offense.

21 b. In the event of a suspension of a Type S school bus certificate
22 pursuant to this section, the driver shall complete a 10 hour training
23 course approved by the chief administrator, of which, two hours
24 shall include instruction on post-trip inspection procedures. The
25 training required pursuant to this subsection shall be completed
26 before the driver's Type S school bus certificate is reinstated.

27 (cf: P.L.2007, c.77, s.2)

28
29 5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to read
30 as follows:

31 3. In the event that a pupil, who was left on a bus by a school
32 bus driver at the end of the route, including a pupil who is left on a
33 Type S school bus as defined in section 1 of P.L. , c. (C.)
34 (pending before the Legislature as this bill) by the driver of a Type
35 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
36 before the Legislature as this bill), is harmed as a result of
37 foreseeable danger and the driver is found, after notice and
38 opportunity to be heard, to have acted with gross negligence, **【his】**
39 the driver's school bus endorsement or Type S School Bus
40 certificate, in the case of a Type S school bus driver, shall be
41 permanently revoked.

42 (cf: P.L.2007, c.77, s.3)

43
44 6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to read
45 as follows:

46 1. a. For the purposes of this section:

47 "Chief administrator" means the Chief Administrator of the New
48 Jersey Motor Vehicle Commission.

1 "Commercial motor vehicle" shall have the same meaning as
2 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

3 "Motor vehicle moving violation" means any violation of the
4 motor vehicle laws of this State or any other jurisdiction for which
5 motor vehicle points are assessed by the chief administrator
6 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
7 violation of the motor vehicle laws of any other jurisdiction for
8 which motor vehicle points would be assessed if that violation had
9 occurred in this State.

10 "Non-commercial motor vehicle" shall have the same meaning as
11 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

12 "Type S school bus" means a motor vehicle that: (1) is operated
13 by, or under contract with, a public school, nonpublic school,
14 charter school, renaissance school, or approved private school for
15 students with disabilities for the transportation of students to and
16 from school for secular or religious education and for school-related
17 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
18 or more, which vehicle was originally designed by the manufacturer
19 with a maximum seating capacity of nine passengers or less,
20 excluding the driver.

21 b. The chief administrator shall suspend the school bus
22 endorsement of a person, or the Type S school bus certificate of a
23 person who drives a Type S school bus pursuant to section 1 of
24 P.L. , c. (C.) (pending before the Legislature as this bill),
25 for 90 days following the date of the last conviction, or upon
26 notification of an out-of-State conviction, whichever date is later in
27 time, if the person is convicted of three or more motor vehicle
28 moving violations in a three-year period or accumulates six or more
29 motor vehicle penalty points while operating a commercial motor
30 vehicle or non-commercial motor vehicle.

31 c. The chief administrator shall notify the Commissioner of
32 Education of the suspension of a **【school bus】** driver's school bus
33 endorsement or Type S school bus certificate pursuant to subsection
34 b. of this section within one business day following the date of the
35 suspension.

36 d. Upon notification from the chief administrator pursuant to
37 subsection c. of this section, the Commissioner of Education shall
38 notify the board of education that employs the **【school bus】** driver,
39 the nonpublic school that employs the **【school bus】** driver, or the
40 contractor that employs the **【school bus】** driver that the **【school**
41 **bus】** driver's school bus endorsement or Type S school bus
42 certificate has been suspended pursuant to subsection b. of this
43 section within one business day following the date of notification of
44 the suspension. If a board of education, a nonpublic school, or a
45 contractor that employs the **【school bus】** driver is notified by the
46 commissioner that the **【school bus】** driver's school bus endorsement
47 or Type S school Bus certificate has been suspended, the employing

1 board of education, nonpublic school, or contractor, within 24 hours
2 of the notification, shall provide a statement to the Department of
3 Education verifying that the **【school bus】** driver no longer operates
4 a school bus or Type S school bus for the board, nonpublic school,
5 or contractor.

6 e. Prior to the reinstatement of any school bus endorsement or
7 Type S school bus certificate suspended pursuant to subsection b. of
8 this section, the chief administrator shall require:

9 (1) the person to complete a defensive driving course approved
10 by the chief administrator **【and】**;

11 (2) the person to complete a 10 hour training course approved by
12 the chief administrator, of which, two hours shall include
13 instruction on post-trip inspection procedures.

14 The chief administrator may require the person to fulfill any
15 other requirement that the chief administrator deems appropriate
16 prior to reinstatement of any school bus endorsement or Type S
17 school bus certificate.

18 f. This section shall apply to convictions that occur after the
19 effective date of P.L.2019, c.9 (C.39:3-10.1b).

20 (cf: P.L.2019, c.9, s.1)

21

22 7. This act shall take effect on the first day of the 2023-2024
23 school year, except that the Chief Administrator of the New Jersey
24 Motor Vehicle Commission and the Commissioner of Education
25 may take any anticipatory administrative action in advance as may
26 be necessary for the timely implementation of this act.

27

28

29

STATEMENT

30

31 This bill permits the holder of a Type S school bus certificate to
32 operate a Type S school bus to transport children to and from
33 school without obtaining a commercial driver license, passenger
34 endorsement, or school bus endorsement. A person is required to
35 meet certain requirements described in the bill to be eligible for a
36 Type S school bus certificate. Such drivers are subject to certain
37 provisions of law applicable to school bus drivers as enumerated in
38 the bill.

39 The bill provides that a person who knowingly operates a Type S
40 school bus while the person's driving privileges are suspended or
41 revoked is guilty of a crime of the fourth degree. A person who
42 does so and is involved in an accident resulting in bodily injury to
43 another person is guilty of a crime of the third degree.

44 The bill also provides that the Type S school bus certificate of a
45 driver of a Type S school bus, who is found to have left a pupil on
46 the Type S school bus at the end of the route, is to be suspended for
47 six months for a first offense or permanently revoked for a second
48 offense. The Type S school bus certificate of a driver of a Type S

1 school bus is to be permanently revoked if the a pupil, who was left
2 on the Type S school bus at the end of the route, was harmed as a
3 result of foreseeable danger and the driver acted with gross
4 negligence or if the driver operated a Type S school bus while the
5 driver's driving privileges were suspended. In the event of a
6 suspension of a Type S school bus certificate, the driver is required
7 to complete a 10 hour training course, approved by the chief
8 administrator, before the driver's Type S school bus certificate is
9 reinstated.

10 The bill requires the Chief Administrator (chief administrator) of
11 the New Jersey Motor Vehicle Commission to suspend the Type S
12 school bus certificate of a driver of a Type S school bus for 90 days
13 if the driver is convicted of three or more motor vehicle moving
14 violations in a three-year period or accumulates six or more motor
15 vehicle penalty points while operating a commercial motor vehicle
16 or non-commercial motor vehicle.

17 Under the bill, the chief administrator is required to notify the
18 Commissioner of Education of the suspension of the driver's Type
19 S school bus certificate and the Commissioner of Education is to
20 notify the driver's employer that the driver's Type S school bus
21 certificate_has been suspended. The employer is then required to
22 provide a statement to the Department of Education that the driver
23 no longer operates a Type S school bus. A driver of a Type S
24 school bus is required to complete a defensive driving course before
25 the driver's Type S school bus certificate may be reinstated. Under
26 the bill, before a school bus endorsement or Type S school bus
27 certificate is reinstated after suspension for accumulating a certain
28 number of motor vehicle penalty points or for being convicted of a
29 certain number of motor vehicle moving violations, the driver is
30 required to complete a 10 hour training course approved by the
31 chief administrator.

32 A "Type S school bus" is defined in the bill to mean a motor
33 vehicle that: (1) is operated by, or under contract with, a public
34 school, nonpublic school, charter school, renaissance school, or
35 approved private school for students with disabilities for the
36 transportation of students to and from school for secular or religious
37 education and for school-related activities; and (2) has a gross
38 vehicle weight rating of 3,000 pounds or more, which vehicle was
39 originally designed by the manufacturer with a maximum seating
40 capacity of nine passengers or less, excluding the driver.

[First Reprint]

ASSEMBLY, No. 2180

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

Co-Sponsored by:

Assemblymen Sauickie, S.Kean, Assemblywoman Reynolds-Jackson, Assemblymen Stanley, Atkins, Sampson, Assemblywomen Fantasia, Katz, Flynn, Assemblyman Inganamort, Assemblywomen Speight, Carter, Senators Space, Diegnan, Gopal, Holzapfel and Ruiz

SYNOPSIS

Permits certain persons to operate Type S school buses.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on March 11, 2024, with amendments.

(Sponsorship Updated As Of: 5/20/2024)

1 AN ACT concerning school transportation, supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law.

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

7
8 1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall be
25 eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination pursuant
32 to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

37 (6) has completed any other conditions as determined by the
38 Chief Administrator of the New Jersey Motor Vehicle Commission
39 in collaboration with the Commissioner of Education.

40 c. Notwithstanding any other law, rule, or regulation to the
41 contrary, the holder of a valid non-commercial basic driver’s
42 license and a certificate may operate a Type S school bus to
43 transport children to and from school for secular or religious
44 education and for school-related activities and shall not be required

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:

¹Assembly AED committee amendments adopted March 11, 2024.

1 to obtain a commercial driver license, passenger endorsement, or
2 school bus endorsement.

3 d. A school bus driver or driver as referenced in the following
4 provisions of law shall include a person who drives a Type S school
5 bus pursuant to this section:

- 6 (1) N.J.S.18A:25-2;
- 7 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 8 (3) N.J.S.18A:39-17;
- 9 (4) N.J.S.18A:39-18;
- 10 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 11 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 12 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 13 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 14 (9) N.J.S.18A:39-20;
- 15 (10) P.L.2003, c.19 (C.18A:39-26 et seq.);
- 16 (11) section 1 of P.L.2007, c.77 (C.18A:39-28);
- 17 (12) section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 18 (13) section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 19 (14) section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 20 (15) section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 21 (16) section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 22 (17) section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 23 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).

24
25 2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
26 read as follows:

27 1. a. For the purposes of this section, **["school"]**:
28 “School bus” shall have the meaning set forth in R.S.39:1-1.
29 “Type S school bus” shall have the meaning set forth in section 1
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32 b. A person, knowingly operating a school bus or Type S
33 school bus transporting one or more students, while that person's
34 driving privileges have been suspended or revoked shall be guilty of
35 a crime of the fourth degree.

36 c. A person, knowingly operating a school bus or Type S
37 school bus while that person's driving privileges have been
38 suspended or revoked, who is involved in an accident resulting in
39 bodily injury to another person shall be guilty of a crime of the third
40 degree.

41 (cf: P.L.2017, c.347, s.1)

42
43 3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended to
44 read as follows:

45 2. a. The Chief Administrator of the New Jersey Motor Vehicle
46 Commission shall revoke for life the passenger endorsement on the
47 commercial driver's license of a person convicted of a violation of

1 subsection b. or subsection c. of section 1 of P.L.2017, c.347
2 (C.2C:40-26.1).

3 b. The chief administrator shall revoke for life the special
4 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
5 certificate issued pursuant to section 1 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), to a person convicted
7 of a violation of subsection b. or subsection c. of section 1 of
8 P.L.2017, c.347 (C.2C:40-26.1).
9 (cf: P.L.2017, c.347, s.2)

10
11 4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
12 read as follows:

13 2. a. In the event that, after notice and opportunity to be heard,
14 a school bus driver or driver of a Type S school bus pursuant to
15 P.L. , c. (C.) (pending before the Legislature as this bill) is
16 found to have left a pupil on the school bus or a Type S school bus
17 as defined in section 1 of P.L. , c. (C.) (pending before the
18 Legislature as this bill), at the end of **【his】** the driver's route, 【his】
19 the driver's school bus endorsement or Type S school bus
20 certificate, in the case of a Type S school bus driver, shall be:

21 (1) suspended for six months, for a first offense; or

22 (2) permanently revoked, for a second offense.

23 b. In the event of a suspension of a Type S school bus certificate
24 pursuant to this section, the driver shall complete a 10 hour training
25 course approved by the chief administrator, of which, two hours
26 shall include instruction on post-trip inspection procedures. The
27 training required pursuant to this subsection shall be completed
28 before the driver's Type S school bus certificate is reinstated.

29 (cf: P.L.2007, c.77, s.2)

30

31 5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to read
32 as follows:

33 3. In the event that a pupil, who was left on a bus by a school
34 bus driver at the end of the route, including a pupil who is left on a
35 Type S school bus as defined in section 1 of P.L. , c. (C.)
36 (pending before the Legislature as this bill) by the driver of a Type
37 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
38 before the Legislature as this bill), is harmed as a result of
39 foreseeable danger and the driver is found, after notice and
40 opportunity to be heard, to have acted with gross negligence, **【his】**
41 the driver's school bus endorsement or Type S School Bus
42 certificate, in the case of a Type S school bus driver, shall be
43 permanently revoked.

44 (cf: P.L.2007, c.77, s.3)

45

46 6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to read
47 as follows:

48 1. a. For the purposes of this section:

1 "Chief administrator" means the Chief Administrator of the New
2 Jersey Motor Vehicle Commission.

3 "Commercial motor vehicle" shall have the same meaning as
4 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

5 "Motor vehicle moving violation" means any violation of the
6 motor vehicle laws of this State or any other jurisdiction for which
7 motor vehicle points are assessed by the chief administrator
8 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
9 violation of the motor vehicle laws of any other jurisdiction for
10 which motor vehicle points would be assessed if that violation had
11 occurred in this State.

12 "Non-commercial motor vehicle" shall have the same meaning as
13 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

14 "Type S school bus" means a motor vehicle that: (1) is operated
15 by, or under contract with, a public school, nonpublic school,
16 charter school, renaissance school, or approved private school for
17 students with disabilities for the transportation of students to and
18 from school for secular or religious education and for school-related
19 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
20 or more, which vehicle was originally designed by the manufacturer
21 with a maximum seating capacity of nine passengers or less,
22 excluding the driver.

23 b. The chief administrator shall suspend the school bus
24 endorsement of a person, or the Type S school bus certificate of a
25 person who drives a Type S school bus pursuant to section 1 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 for 90 days following the date of the last conviction, or upon
28 notification of an out-of-State conviction, whichever date is later in
29 time, if the person is convicted of three or more motor vehicle
30 moving violations in a three-year period or accumulates six or more
31 motor vehicle penalty points while operating a commercial motor
32 vehicle or non-commercial motor vehicle.

33 c. The chief administrator shall notify the Commissioner of
34 Education of the suspension of a **【school bus】** driver's school bus
35 endorsement or Type S school bus certificate pursuant to subsection
36 b. of this section within one business day following the date of the
37 suspension.

38 d. Upon notification from the chief administrator pursuant to
39 subsection c. of this section, the Commissioner of Education shall
40 notify the board of education that employs the **【school bus】** driver,
41 the nonpublic school that employs the **【school bus】** driver, or the
42 contractor that employs the **【school bus】** driver that the **【school**
43 **bus】** driver's school bus endorsement or Type S school bus
44 certificate has been suspended pursuant to subsection b. of this
45 section within one business day following the date of notification of
46 the suspension. If a board of education, a nonpublic school, or a
47 contractor that employs the **【school bus】** driver is notified by the

1 commissioner that the **【school bus】** driver's school bus endorsement
2 or Type S school Bus certificate has been suspended, the employing
3 board of education, nonpublic school, or contractor, within 24 hours
4 of the notification, shall provide a statement to the Department of
5 Education verifying that the **【school bus】** driver no longer operates
6 a school bus or Type S school bus for the board, nonpublic school,
7 or contractor.

8 e. Prior to the reinstatement of any school bus endorsement or
9 Type S school bus certificate suspended pursuant to subsection b. of
10 this section, the chief administrator shall require:

11 (1) the person to complete a defensive driving course approved
12 by the chief administrator **【and】**;

13 (2) the person to complete a 10 hour training course approved by
14 the chief administrator, of which, two hours shall include
15 instruction on post-trip inspection procedures.

16 The chief administrator may require the person to fulfill any
17 other requirement that the chief administrator deems appropriate
18 prior to reinstatement of any school bus endorsement or Type S
19 school bus certificate.

20 f. This section shall apply to convictions that occur after the
21 effective date of P.L.2019, c.9 (C.39:3-10.1b).

22 (cf: P.L.2019, c.9, s.1)

23
24 7. This act shall take effect on the first day of the ¹**【2023-2024】**
25 first full¹ school year¹ next following the date of enactment¹, except
26 that the Chief Administrator of the New Jersey Motor Vehicle
27 Commission and the Commissioner of Education may take any
28 anticipatory administrative action in advance as may be necessary
29 for the timely implementation of this act.

[Second Reprint]

ASSEMBLY, No. 2180

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

Co-Sponsored by:

**Assemblymen Sauickie, S.Kean, Assemblywoman Reynolds-Jackson,
Assemblymen Stanley, Atkins, Sampson, Assemblywomen Fantasia, Katz,
Flynn, Assemblyman Inganamort, Assemblywomen Speight, Carter,
Senators Space, Diegnan, Gopal, Holzapfel and Ruiz**

SYNOPSIS

Permits certain school personnel to transport students.

CURRENT VERSION OF TEXT

As amended on September 26, 2024 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 5/20/2024)

1 AN ACT concerning school transportation, ² [supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law] amending P.L.2015, c.268 (C.18A:39-20.1)².

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

7
8 ²[1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall be
25 eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination pursuant
32 to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

37 (6) has completed any other conditions as determined by the
38 Chief Administrator of the New Jersey Motor Vehicle Commission
39 in collaboration with the Commissioner of Education.

40 c. Notwithstanding any other law, rule, or regulation to the
41 contrary, the holder of a valid non-commercial basic driver’s
42 license and a certificate may operate a Type S school bus to
43 transport children to and from school for secular or religious

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:

¹Assembly AED committee amendments adopted March 11, 2024.

²Assembly amendments adopted in accordance with Governor's recommendations September 26, 2024.

1 education and for school-related activities and shall not be required
2 to obtain a commercial driver license, passenger endorsement, or
3 school bus endorsement.

4 d. A school bus driver or driver as referenced in the following
5 provisions of law shall include a person who drives a Type S school
6 bus pursuant to this section:

- 7 (1) N.J.S.18A:25-2;
- 8 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 9 (3) N.J.S.18A:39-17;
- 10 (4) N.J.S.18A:39-18;
- 11 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 12 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 13 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 14 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 15 (9) N.J.S.18A:39-20;
- 16 (10) P.L.2003, c.19 (C.18A:39-26 et seq.);
- 17 (11) section 1 of P.L.2007, c.77 (C.18A:39-28);
- 18 (12) section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 19 (13) section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 20 (14) section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 21 (15) section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 22 (16) section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 23 (17) section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 24 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).²

25
26 ²[2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
27 read as follows:

28 1. a. For the purposes of this section, **["school"]**;
29 "School bus" shall have the meaning set forth in R.S.39:1-1.
30 "Type S school bus" shall have the meaning set forth in section 1
31 of P.L. , c. (C.) (pending before the Legislature as this
32 bill).

33 b. A person, knowingly operating a school bus or Type S
34 school bus transporting one or more students, while that person's
35 driving privileges have been suspended or revoked shall be guilty of
36 a crime of the fourth degree.

37 c. A person, knowingly operating a school bus or Type S
38 school bus while that person's driving privileges have been
39 suspended or revoked, who is involved in an accident resulting in
40 bodily injury to another person shall be guilty of a crime of the third
41 degree.

42 (cf: P.L.2017, c.347, s.1)²

43
44 ²[3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended
45 to read as follows:

46 2. a. The Chief Administrator of the New Jersey Motor Vehicle
47 Commission shall revoke for life the passenger endorsement on the

1 commercial driver's license of a person convicted of a violation of
 2 subsection b. or subsection c. of section 1 of P.L.2017, c.347
 3 (C.2C:40-26.1).

4 b. The chief administrator shall revoke for life the special
 5 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
 6 certificate issued pursuant to section 1 of P.L. , c. (C.)
 7 (pending before the Legislature as this bill), to a person convicted
 8 of a violation of subsection b. or subsection c. of section 1 of
 9 P.L.2017, c.347 (C.2C:40-26.1).

10 (cf: P.L.2017, c.347, s.2)]²

11
 12 ²[4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
 13 read as follows:

14 2. a. In the event that, after notice and opportunity to be heard,
 15 a school bus driver or driver of a Type S school bus pursuant to
 16 P.L. , c. (C.) (pending before the Legislature as this bill) is
 17 found to have left a pupil on the school bus or a Type S school bus
 18 as defined in section 1 of P.L. , c. (C.) (pending before the
 19 Legislature as this bill), at the end of **[his]** the driver's route, **[his]**
 20 the driver's school bus endorsement or Type S school bus
 21 certificate, in the case of a Type S school bus driver, shall be:

22 (1) suspended for six months, for a first offense; or

23 (2) permanently revoked, for a second offense.

24 b. In the event of a suspension of a Type S school bus certificate
 25 pursuant to this section, the driver shall complete a 10 hour training
 26 course approved by the chief administrator, of which, two hours
 27 shall include instruction on post-trip inspection procedures. The
 28 training required pursuant to this subsection shall be completed
 29 before the driver's Type S school bus certificate is reinstated.

30 (cf: P.L.2007, c.77, s.2)]²

31
 32 ²[5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to
 33 read as follows:

34 3. In the event that a pupil, who was left on a bus by a school
 35 bus driver at the end of the route, including a pupil who is left on a
 36 Type S school bus as defined in section 1 of P.L. , c. (C.)
 37 (pending before the Legislature as this bill) by the driver of a Type
 38 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
 39 before the Legislature as this bill), is harmed as a result of
 40 foreseeable danger and the driver is found, after notice and
 41 opportunity to be heard, to have acted with gross negligence, **[his]**
 42 the driver's school bus endorsement or Type S School Bus
 43 certificate, in the case of a Type S school bus driver, shall be
 44 permanently revoked.

45 (cf: P.L.2007, c.77, s.3)]²

1 ²[6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to
2 read as follows:

3 1. a. For the purposes of this section:

4 "Chief administrator" means the Chief Administrator of the New
5 Jersey Motor Vehicle Commission.

6 "Commercial motor vehicle" shall have the same meaning as
7 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

8 "Motor vehicle moving violation" means any violation of the
9 motor vehicle laws of this State or any other jurisdiction for which
10 motor vehicle points are assessed by the chief administrator
11 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
12 violation of the motor vehicle laws of any other jurisdiction for
13 which motor vehicle points would be assessed if that violation had
14 occurred in this State.

15 "Non-commercial motor vehicle" shall have the same meaning as
16 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

17 "Type S school bus" means a motor vehicle that: (1) is operated
18 by, or under contract with, a public school, nonpublic school,
19 charter school, renaissance school, or approved private school for
20 students with disabilities for the transportation of students to and
21 from school for secular or religious education and for school-related
22 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
23 or more, which vehicle was originally designed by the manufacturer
24 with a maximum seating capacity of nine passengers or less,
25 excluding the driver.

26 b. The chief administrator shall suspend the school bus
27 endorsement of a person, or the Type S school bus certificate of a
28 person who drives a Type S school bus pursuant to section 1 of
29 P.L. , c. (C.) (pending before the Legislature as this bill),
30 for 90 days following the date of the last conviction, or upon
31 notification of an out-of-State conviction, whichever date is later in
32 time, if the person is convicted of three or more motor vehicle
33 moving violations in a three-year period or accumulates six or more
34 motor vehicle penalty points while operating a commercial motor
35 vehicle or non-commercial motor vehicle.

36 c. The chief administrator shall notify the Commissioner of
37 Education of the suspension of a **[school bus]** driver's school bus
38 endorsement or Type S school bus certificate pursuant to subsection
39 b. of this section within one business day following the date of the
40 suspension.

41 d. Upon notification from the chief administrator pursuant to
42 subsection c. of this section, the Commissioner of Education shall
43 notify the board of education that employs the **[school bus]** driver,
44 the nonpublic school that employs the **[school bus]** driver, or the
45 contractor that employs the **[school bus]** driver that the **[school**
46 **bus]** driver's school bus endorsement or Type S school bus
47 certificate has been suspended pursuant to subsection b. of this

1 section within one business day following the date of notification of
2 the suspension. If a board of education, a nonpublic school, or a
3 contractor that employs the **【school bus】** driver is notified by the
4 commissioner that the **【school bus】** driver's school bus endorsement
5 or Type S school Bus certificate has been suspended, the employing
6 board of education, nonpublic school, or contractor, within 24 hours
7 of the notification, shall provide a statement to the Department of
8 Education verifying that the **【school bus】** driver no longer operates
9 a school bus or Type S school bus for the board, nonpublic school,
10 or contractor.

11 e. Prior to the reinstatement of any school bus endorsement or
12 Type S school bus certificate suspended pursuant to subsection b. of
13 this section, the chief administrator shall require:

14 (1) the person to complete a defensive driving course approved
15 by the chief administrator **【and】**;

16 (2) the person to complete a 10 hour training course approved by
17 the chief administrator, of which, two hours shall include
18 instruction on post-trip inspection procedures.

19 The chief administrator may require the person to fulfill any
20 other requirement that the chief administrator deems appropriate
21 prior to reinstatement of any school bus endorsement or Type S
22 school bus certificate.

23 f. This section shall apply to convictions that occur after the
24 effective date of P.L.2019, c.9 (C.39:3-10.1b).

25 (cf: P.L.2019, c.9, s.1)]²

26
27 ²1. Section 1. of P.L.2015, c.268 (C.18A:39-20.1) is amended to
28 read as follows:

29 1. a. Notwithstanding any statute or regulation to the contrary,
30 any board of education, governing body of a nonpublic school or
31 State agency may authorize qualified school personnel, State
32 employees or parents, to transport school children to and from
33 related school activities in a private vehicle with a capacity of eight
34 or less. The board of education, governing body of a nonpublic
35 school or State agency may also designate school personnel to
36 transport school children to and from school. The designated
37 personnel will only be deemed qualified to transport school children
38 to and from school if the designated school personnel meet the
39 following criteria:

40 (1) be at least 21 years of age;

41 (2) posses a New Jersey driver's license for a minimum of three
42 years;

43 (3) have a completed physical on file with the school district or
44 local education agency;

45 (4) have a completed a criminal history background check by the
46 New Jersey Department of Education and a Child Abuse Record
47 Information check;

1 (5) submit a driving record for the past five years demonstrating
2 evidence of no alcohol or drug-related motor vehicle violations; and

3 (6) has completed the training program established in accordance
4 with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on appropriate
5 procedures for interacting with students with special needs.

6 The designated personnel that meet these criteria must utilize a
7 vehicle that does not exceed a maximum seating capacity of 8
8 passengers, excluding the driver to transport school children to and
9 from school.

10 Any person authorized by a board, body or agency to provide
11 such transportation services shall not be required to be licensed or
12 regulated as a school bus driver. Such transportation shall be
13 exempt from all registration, equipment, inspection and
14 maintenance requirements imposed on the transportation of pupils
15 by school bus. Evidence of appropriate automobile insurance
16 requirements for the vehicle must be submitted by the board of
17 education, governing body of a nonpublic school or State agency to
18 the Executive County Superintendent by a date set by the
19 Commissioner of the New Jersey Department of Education.

20 Each year prior to transporting school children, the board of
21 education, governing body of a nonpublic school or State agency
22 designating school personnel as qualified to transport school
23 children to and from school pursuant to this law, must submit the
24 list of designated drivers to the Executive County Superintendent by
25 a date set by the Commissioner of the New Jersey Department of
26 Education. Only school personnel submitted by that date will be
27 eligible to transport school children to and from school for a given
28 school year.

29 The board of education, governing body of a nonpublic school or
30 State agency designating school personnel as qualified to transport
31 school children to and from school pursuant to this law, must also
32 submit periodic copies of the designated personnel's driving record
33 showing no alcohol or drug-related motor vehicle violations, or any
34 other motor vehicle violations motor vehicle violations that would
35 disqualify the driver's eligibility of transporting school children
36 pursuant to Titles 18A and Title 39 to the Executive County
37 Superintendent by a date set, and at a frequency set, by the
38 Commissioner of the New Jersey Department of Education. Failure
39 to provide the requisite driving record within the prescribed time
40 frame will result in the removal of that individual from the list of
41 designated drivers.

42 b. Notwithstanding any statute or regulation to the contrary, any
43 board of education, governing body of a nonpublic school or State
44 agency may authorize a person certified as a mobility assistance
45 vehicle technician to transport a student with medical needs to and
46 from school or related school activities in a mobility assistance
47 vehicle. Any certified mobility assistance vehicle technician
48 authorized by a board, body or agency to provide such

1 transportation services shall not be required to be licensed or
2 regulated as a school bus driver. Such transportation shall be
3 exempt from all registration, equipment, inspection and
4 maintenance requirements imposed on the transportation of students
5 by a school bus.

6 Each year prior to transporting students, a certified mobility
7 assistance vehicle technician who transports a student with medical
8 needs in accordance with this section shall furnish to the executive
9 county superintendent a criminal history background check and
10 evidence of a check for the technician's record of alcohol and drug-
11 related motor vehicle violations.

12 For the purposes of this subsection, "student with medical
13 needs," means a school-aged child who suffers from a life-
14 threatening medical condition, and as a result of such condition,
15 requires more individualized and continuous care.²

16 (cf: P.L.2015, c.268, s.1)

17

18 ²[7.] 2.² This act shall take effect on the first day of the ¹[2023-
19 2024] first full¹ school year next following the date of enactment¹,
20 except that ²[the Chief Administrator of the New Jersey Motor
21 Vehicle Commission and]² the Commissioner of Education may
22 take any anticipatory administrative action in advance as may be
23 necessary for the timely implementation of this act.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2180

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2024

The Assembly Education committee reports favorably Assembly Bill No. 2180 with committee amendments.

This bill, as amended, permits the holder of a Type S school bus certificate to operate a Type S school bus to transport children to and from school without obtaining a commercial driver license, passenger endorsement, or school bus endorsement. A person is required to meet certain requirements described in the bill to be eligible for a Type S school bus certificate. Such drivers are subject to certain provisions of law applicable to school bus drivers as enumerated in the bill.

The bill provides that a person who knowingly operates a Type S school bus while the person's driving privileges are suspended or revoked is guilty of a crime of the fourth degree. A person who does so and is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree.

The bill also provides that the Type S school bus certificate of a driver of a Type S school bus, who is found to have left a pupil on the Type S school bus at the end of the route, is to be suspended for six months for a first offense or permanently revoked for a second offense. The Type S school bus certificate of a driver of a Type S school bus is to be permanently revoked if the a pupil, who was left on the Type S school bus at the end of the route, was harmed as a result of foreseeable danger and the driver acted with gross negligence or if the driver operated a Type S school bus while the driver's driving privileges were suspended. In the event of a suspension of a Type S school bus certificate, the driver is required to complete a 10 hour training course, approved by the chief administrator, before the driver's Type S school bus certificate is reinstated.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) to suspend the Type S school bus certificate of a driver of a Type S school bus for 90 days if the driver is convicted of three or more motor vehicle moving violations in a three-year period or accumulates six or more motor vehicle penalty points while operating a commercial motor vehicle or non-commercial motor vehicle.

Under the bill, the chief administrator is required to notify the Commissioner of Education of the suspension of the driver's Type S school bus certificate and the Commissioner of Education is to notify the driver's employer that the driver's Type S school bus certificate has been suspended. The employer is then required to provide a statement to the Department of Education that the driver no longer operates a Type S school bus. A driver of a Type S school bus is required to complete a defensive driving course before the driver's Type S school bus certificate may be reinstated. Under the bill, before a school bus endorsement or Type S school bus certificate is reinstated after suspension for accumulating a certain number of motor vehicle penalty points or for being convicted of a certain number of motor vehicle moving violations, the driver is required to complete a 10 hour training course approved by the chief administrator.

A "Type S school bus" is defined in the bill to mean a motor vehicle that: (1) is operated by, or under contract with, a public school, nonpublic school, charter school, renaissance school, or approved private school for students with disabilities for the transportation of students to and from school for secular or religious education and for school-related activities; and (2) has a gross vehicle weight rating of 3,000 pounds or more, which vehicle was originally designed by the manufacturer with a maximum seating capacity of nine passengers or less, excluding the driver.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to make a technical change to the effective date.

SENATE, No. 3000

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 18, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

Co-Sponsored by:

Senators Space, Diegnan, Gopal and Holzapfel

SYNOPSIS

Permits certain persons to operate Type S school buses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2024)

S3000 BEACH, POLISTINA

2

1 AN ACT concerning school transportation, supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law.

4

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

7

8 1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall
25 be eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination
32 pursuant to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

37 (6) has completed any other conditions as determined by the
38 Chief Administrator of the New Jersey Motor Vehicle Commission
39 in collaboration with the Commissioner of Education.

40 c. Notwithstanding any other law, rule, or regulation to the
41 contrary, the holder of a valid non-commercial basic driver’s
42 license and a certificate may operate a Type S school bus to
43 transport children to and from school for secular or religious
44 education and for school-related activities and shall not be required

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.

S3000 BEACH, POLISTINA

1 to obtain a commercial driver license, passenger endorsement, or
2 school bus endorsement.

3 d. A school bus driver or driver as referenced in the following
4 provisions of law shall include a person who drives a Type S school
5 bus pursuant to this section:

- 6 (1) N.J.S.18A:25-2;
- 7 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 8 (3) N.J.S.18A:39-17;
- 9 (4) N.J.S.18A:39-18;
- 10 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 11 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 12 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 13 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 14 (9) N.J.S.18A:39-20;
- 15 (10)P.L.2003, c.19 (C.18A:39-26 et seq.);
- 16 (11)section 1 of P.L.2007, c.77 (C.18A:39-28);
- 17 (12)section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 18 (13)section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 19 (14)section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 20 (15)section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 21 (16)section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 22 (17)section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 23 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).

24
25 2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
26 read as follows:

27 1. a. For the purposes of this section, **["school"]**:
28 "School bus" shall have the meaning set forth in R.S.39:1-1.
29 "Type S school bus" shall have the meaning set forth in section 1
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32 b. A person, knowingly operating a school bus or Type S
33 school bus transporting one or more students, while that person's
34 driving privileges have been suspended or revoked shall be guilty of
35 a crime of the fourth degree.

36 c. A person, knowingly operating a school bus or Type S
37 school bus while that person's driving privileges have been
38 suspended or revoked, who is involved in an accident resulting in
39 bodily injury to another person shall be guilty of a crime of the third
40 degree.

41 (cf: P.L.2017, c.347, s.1)

42
43 3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended to
44 read as follows:

45 2. a. The Chief Administrator of the New Jersey Motor
46 Vehicle Commission shall revoke for life the passenger
47 endorsement on the commercial driver's license of a person

S3000 BEACH, POLISTINA

1 convicted of a violation of subsection b. or subsection c. of section
2 1 of P.L.2017, c.347 (C.2C:40-26.1).

3 b. The chief administrator shall revoke for life the special
4 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
5 certificate issued pursuant to section 1 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), to a person convicted
7 of a violation of subsection b. or subsection c. of section 1 of
8 P.L.2017, c.347 (C.2C:40-26.1).
9 (cf: P.L.2017, c.347, s.2)

10

11 4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
12 read as follows:

13 2. a. In the event that, after notice and opportunity to be heard,
14 a school bus driver or driver of a Type S school bus pursuant
15 to P.L. , c. (C.) (pending before the Legislature as this bill)
16 is found to have left a pupil on the school bus or a Type S school
17 bus as defined in section 1 of P.L. , c. (C.) (pending before
18 the Legislature as this bill), at the end of **【his】** the driver's route,
19 **【his】** the driver's school bus endorsement or Type S school bus
20 certificate, in the case of a Type S school bus driver, shall be:

21 (1) suspended for six months, for a first offense; or

22 (2) permanently revoked, for a second offense.

23 b. In the event of a suspension of a Type S school bus
24 certificate pursuant to this section, the driver shall complete a 10
25 hour training course approved by the chief administrator, of which,
26 two hours shall include instruction on post-trip inspection
27 procedures. The training required pursuant to this subsection shall
28 be completed before the driver's Type S school bus certificate is
29 reinstated.

30 (cf: P.L.2007, c.77, s.2)

31

32 5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to
33 read as follows:

34 3. In the event that a pupil, who was left on a bus by a school
35 bus driver at the end of the route, including a pupil who is left on a
36 Type S school bus as defined in section 1 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) by the driver of a Type
38 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
39 before the Legislature as this bill), is harmed as a result of
40 foreseeable danger and the driver is found, after notice and
41 opportunity to be heard, to have acted with gross negligence, **【his】**
42 the driver's school bus endorsement or Type S School Bus
43 certificate, in the case of a Type S school bus driver, shall be
44 permanently revoked.

45 (cf: P.L.2007, c.77, s.3)

46

47 6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to read
48 as follows:

S3000 BEACH, POLISTINA

1 1. a. For the purposes of this section:

2 "Chief administrator" means the Chief Administrator of the New
3 Jersey Motor Vehicle Commission.

4 "Commercial motor vehicle" shall have the same meaning as
5 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

6 "Motor vehicle moving violation" means any violation of the
7 motor vehicle laws of this State or any other jurisdiction for which
8 motor vehicle points are assessed by the chief administrator
9 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
10 violation of the motor vehicle laws of any other jurisdiction for
11 which motor vehicle points would be assessed if that violation had
12 occurred in this State.

13 "Non-commercial motor vehicle" shall have the same meaning as
14 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

15 "Type S school bus" means a motor vehicle that: (1) is operated
16 by, or under contract with, a public school, nonpublic school,
17 charter school, renaissance school, or approved private school for
18 students with disabilities for the transportation of students to and
19 from school for secular or religious education and for school-related
20 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
21 or more, which vehicle was originally designed by the manufacturer
22 with a maximum seating capacity of nine passengers or less,
23 excluding the driver.

24 b. The chief administrator shall suspend the school bus
25 endorsement of a person, or the Type S school bus certificate of a
26 person who drives a Type S school bus pursuant to section 1 of
27 P.L. , c. (C.) (pending before the Legislature as this bill),
28 for 90 days following the date of the last conviction, or upon
29 notification of an out-of-State conviction, whichever date is later in
30 time, if the person is convicted of three or more motor vehicle
31 moving violations in a three-year period or accumulates six or more
32 motor vehicle penalty points while operating a commercial motor
33 vehicle or non-commercial motor vehicle.

34 c. The chief administrator shall notify the Commissioner of
35 Education of the suspension of a **[school bus]** driver's school bus
36 endorsement or Type S school bus certificate pursuant to subsection
37 b. of this section within one business day following the date of the
38 suspension.

39 d. Upon notification from the chief administrator pursuant to
40 subsection c. of this section, the Commissioner of Education shall
41 notify the board of education that employs the **[school bus]** driver,
42 the nonpublic school that employs the **[school bus]** driver, or the
43 contractor that employs the **[school bus]** driver that the **[school**
44 **bus]** driver's school bus endorsement or Type S school bus
45 certificate has been suspended pursuant to subsection b. of this
46 section within one business day following the date of notification of
47 the suspension. If a board of education, a nonpublic school, or a

1 contractor that employs the **【school bus】** driver is notified by the
2 commissioner that the **【school bus】** driver's school bus endorsement
3 or Type S school Bus certificate has been suspended, the employing
4 board of education, nonpublic school, or contractor, within 24 hours
5 of the notification, shall provide a statement to the Department of
6 Education verifying that the **【school bus】** driver no longer operates
7 a school bus or Type S school bus for the board, nonpublic school,
8 or contractor.

9 e. Prior to the reinstatement of any school bus endorsement or
10 Type S school bus certificate suspended pursuant to subsection b. of
11 this section, the chief administrator shall require:

12 (1) the person to complete a defensive driving course approved
13 by the chief administrator **【and】**;

14 (2) the person to complete a 10 hour training course approved
15 by the chief administrator, of which, two hours shall include
16 instruction on post-trip inspection procedures.

17 The chief administrator may require the person to fulfill any
18 other requirement that the chief administrator deems appropriate
19 prior to reinstatement of any school bus endorsement or Type S
20 school bus certificate.

21 f. This section shall apply to convictions that occur after the
22 effective date of P.L.2019, c.9 (C.39:3-10.1b).

23 (cf: P.L.2019, c.9, s.1)

24

25 7. This act shall take effect on the first day of the 2023-2024
26 school year, except that the Chief Administrator of the New Jersey
27 Motor Vehicle Commission and the Commissioner of Education
28 may take any anticipatory administrative action in advance as may
29 be necessary for the timely implementation of this act.

30

31

32

STATEMENT

33

34 This bill permits the holder of a Type S school bus certificate to
35 operate a Type S school bus to transport children to and from
36 school without obtaining a commercial driver license, passenger
37 endorsement, or school bus endorsement. A person is required to
38 meet certain requirements described in the bill to be eligible for a
39 Type S school bus certificate. Such drivers are subject to certain
40 provisions of law applicable to school bus drivers as enumerated in
41 the bill.

42 The bill provides that a person who knowingly operates a Type S
43 school bus while the person's driving privileges are suspended or
44 revoked is guilty of a crime of the fourth degree. A person who
45 does so and is involved in an accident resulting in bodily injury to
46 another person is guilty of a crime of the third degree.

47 The bill also provides that the Type S school bus certificate of a
48 driver of a Type S school bus, who is found to have left a pupil on

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1 the Type S school bus at the end of the route, is to be suspended for
2 six months for a first offense or permanently revoked for a second
3 offense. The Type S school bus certificate of a driver of a Type S
4 school bus is to be permanently revoked if the a pupil, who was left
5 on the Type S school bus at the end of the route, was harmed as a
6 result of foreseeable danger and the driver acted with gross
7 negligence or if the driver operated a Type S school bus while the
8 driver's driving privileges were suspended. In the event of a
9 suspension of a Type S school bus certificate, the driver is required
10 to complete a 10 hour training course, approved by the chief
11 administrator, before the driver's Type S school bus certificate is
12 reinstated.

13 The bill requires the Chief Administrator (chief administrator) of
14 the New Jersey Motor Vehicle Commission to suspend the Type S
15 school bus certificate of a driver of a Type S school bus for 90 days
16 if the driver is convicted of three or more motor vehicle moving
17 violations in a three-year period or accumulates six or more motor
18 vehicle penalty points while operating a commercial motor vehicle
19 or non-commercial motor vehicle.

20 Under the bill, the chief administrator is required to notify the
21 Commissioner of Education of the suspension of the driver's Type
22 S school bus certificate and the Commissioner of Education is to
23 notify the driver's employer that the driver's Type S school bus
24 certificate has been suspended. The employer is then required to
25 provide a statement to the Department of Education that the driver
26 no longer operates a Type S school bus. A driver of a Type S
27 school bus is required to complete a defensive driving course before
28 the driver's Type S school bus certificate may be reinstated. Under
29 the bill, before a school bus endorsement or Type S school bus
30 certificate is reinstated after suspension for accumulating a certain
31 number of motor vehicle penalty points or for being convicted of a
32 certain number of motor vehicle moving violations, the driver is
33 required to complete a 10 hour training course approved by the
34 chief administrator.

35 A "Type S school bus" is defined in the bill to mean a motor
36 vehicle that: (1) is operated by, or under contract with, a public
37 school, nonpublic school, charter school, renaissance school, or
38 approved private school for students with disabilities for the
39 transportation of students to and from school for secular or religious
40 education and for school-related activities; and (2) has a gross
41 vehicle weight rating of 3,000 pounds or more, which vehicle was
42 originally designed by the manufacturer with a maximum seating
43 capacity of nine passengers or less, excluding the driver.

[First Reprint]

SENATE, No. 3000

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MARCH 18, 2024

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

Co-Sponsored by:

Senators Space, Diegnan, Gopal, Holzapel and Ruiz

SYNOPSIS

Permits certain persons to operate Type S school buses.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on May 6, 2024, with amendments.



(Sponsorship Updated As Of: 5/20/2024)

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2

1 AN ACT concerning school transportation, supplementing Title 39
2 of the Revised Statutes, and amending various parts of the
3 statutory law.

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

7
8 1. (New section) a. As used in this section:

9 “Type S school bus” means a motor vehicle that: (1) is operated
10 by, or under contract with, a public school, nonpublic school,
11 charter school, renaissance school, or approved private school for
12 students with disabilities for the transportation of students to and
13 from school for secular or religious education and for school-related
14 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
15 or more, which vehicle was originally designed by the manufacturer
16 with a maximum seating capacity of nine passengers or less,
17 excluding the driver.

18 “Type S School Bus Certificate” or “certificate” means a
19 certificate, issued and recorded by the New Jersey Motor Vehicle
20 Commission, obtained by an individual who has successfully
21 completed certain requirements as established by the New Jersey
22 Motor Vehicle Commission pursuant to subsection b. of this
23 section.

24 b. A person who meets all of the following requirements shall
25 be eligible to obtain a Type S school bus certificate from the New
26 Jersey Motor Vehicle Commission:

27 (1) is at least 21 years old;

28 (2) has held a valid basic driver’s license for a minimum of
29 three years;

30 (3) has passed a physical and eye examination;

31 (4) has completed and passed a knowledge examination
32 pursuant to R.S.39:3-10.1;

33 (5) has completed the training program established in
34 accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on
35 appropriate procedures for interacting with students with special
36 needs; and

37 (6) has completed any other conditions as determined by the
38 Chief Administrator of the New Jersey Motor Vehicle Commission
39 in collaboration with the Commissioner of Education.

40 c. Notwithstanding any other law, rule, or regulation to the
41 contrary, the holder of a valid non-commercial basic driver’s
42 license and a certificate may operate a Type S school bus to
43 transport children to and from school for secular or religious
44 education and for school-related activities and shall not be required

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:

¹Senate STR committee amendments adopted May 6, 2024.

1 to obtain a commercial driver license, passenger endorsement, or
2 school bus endorsement.

3 d. A school bus driver or driver as referenced in the following
4 provisions of law shall include a person who drives a Type S school
5 bus pursuant to this section:

- 6 (1) N.J.S.18A:25-2;
- 7 (2) section 13 of P.L.1998, c.31 (C.18A:6-7.2a);
- 8 (3) N.J.S.18A:39-17;
- 9 (4) N.J.S.18A:39-18;
- 10 (5) section 6 of P.L.1989, c.104 (C.18A:39-19.1);
- 11 (6) section 1 of P.L.2018, c.160 (C.18A:39-19.1a);
- 12 (7) P.L.2015, c.123 (C.18A:39-19.2 et seq.);
- 13 (8) section 1 of P.L.2018, c.152 (C.18A:39-19.6);
- 14 (9) N.J.S.18A:39-20;
- 15 (10)P.L.2003, c.19 (C.18A:39-26 et seq.);
- 16 (11)section 1 of P.L.2007, c.77 (C.18A:39-28);
- 17 (12)section 6 of P.L.2009, c.131 (C.18A:40-12.16);
- 18 (13)section 9 of P.L.2009, c.131 (C.18A:40-12.19);
- 19 (14)section 3 of P.L.2019, c.290 (C.18A:40-12.36);
- 20 (15)section 5 of P.L.2019, c.290 (C.18A:40-12.38);
- 21 (16)section 2 of P.L.1975, c.284 (C.39:3-10.1a);
- 22 (17)section 6 of P.L.2003, c.66 (C.39:3-10.32); and
- 23 (18) section 1 of P.L.2002, c.120 (C.39:3B-25).

24
25 2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to
26 read as follows:

27 1. a. For the purposes of this section, **["school"]**:
28 "School bus" shall have the meaning set forth in R.S.39:1-1.
29 "Type S school bus" shall have the meaning set forth in section 1
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32 b. A person, knowingly operating a school bus or Type S
33 school bus transporting one or more students, while that person's
34 driving privileges have been suspended or revoked shall be guilty of
35 a crime of the fourth degree.

36 c. A person, knowingly operating a school bus or Type S
37 school bus while that person's driving privileges have been
38 suspended or revoked, who is involved in an accident resulting in
39 bodily injury to another person shall be guilty of a crime of the third
40 degree.

41 (cf: P.L.2017, c.347, s.1)

42
43 3. Section 2 of P.L.2017, c.347 (C.18A:39-19.5) is amended to
44 read as follows:

45 2. a. The Chief Administrator of the New Jersey Motor
46 Vehicle Commission shall revoke for life the passenger
47 endorsement on the commercial driver's license of a person

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1 convicted of a violation of subsection b. or subsection c. of section
2 1 of P.L.2017, c.347 (C.2C:40-26.1).

3 b. The chief administrator shall revoke for life the special
4 license issued pursuant to R.S.39:3-10.1, or the Type S school bus
5 certificate issued pursuant to section 1 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), to a person convicted
7 of a violation of subsection b. or subsection c. of section 1 of
8 P.L.2017, c.347 (C.2C:40-26.1).
9 (cf: P.L.2017, c.347, s.2)

10

11 4. Section 2 of P.L.2007, c.77 (C.18A:39-29) is amended to
12 read as follows:

13 2. a. In the event that, after notice and opportunity to be heard,
14 a school bus driver or driver of a Type S school bus pursuant
15 to P.L. , c. (C.) (pending before the Legislature as this bill)
16 is found to have left a pupil on the school bus or a Type S school
17 bus as defined in section 1 of P.L. , c. (C.) (pending before
18 the Legislature as this bill), at the end of **【his】** the driver's route,
19 **【his】** the driver's school bus endorsement or Type S school bus
20 certificate, in the case of a Type S school bus driver, shall be:

21 (1) suspended for six months, for a first offense; or

22 (2) permanently revoked, for a second offense.

23 b. In the event of a suspension of a Type S school bus
24 certificate pursuant to this section, the driver shall complete a 10
25 hour training course approved by the chief administrator, of which,
26 two hours shall include instruction on post-trip inspection
27 procedures. The training required pursuant to this subsection shall
28 be completed before the driver's Type S school bus certificate is
29 reinstated.

30 (cf: P.L.2007, c.77, s.2)

31

32 5. Section 3 of P.L.2007, c.77 (C.18A:39-30) is amended to
33 read as follows:

34 3. In the event that a pupil, who was left on a bus by a school
35 bus driver at the end of the route, including a pupil who is left on a
36 Type S school bus as defined in section 1 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) by the driver of a Type
38 S school bus pursuant to section 1 of P.L. , c. (C.) (pending
39 before the Legislature as this bill), is harmed as a result of
40 foreseeable danger and the driver is found, after notice and
41 opportunity to be heard, to have acted with gross negligence, **【his】**
42 the driver's school bus endorsement or Type S School Bus
43 certificate, in the case of a Type S school bus driver, shall be
44 permanently revoked.

45 (cf: P.L.2007, c.77, s.3)

46

47 6. Section 1 of P.L.2019, c.9 (C.39:3-10.1b) is amended to read
48 as follows:

1 1. a. For the purposes of this section:

2 "Chief administrator" means the Chief Administrator of the New
3 Jersey Motor Vehicle Commission.

4 "Commercial motor vehicle" shall have the same meaning as
5 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

6 "Motor vehicle moving violation" means any violation of the
7 motor vehicle laws of this State or any other jurisdiction for which
8 motor vehicle points are assessed by the chief administrator
9 pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5) or any
10 violation of the motor vehicle laws of any other jurisdiction for
11 which motor vehicle points would be assessed if that violation had
12 occurred in this State.

13 "Non-commercial motor vehicle" shall have the same meaning as
14 provided in section 3 of P.L.1990, c.103 (C.39:3-10.11).

15 "Type S school bus" means a motor vehicle that: (1) is operated
16 by, or under contract with, a public school, nonpublic school,
17 charter school, renaissance school, or approved private school for
18 students with disabilities for the transportation of students to and
19 from school for secular or religious education and for school-related
20 activities; and (2) has a gross vehicle weight rating of 3,000 pounds
21 or more, which vehicle was originally designed by the manufacturer
22 with a maximum seating capacity of nine passengers or less,
23 excluding the driver.

24 b. The chief administrator shall suspend the school bus
25 endorsement of a person, or the Type S school bus certificate of a
26 person who drives a Type S school bus pursuant to section 1 of
27 P.L. , c. (C.) (pending before the Legislature as this bill),
28 for 90 days following the date of the last conviction, or upon
29 notification of an out-of-State conviction, whichever date is later in
30 time, if the person is convicted of three or more motor vehicle
31 moving violations in a three-year period or accumulates six or more
32 motor vehicle penalty points while operating a commercial motor
33 vehicle or non-commercial motor vehicle.

34 c. The chief administrator shall notify the Commissioner of
35 Education of the suspension of a **[school bus]** driver's school bus
36 endorsement or Type S school bus certificate pursuant to subsection
37 b. of this section within one business day following the date of the
38 suspension.

39 d. Upon notification from the chief administrator pursuant to
40 subsection c. of this section, the Commissioner of Education shall
41 notify the board of education that employs the **[school bus]** driver,
42 the nonpublic school that employs the **[school bus]** driver, or the
43 contractor that employs the **[school bus]** driver that the **[school**
44 **bus]** driver's school bus endorsement or Type S school bus
45 certificate has been suspended pursuant to subsection b. of this
46 section within one business day following the date of notification of
47 the suspension. If a board of education, a nonpublic school, or a

1 contractor that employs the **【school bus】** driver is notified by the
2 commissioner that the **【school bus】** driver's school bus endorsement
3 or Type S school Bus certificate has been suspended, the employing
4 board of education, nonpublic school, or contractor, within 24 hours
5 of the notification, shall provide a statement to the Department of
6 Education verifying that the **【school bus】** driver no longer operates
7 a school bus or Type S school bus for the board, nonpublic school,
8 or contractor.

9 e. Prior to the reinstatement of any school bus endorsement or
10 Type S school bus certificate suspended pursuant to subsection b. of
11 this section, the chief administrator shall require:

12 (1) the person to complete a defensive driving course approved
13 by the chief administrator **【and】**;

14 (2) the person to complete a 10 hour training course approved
15 by the chief administrator, of which, two hours shall include
16 instruction on post-trip inspection procedures.

17 The chief administrator may require the person to fulfill any
18 other requirement that the chief administrator deems appropriate
19 prior to reinstatement of any school bus endorsement or Type S
20 school bus certificate.

21 f. This section shall apply to convictions that occur after the
22 effective date of P.L.2019, c.9 (C.39:3-10.1b).

23 (cf: P.L.2019, c.9, s.1)

24

25 7. This act shall take effect on the first day of the ¹**【2023-2024】**
26 first full¹ school year¹ next following the date of enactment¹, except
27 that the Chief Administrator of the New Jersey Motor Vehicle
28 Commission and the Commissioner of Education may take any
29 anticipatory administrative action in advance as may be necessary for
30 the timely implementation of this act.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3000

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3000.

As amended and reported, this bill permits the holder of a Type S school bus certificate to operate a Type S school bus to transport children to and from school without obtaining a commercial driver license, passenger endorsement, or school bus endorsement. A person is required to meet certain requirements described in the bill to be eligible for a Type S school bus certificate. Such drivers are subject to certain provisions of law applicable to school bus drivers as enumerated in the bill.

The bill provides that a person who knowingly operates a Type S school bus while the person's driving privileges are suspended or revoked is guilty of a crime of the fourth degree. A person who does so and is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree.

The bill also provides that the Type S school bus certificate of a driver of a Type S school bus, who is found to have left a pupil on the Type S school bus at the end of the route, is to be suspended for six months for a first offense or permanently revoked for a second offense. The Type S school bus certificate of a driver of a Type S school bus is to be permanently revoked if a pupil, who was left on the Type S school bus at the end of the route, was harmed as a result of foreseeable danger and the driver acted with gross negligence or if the driver operated a Type S school bus while the driver's driving privileges were suspended. In the event of a suspension of a Type S school bus certificate, the driver is required to complete a 10 hour training course, approved by the Chief Administrator (chief administrator) of the New Jersey Motor Vehicle Commission, before the driver's Type S school bus certificate is reinstated.

The bill requires the chief administrator to suspend the Type S school bus certificate of a driver of a Type S school bus for 90 days if the driver is convicted of three or more motor vehicle moving violations in a three-year period or accumulates six or more motor vehicle penalty points while operating a commercial motor vehicle or non-commercial motor vehicle.

Under the bill, the chief administrator is required to notify the Commissioner of Education of the suspension of the driver's Type S school bus certificate and the Commissioner of Education is to notify the driver's employer that the driver's Type S school bus certificate has been suspended. The employer is then required to provide a statement to the Department of Education that the driver no longer operates a Type S school bus. A driver of a Type S school bus is required to complete a defensive driving course before the driver's Type S school bus certificate may be reinstated. Under the bill, before a school bus endorsement or Type S school bus certificate is reinstated after suspension for accumulating a certain number of motor vehicle penalty points or for being convicted of a certain number of motor vehicle moving violations, the driver is required to complete a 10 hour training course approved by the chief administrator.

A "Type S school bus" is defined in the bill to mean a motor vehicle that: (1) is operated by, or under contract with, a public school, nonpublic school, charter school, renaissance school, or approved private school for students with disabilities for the transportation of students to and from school for secular or religious education and for school-related activities; and (2) has a gross vehicle weight rating of 3,000 pounds or more, which vehicle was originally designed by the manufacturer with a maximum seating capacity of nine passengers or less, excluding the driver.

COMMITTEE AMENDMENTS:

The committee amended the bill to require the bill to take effect on the first day of the first full school year following the date of enactment.

ASSEMBLY BILL NO. 2180
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2180 (First Reprint) with my recommendations for reconsideration.

This bill proposes changes to our laws regarding school bus transportation for our students. Specifically, the bill creates a new Type S school bus certificate. Pursuant to the bill, a holder of a Type S school bus certificate shall be authorized to operate a new classification of a school bus vehicle referred to in the bill as a Type S school bus. A Type S school bus is further defined as a motor vehicle that: (1) is operated by, or under contract with, a public school, nonpublic school, charter school, renaissance school, or approved private school for students with disabilities for the transportation of students to and from school for secular or religious education and for school-related activities; and (2) has a gross vehicle weight rating of 3,000 pounds or more, which vehicle was originally designed by the manufacturer with a maximum seating capacity of nine passengers or less, excluding the driver.

I applaud the bill's sponsors for exploring ways to ensure school districts meet their transportation needs. I am concerned, however, that the manner in which the bill proposes to increase the pool of drivers has the potential to compromise the safety of our students in support of that goal.

Pursuant to federal mandates, New Jersey requires that all drivers operating a school bus must obtain a commercial driver's license ("CDL") with the appropriate endorsements. All New Jersey school bus drivers must also get both P (Passenger) and S (School bus) endorsements. New Jersey's laws further enumerate a number of requirements pertaining to school bus drivers, including age

requirements, driving experience, health requirements, exam requirements, and criminal background checks. See, e.g., N.J.S.A. 18A:39-19.1 and N.J.S.A. 18A:39-19.1a.

While the bill incorporates many of these same criteria for Type S certificate eligibility, it does not require the Type S holder to possess a CDL, or S and P endorsements. Accordingly, the holder of a Type S school bus certificate would not be required to pass a skills test and may be the holder of a basic, non-commercial driver's license, which falls contrary to both federal, and current state mandates.

Further, our current laws require the Motor Vehicle Commission ("MVC") to notify the New Jersey Department of Education ("DOE") of the suspension or revocation of school bus driver's CDL. See N.J.S.A. 39:3-10.1b; N.J.S.A. 18A:39-19.1. The DOE shall then in turn notify the school district employing the driver for immediate termination. Although the bill attempts to incorporate these notification requirements for holders of a Type S bus certificate, it does not provide a mechanism to do so, and the State is currently not equipped to ensure that these critical notifications are made. The bill, as drafted, omits this essential safety mechanism currently in place to protect our children during their daily commute to and from school.

New Jersey also participates in the state-to-state driver's license system. This allows New Jersey to access out of state driving records for its license holders. Thus, MVC's notification includes disqualifying convictions that are received out of state as well. However, the proposed Type S school bus certificate is not a class of driver's license or endorsement that is associated with any existing types of driver's license. Attaching a certificate to a driver's license is a novel concept that is not recognized in New Jersey or in any other state. MVC can only track

driving records associated with a driver's license. Since the proposed Type S certificate is not recognized nationally, it is not part of the state-to-state driver's license system that allows MVC to access out of state driving records for the holder. Thus, the State would have no mechanism to ensure that the Type S certificate holder is complying with the disqualification requirements outlined in this bill, outside of New Jersey.

Likewise, consistent with federal law, New Jersey mandates that school buses meet certain safety requirements to be eligible to remain in service to transport students, such as properly equipped seats and lap and shoulder seat belts or other child restraint systems that are in conformity with applicable federal standards. N.J.S.A. 39:3B-11. In addition, under current law, school buses are required to have specific, in-depth inspections and be properly maintained. Indeed, inspection failures will result in immediate removal of the school bus from service. N.J.S.A. 39:3B-21. The definition of the Type S school bus proposed by this bill mirrors the current regulatory definition of Type S school vehicle in N.J.A.C. 3A:52-9.2, but it does not subject a Type S school bus to any of the current safety or inspection requirements currently mandated for school buses. Rather, the Type S school bus would be excluded from the statutory safety and inspection mandates. Since the Type S school bus does not fall under the definition and parameters of a federally recognized school bus, it would not be subject to the safety and inspection requirements that are federally mandated for school buses either.

In sum, the provisions of this bill propose to allow students to be transported in a vehicle that would not be subject to any specific safety and inspection requirements, fail to ensure proper oversight of the driving privileges of a Type S certificate holder,

and pivotally, fail to ensure that these drivers are properly trained, qualified and eligible to transport our most vulnerable passengers - school children.

I understand that many school districts are facing a potential shortage of available bus drivers and are looking to maximize the pool of drivers available to provide the critical service of transporting our school children to and from school. However, this goal must not be carried out in a manner that potentially drastically increases the number of drivers of students on the road, while simultaneously reducing the safety standards for school vehicles and eligibility qualifications for their drivers. Therefore, my recommendations will expand existing law to allow school districts to increase their pool of drivers in a tailored way to reduce the potential impacts to student safety. Currently, school districts have the option to authorize qualified school personnel to transport students to school-related activities. Pursuant to my recommendation, school districts will also have the option to authorize these qualified school personnel to transport students to and from school as well, as long as they meet certain age, driving, physical, training, and background check requirements.

Therefore, I herewith return Assembly Bill No. 2180 (First Reprint) and recommend that it be amended as follows:

| | |
|--|--|
| <u>Page 2, Title, Line 1:</u> | Delete "supplementing Title 39" and insert "amending P.L.2015, c.268 (C.18A:39-20.1)." |
| <u>Page 2, Title, Lines 2-3:</u> | Delete in their entirety |
| <u>Page 2, Section 1, Lines 8-44:</u> | Delete in their entirety |
| <u>Page 3, Section 1, Lines 1-24:</u> | Delete in their entirety |
| <u>Page 3, Section 2, Lines 25-42:</u> | Delete in their entirety |
| <u>Page 3, Section 3, Lines 43-47:</u> | Delete in their entirety |
| <u>Page 4, Section 3, Lines 1-10:</u> | Delete in their entirety |

| | |
|--|--|
| <u>Page 4, Section 4, Lines 11-30:</u> | Delete in their entirety |
| <u>Page 4, Section 5, Lines 31-45:</u> | Delete in their entirety |
| <u>Page 4, Section 6, Lines 46-48:</u> | Delete in their entirety |
| <u>Page 5, Section 6, Lines 1-47:</u> | Delete in their entirety |
| <u>Page 6, Section 6, Lines 1-21:</u> | Delete in their entirety |
| <u>Page 6, Section 6, Line 22:</u> | <p>Delete "(cf: P.L.2019, c.9, s.1)" and insert "1. Section 1. of P.L.2015, c.268 (C.18A:39-20.1) is amended to read as follows: 1. a. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school or State agency may authorize qualified school personnel, State employees or parents, to transport school children to and from related school activities in a private vehicle with a capacity of eight or less. <u>The board of education, governing body of a nonpublic school or State agency may also designate school personnel to transport school children to and from school. The designated personnel will only be deemed qualified to transport school children to and from school if the designated school personnel meet the following criteria:</u></p> <p><u>(1) be at least 21 years of age;</u></p> <p><u>(2) posses a New Jersey driver's license for a minimum of three years;</u></p> <p><u>(3) have a completed physical on file with the school district or local education agency;</u></p> <p><u>(4) have a completed a criminal history background check by the New Jersey Department of Education and a Child Abuse Record Information check;</u></p> <p><u>(5) submit a driving record for the past five years demonstrating evidence of no alcohol or drug-related motor vehicle violations; and</u></p> <p><u>(6) has completed the training program established in accordance with P.L.2015, c.123 (C.18A:39-19.2 et seq.) on appropriate procedures for interacting with students with special needs.</u></p> |

The designated personnel that meet these criteria must utilize a vehicle that does not exceed a maximum seating capacity of 8 passengers, excluding the driver to transport school children to and from school.

Any person authorized by a board, body or agency to provide such transportation services shall not be required to be licensed or regulated as a school bus driver. Such transportation shall be exempt from all registration, equipment, inspection and maintenance requirements imposed on the transportation of pupils by school bus. Evidence of appropriate automobile insurance requirements for the vehicle must be submitted by the board of education, governing body of a nonpublic school or State agency to the Executive County Superintendent by a date set by the Commissioner of the New Jersey Department of Education.

Each year prior to transporting school children, the board of education, governing body of a nonpublic school or State agency designating school personnel as qualified to transport school children to and from school pursuant to this law, must submit the list of designated drivers to the Executive County Superintendent by a date set by the Commissioner of the New Jersey Department of Education. Only school personnel submitted by that date will be eligible to transport school children to and from school for a given school year.

The board of education, governing body of a nonpublic school or State agency designating school personnel as qualified to transport school children to and from school pursuant to this law, must also submit periodic copies of the designated personnel's driving record showing no alcohol or drug-related motor vehicle violations, or any other motor

vehicle violations motor vehicle violations that would disqualify the driver's eligibility of transporting school children pursuant to Titles 18A and Title 39 to the Executive County Superintendent by a date set, and at a frequency set, by the Commissioner of the New Jersey Department of Education. Failure to provide the requisite driving record within the prescribed time frame will result in the removal of that individual from the list of designated drivers.

b. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school or State agency may authorize a person certified as a mobility assistance vehicle technician to transport a student with medical needs to and from school or related school activities in a mobility assistance vehicle. Any certified mobility assistance vehicle technician authorized by a board, body or agency to provide such transportation services shall not be required to be licensed or regulated as a school bus driver. Such transportation shall be exempt from all registration, equipment, inspection and maintenance requirements imposed on the transportation of students by a school bus.

Each year prior to transporting students, a certified mobility assistance vehicle technician who transports a student with medical needs in accordance with this section shall furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations.

For the purposes of this subsection, "student with medical needs," means a school-aged child who suffers from a life-threatening medical condition, and as a result of such condition, requires more individualized and continuous care.

Page 6, Section 7, Line 24:

Delete "7." and insert "2."

Page 6, Section 7, Line 26:

Delete "the Chief Administrator of the New Jersey Motor Vehicle"

Page 6, Section 7, Line 27:

Delete "Commission and"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

09/12/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

S-721/A-2812 (Steinhardt, Sarlo/Greenwald, Swain, Egan) - Exempts sales of investment metal bullion and investment coins from sales and use tax

S-741/A-2608 (Diegnan/Karabinchak) - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Jersey City in Hudson County

SCS for S-2188/ACS for A-1970 (Ruiz, Greenstein/Speight, Karabinchak, Verrelli) – Requires DEP, DOH, owners or operators of certain public community water systems, and owners or operators of certain buildings or facilities to take certain actions to prevent and control cases of Legionnaires' disease

S-2311/A-1128 (Singleton, Singer/DiMaio, Matsikoudis) - Requires criminal history background check for individuals seeking licensure issued by boards regulating certain health care professions

S-2435/A-3537 (Greenstein, Mukherji/Stanley, McCoy, Murphy) - Revises certain requirements concerning eligibility for reimbursement from “Emergency Medical Technician Training Fund”

S-2607/A-3872 (Ruiz, McKnight/Pintor Marin, Calabrese, Speight) - Requires private bus operators to provide notice and hold public meetings for certain service changes

S-2810/A-3779 (Diegnan/DeAngelo, Karabinchak, Bagolie) - Changes membership of board of trustees of SPRS to remove requirement that two members be private citizens

S-3097/A-4226 (Pou, Sarlo/Wimberly, Sumter) - Modifies requirements for certain projects under Economic Redevelopment and Growth Grant program

S-3134/A-4192 (Diegnan, Moriarty/Calabrese, Carter) - Requires MVC to take certain action concerning commercial driver licenses and commercial learner’s permits

S-3235/A-4461 (Ruiz, Moriarty/Conaway, Miller, Sampson) – Regulates production and sale of certain intoxicating hemp products

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S-3368/A-4623 (Ruiz, McKnight/Calabrese, Stanley, Reynolds-Jackson) - Concerns law protecting residential tenants from lead-based paint hazards

S-3407/A-4540 (Lagana/Verrelli) - Requires payment of prevailing wage for projects financed through commercial property assessed clean energy program

A-2610/S-3203 (Karabinchak, Calabrese, Sauickie/Gopal) - Extends annual horse racing purse subsidies through State fiscal year 2029

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A-2890/S-3231 (Verrelli, Reynolds-Jackson, Quijano/Cryan) - Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security

A-4035/S-2809 (Dunn, Speight/Bucco, Pennacchio) - Requires State to sell as surplus property certain land and improvements in Morris County known as Central Park School

A-4533/S-3421 (Coughlin, Wimberly, Speight/Zwicker, Johnson) - Revises certain sections of law concerning financing mechanisms for school facilities projects of regular operating districts

A-4534/S-3439 (Coughlin, Wimberly, Schnall/Vitale, Mukherji) - Revises definition of qualified assistance fund expenses under UEZ program to include costs of transportation infrastructure projects and related debt service

Governor Murphy conditionally vetoed the following bills:

S-2864/A-4061 (Lagana/Verrelli, Swain, Venezia) – CONDITIONAL - Establishes working hours for certain minors employed as professional athletes

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S-3455/A-4597 (Sarlo, Burzichelli/Calabrese, Moen, Stanley) – CONDITIONAL - Provides for automatic renewal of off-track wagering licenses

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A-2180/S-3000 (Moen, Wimberly, Murphy/Beach, Polistina) – CONDITIONAL - Permits certain persons to operate Type S school buses

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A-2294/S-1443 (Lopez, Freiman, Tully/Singleton, Johnson) – CONDITIONAL - Establishes mortgage payment relief and foreclosure protection for certain homeowners impacted by the remnants of Hurricane Ida

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A-2607/S-360 (Karabinchak, Calabrese, Inganamort/Diegnan, Mukherji) – CONDITIONAL - Authorizes taxicabs, limousines, and transportation network companies to provide paratransit services for two-year period

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Governor Murphy Takes Action on Legislation

10/4/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

A-2180wGR/S-3000 (Moen, Wimberly, Murphy/Beach, Polistina) - Permits certain school personnel to transport students.

A-2607wGR/S-360 (Karabinchak, Calabrese, Inganamort/Diegnan, Mukherji) - Authorizes taxicabs, limousines, and transportation network companies to provide paratransit services for two-year period.