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HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

§1 - C.2C:40-26.1
§2 –
C.18A:39-19.5 &
Note to
R.S.39:3-10.1
§3 - Note

P.L. 2017, CHAPTER 347, *approved January 16, 2018*
Assembly, No. 597

1 **AN ACT** concerning school bus operators, supplementing Title 2C
2 and Title 18A of the New Jersey Statutes, and amending
3 P.L.1989, c.104.

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

7
8 1. (New Section) a. For the purposes of this section, “school
9 bus” shall have the meaning set forth in R.S.39:1-1.

10 b. A person, knowingly operating a school bus transporting one
11 or more students, while that person’s driving privileges have been
12 suspended or revoked shall be guilty of a crime of the fourth
13 degree.

14 c. A person, knowingly operating a school bus while that
15 person’s driving privileges have been suspended or revoked, who is
16 involved in an accident resulting in bodily injury to another person
17 shall be guilty of a crime of the third degree.

18
19 2. (New Section) a. The Chief Administrator of the New
20 Jersey Motor Vehicle Commission shall revoke for life the
21 passenger endorsement on the commercial driver’s license of a
22 person convicted of a violation of subsection b. or subsection c. of
23 section 1 of P.L. , c. (C.) (pending before the Legislature
24 as this bill).

25 b. The chief administrator shall revoke for life the special
26 license issued pursuant to R.S.39:3-10.1 to a person convicted of a
27 violation of subsection b. or subsection c. of section 1 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill).

29
30 3. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to
31 read as follows:

32 6. a. Prior to employment as a school bus driver, and upon
33 application for renewal of a school bus driver's license, a bus driver
34 shall submit to the Commissioner of Education **【his or her】** the
35 driver’s name, address, and fingerprints in accordance with
36 procedures established by the commissioner. No criminal history
37 record check or check for alcohol and drug-related motor vehicle

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 violations shall be furnished without **【his or her】** the driver's
2 written consent to such a check. The applicant shall bear the cost
3 for the checks, including all costs for administering and processing
4 the checks.

5 Upon receipt of the criminal history record information for an
6 applicant from the Federal Bureau of Investigation and the Division
7 of State Police, and information on the check for alcohol and drug-
8 related motor vehicle violations from the **【Division of Motor**
9 **Vehicle Services】** New Jersey Motor Vehicle Commission, the
10 Commissioner of Education shall notify the applicant, in writing, of
11 the applicant's qualification or disqualification as a school bus
12 driver. If the applicant is disqualified, the convictions which
13 constitute the basis for the disqualification shall be identified in the
14 written notice to the applicant. A school bus driver, except as
15 provided in subsection e. of this section, shall be permanently
16 disqualified from employment or service if the individual's criminal
17 history record reveals a record of conviction for which public
18 school employment candidates are disqualified pursuant to section 1
19 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted
20 at least two times within the last 10 years for a violation of
21 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5
22 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103
23 (C.39:3-10.24); **【or】** once for a violation of section 5 of P.L.1990,
24 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-
25 10.24) while transporting school children; or once for a violation of
26 subsection b. or subsection c. of section 1 of P.L. , c. (C.)
27 (pending before the Legislature as this bill).

28 Following qualification for employment as a school bus driver
29 pursuant to this section, the State Bureau of Identification shall
30 immediately forward to the Commissioner of Education any
31 information which the bureau receives on a charge pending against
32 the school bus driver. If the charge is for one of the crimes or
33 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
34 the commissioner shall notify the employing board of education or
35 contractor, and the board or contractor shall take appropriate action.
36 If the pending charge results in conviction, the school bus driver
37 shall not be eligible for continued employment.

38 A school bus driver shall not be eligible to operate a school bus
39 if the individual's bus driver's license is currently revoked or
40 suspended by the **【Division of Motor Vehicle Services】** New Jersey
41 Motor Vehicle Commission in accordance with R.S.39:3-10.1 or if
42 the individual's passenger endorsement or special license issued
43 pursuant to R.S.39:3-10.1 is revoked by the New Jersey Motor
44 Vehicle Commission for life in accordance with section 2 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill).

46 Following qualification for employment as a school bus driver,
47 the **【Division of Motor Vehicle Services】** New Jersey Motor

1 Vehicle Commission shall immediately forward to the
2 Commissioner of Education any information which the division
3 receives on a conviction for an alcohol or drug-related motor
4 vehicle violation that would disqualify the driver from employment
5 pursuant to the provisions of this subsection. The commissioner
6 shall notify the employing board of education or contractor that the
7 driver is no longer eligible for employment.

8 b. Notwithstanding the provisions of this section, an individual
9 shall not be disqualified from employment or service under this act
10 on the basis of any conviction disclosed by a criminal history record
11 check or a check for alcohol and drug-related motor vehicle
12 violations performed pursuant to this section without an opportunity
13 to challenge the accuracy of the disqualifying records.

14 c. When charges are pending for a crime or any other offense
15 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
16 employing board of education or contractor shall be notified that the
17 candidate shall not be eligible for employment until the
18 commissioner has made a determination regarding qualification or
19 disqualification upon adjudication of the pending charges.

20 d. The applicant shall have 30 days from the date of the written
21 notice of disqualification to challenge the accuracy of the criminal
22 history record information or the record of convictions for an
23 alcohol or drug-related motor vehicle violation. If no challenge is
24 filed or if the determination of the accuracy of the criminal history
25 record information or the record of convictions for an alcohol or
26 drug-related motor vehicle violation upholds the disqualification,
27 notification of the applicant's disqualification for employment shall
28 be forwarded to the **【Division of Motor Vehicle Services】** New
29 Jersey Motor Vehicle Commission. The local board of education or
30 the school bus contractor and the County Superintendent of Schools
31 shall also be notified of the disqualification. Notwithstanding the
32 provisions of any law to the contrary, the **【Director】** Chief
33 Administrator of the **【Division of Motor Vehicle Services】** New
34 Jersey Motor Vehicle Commission shall, upon notice of
35 disqualification from the Commissioner of Education, immediately
36 revoke the applicant's special license issued pursuant to R.S.39:3-
37 10.1 without necessity of a further hearing. Candidates' records
38 shall be maintained in accordance with the provisions of section 4
39 of P.L.1986, c.116 (C.18A:6-7.4).

40 e. This section shall first apply to criminal history record
41 checks conducted on or after the effective date of P.L.1998, c.31
42 (C.18A:6-7.1c et al.); except that in the case of a school bus driver
43 employed by a board of education or a contracted service provider
44 who is required to undergo a check upon application for renewal of
45 a school bus driver's license, the individual shall be disqualified
46 only for the following offenses:

47 (1) any offense enumerated in this section prior to the effective
48 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

1 (2) any offense enumerated in this section which had not been
2 enumerated in this section prior to the effective date of P.L.1998,
3 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
4 offense on or after the effective date of that act.

5 f. (1) Notwithstanding any provision of this section to the
6 contrary, the check for alcohol and drug-related motor vehicle
7 violations shall be conducted in accordance with the provisions of
8 this section prior to initial employment as a school bus driver and
9 upon application for renewal of a school bus driver's license until
10 such time as the provisions of the "Motor Carrier Safety
11 Improvement Act of 1999," Pub. L. 106-159, are effective and
12 implemented by the State.

13 (2) Notwithstanding any provision of this section to the
14 contrary, upon the implementation by the State of the "Motor
15 Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check
16 for alcohol and drug-related motor vehicle violations shall be
17 conducted in accordance with the provisions of this section prior to
18 initial employment as a school bus driver. A check for alcohol and
19 drug-related motor vehicle violations conducted for any subsequent
20 renewal of a school bus driver's license shall be subject to the
21 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
22 Pub. L.106-159.

23 (3) Upon the implementation by the State of the "Motor Carrier
24 Safety Improvement Act of 1999," Pub. L. 106-159, following
25 qualification for employment as a school bus driver, the **Division**
26 **of Motor Vehicle Services** New Jersey Motor Vehicle Commission
27 shall immediately notify the Commissioner of Education of the
28 suspension or revocation of a school bus driver's commercial
29 driver's license. The commissioner shall notify the employing
30 board of education or contractor of the suspension or revocation,
31 and the employment of the school bus driver shall be immediately
32 terminated. In the case of a school bus driver whose commercial
33 driver's license has been suspended, the driver may apply for re-
34 employment at the end of the period of suspension.

35 (cf: P.L.2003, c.66, s.4)

36

37 4. This act shall take effect on the first day of the seventh
38 month after the date of enactment.

39

40

41

42

43 Establishes crimes of operating school bus with suspended or
44 revoked driving privileges and being involved in accident causing
45 bodily injury; permanently prohibits passenger and school bus CDL
46 endorsements for persons convicted of those crimes.

ASSEMBLY, No. 597

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

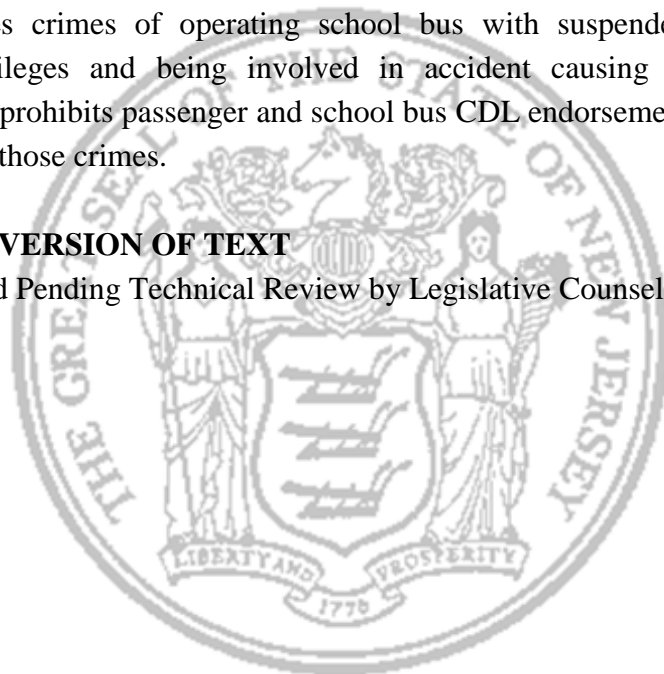
Assemblyman Singleton

SYNOPSIS

Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/16/2016)

1 AN ACT concerning school bus operators, supplementing Title 2C
2 and Title 18A of the New Jersey Statutes, and amending
3 P.L.1989, c.104.
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11 or more students, while that person’s driving privileges have been
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13 degree.

14 c. A person, knowingly operating a school bus while that
15 person’s driving privileges have been suspended or revoked, who is
16 involved in an accident resulting in bodily injury to another person
17 shall be guilty of a crime of the third degree.
18

19 2. (New Section) a. The Chief Administrator of the New
20 Jersey Motor Vehicle Commission shall revoke for life the
21 passenger endorsement on the commercial driver’s license of a
22 person convicted of a violation of subsection b. or subsection c. of
23 section 1 of P.L. , c. (C.) (pending before the Legislature
24 as this bill).

25 b. The chief administrator shall revoke for life the special
26 license issued pursuant to R.S.39:3-10.1 to a person convicted of a
27 violation of subsection b. or subsection c. of section 1 of P.L. ,
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33 application for renewal of a school bus driver's license, a bus driver
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35 driver’s name, address, and fingerprints in accordance with
36 procedures established by the commissioner. No criminal history
37 record check or check for alcohol and drug-related motor vehicle
38 violations shall be furnished without **【his or her】** the driver’s
39 written consent to such a check. The applicant shall bear the cost
40 for the checks, including all costs for administering and processing
41 the checks.

42 Upon receipt of the criminal history record information for an
43 applicant from the Federal Bureau of Investigation and the Division
44 of State Police, and information on the check for alcohol and drug-
45 related motor vehicle violations from the **【Division of Motor**

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 Vehicle Services] New Jersey Motor Vehicle Commission, the
2 Commissioner of Education shall notify the applicant, in writing, of
3 the applicant's qualification or disqualification as a school bus
4 driver. If the applicant is disqualified, the convictions which
5 constitute the basis for the disqualification shall be identified in the
6 written notice to the applicant. A school bus driver, except as
7 provided in subsection e. of this section, shall be permanently
8 disqualified from employment or service if the individual's criminal
9 history record reveals a record of conviction for which public
10 school employment candidates are disqualified pursuant to section 1
11 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted
12 at least two times within the last 10 years for a violation of
13 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5
14 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103
15 (C.39:3-10.24); **[or]** once for a violation of section 5 of P.L.1990,
16 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-
17 10.24) while transporting school children; or once for a violation of
18 subsection b. or subsection c. of section 1 of P.L. , c. (C.)
19 (pending before the Legislature as this bill).

20 Following qualification for employment as a school bus driver
21 pursuant to this section, the State Bureau of Identification shall
22 immediately forward to the Commissioner of Education any
23 information which the bureau receives on a charge pending against
24 the school bus driver. If the charge is for one of the crimes or
25 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
26 the commissioner shall notify the employing board of education or
27 contractor, and the board or contractor shall take appropriate action.
28 If the pending charge results in conviction, the school bus driver
29 shall not be eligible for continued employment.

30 A school bus driver shall not be eligible to operate a school bus
31 if the individual's bus driver's license is currently revoked or
32 suspended by the **[Division of Motor Vehicle Services]** New Jersey
33 Motor Vehicle Commission in accordance with R.S.39:3-10.1 or if
34 the individual's passenger endorsement or special license issued
35 pursuant to R.S.39:3-10.1 is revoked by the New Jersey Motor
36 Vehicle Commission for life in accordance with section 2 of P.L. ,
37 c. (C.) (pending before the Legislature as this bill).

38 Following qualification for employment as a school bus driver,
39 the **[Division of Motor Vehicle Services]** New Jersey Motor
40 Vehicle Commission shall immediately forward to the
41 Commissioner of Education any information which the division
42 receives on a conviction for an alcohol or drug-related motor
43 vehicle violation that would disqualify the driver from employment
44 pursuant to the provisions of this subsection. The commissioner
45 shall notify the employing board of education or contractor that the
46 driver is no longer eligible for employment.

47 b. Notwithstanding the provisions of this section, an individual
48 shall not be disqualified from employment or service under this act

1 on the basis of any conviction disclosed by a criminal history record
2 check or a check for alcohol and drug-related motor vehicle
3 violations performed pursuant to this section without an opportunity
4 to challenge the accuracy of the disqualifying records.

5 c. When charges are pending for a crime or any other offense
6 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
7 employing board of education or contractor shall be notified that the
8 candidate shall not be eligible for employment until the
9 commissioner has made a determination regarding qualification or
10 disqualification upon adjudication of the pending charges.

11 d. The applicant shall have 30 days from the date of the written
12 notice of disqualification to challenge the accuracy of the criminal
13 history record information or the record of convictions for an
14 alcohol or drug-related motor vehicle violation. If no challenge is
15 filed or if the determination of the accuracy of the criminal history
16 record information or the record of convictions for an alcohol or
17 drug-related motor vehicle violation upholds the disqualification,
18 notification of the applicant's disqualification for employment shall
19 be forwarded to the **【Division of Motor Vehicle Services】** New
20 Jersey Motor Vehicle Commission. The local board of education or
21 the school bus contractor and the County Superintendent of Schools
22 shall also be notified of the disqualification. Notwithstanding the
23 provisions of any law to the contrary, the **【Director】** Chief
24 Administrator of the **【Division of Motor Vehicle Services】** New
25 Jersey Motor Vehicle Commission shall, upon notice of
26 disqualification from the Commissioner of Education, immediately
27 revoke the applicant's special license issued pursuant to R.S.39:3-
28 10.1 without necessity of a further hearing. Candidates' records
29 shall be maintained in accordance with the provisions of section 4
30 of P.L.1986, c.116 (C.18A:6-7.4).

31 e. This section shall first apply to criminal history record
32 checks conducted on or after the effective date of P.L.1998, c.31
33 (C.18A:6-7.1c et al.); except that in the case of a school bus driver
34 employed by a board of education or a contracted service provider
35 who is required to undergo a check upon application for renewal of
36 a school bus driver's license, the individual shall be disqualified
37 only for the following offenses:

38 (1) any offense enumerated in this section prior to the effective
39 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

40 (2) any offense enumerated in this section which had not been
41 enumerated in this section prior to the effective date of P.L.1998,
42 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
43 offense on or after the effective date of that act.

44 f. (1) Notwithstanding any provision of this section to the
45 contrary, the check for alcohol and drug-related motor vehicle
46 violations shall be conducted in accordance with the provisions of
47 this section prior to initial employment as a school bus driver and
48 upon application for renewal of a school bus driver's license until

1 such time as the provisions of the "Motor Carrier Safety
2 Improvement Act of 1999," Pub. L. 106-159, are effective and
3 implemented by the State.

4 (2) Notwithstanding any provision of this section to the
5 contrary, upon the implementation by the State of the "Motor
6 Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check
7 for alcohol and drug-related motor vehicle violations shall be
8 conducted in accordance with the provisions of this section prior to
9 initial employment as a school bus driver. A check for alcohol and
10 drug-related motor vehicle violations conducted for any subsequent
11 renewal of a school bus driver's license shall be subject to the
12 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
13 Pub. L.106-159.

14 (3) Upon the implementation by the State of the "Motor Carrier
15 Safety Improvement Act of 1999," Pub. L. 106-159, following
16 qualification for employment as a school bus driver, the **Division**
17 **of Motor Vehicle Services** New Jersey Motor Vehicle Commission
18 shall immediately notify the Commissioner of Education of the
19 suspension or revocation of a school bus driver's commercial
20 driver's license. The commissioner shall notify the employing
21 board of education or contractor of the suspension or revocation,
22 and the employment of the school bus driver shall be immediately
23 terminated. In the case of a school bus driver whose commercial
24 driver's license has been suspended, the driver may apply for re-
25 employment at the end of the period of suspension.

26 (cf: P.L.2003, c.66, s.4)

27

28 4. This act shall take effect on the first day of the seventh
29 month after the date of enactment.

30

31

32

STATEMENT

33

34 The bill establishes that a person who knowingly operates a
35 school bus transporting one or more students while that person's
36 driving privileges have been suspended or revoked is guilty of a
37 crime of the fourth degree. A crime of the fourth degree is
38 ordinarily punishable by a term of imprisonment of up to 18 months
39 or a fine of up to \$10,000, or both.

40 The bill further establishes that a person, knowingly operating a
41 school bus while that person's driving privileges have been
42 suspended or revoked, who is involved in an accident resulting in
43 bodily injury to another person is guilty of a crime of the third
44 degree. A crime of the third degree is ordinarily punishable by a
45 term of imprisonment of three to five years or a fine of up to
46 \$15,000, or both.

47 The bill requires the Chief Administrator of the Motor Vehicle
48 Commission to revoke for life the passenger and school bus

A597 LAGANA, GUSCIORA

6

1 endorsements on the commercial driver's license of a person
2 convicted of either offense. Finally, the bill specifies that a person
3 convicted of either offense is permanently disqualified from
4 employment as a school bus driver.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 597

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2016

The Assembly Education Committee reports favorably Assembly Bill No. 597.

The bill provides that a person who knowingly operates a school bus transporting one or more students while that person's driving privileges have been suspended or revoked is guilty of a crime of the fourth degree. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

The bill further provides that a person, knowingly operating a school bus while that person's driving privileges have been suspended or revoked, who is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

The bill requires the Chief Administrator of the Motor Vehicle Commission to revoke for life the passenger and school bus endorsements on the commercial driver's license of a person convicted of either offense. Finally, the bill specifies that a person convicted of either offense is permanently disqualified from employment as a school bus driver.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 597

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 597.

This bill provides that a person who knowingly operates a school bus transporting one or more students while that person's driving privileges have been suspended or revoked is guilty of a crime of the fourth degree. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

The bill further provides that a person, knowingly operating a school bus while that person's driving privileges have been suspended or revoked, who is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

The bill requires the Chief Administrator of the Motor Vehicle Commission to revoke for life the passenger and school bus endorsements on the commercial driver's license of a person convicted of either offense. Finally, the bill specifies that a person convicted of either offense is permanently disqualified from employment as a school bus driver.

The bill is scheduled to take effect on the first day of the seventh month after the date of enactment.

FISCAL IMPACT:

This bill has not been certified as requiring a Fiscal Note

SENATE, No. 3637

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JANUARY 5, 2018

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

CURRENT VERSION OF TEXT

As introduced.



S3637 TURNER

2

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13 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5
14 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103
15 (C.39:3-10.24); **[or]** once for a violation of section 5 of P.L.1990,
16 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-
17 10.24) while transporting school children; or once for a violation of
18 subsection b. or subsection c. of section 1 of P.L. , c. (C.)
19 (pending before the Legislature as this bill).

20 Following qualification for employment as a school bus driver
21 pursuant to this section, the State Bureau of Identification shall
22 immediately forward to the Commissioner of Education any
23 information which the bureau receives on a charge pending against
24 the school bus driver. If the charge is for one of the crimes or
25 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
26 the commissioner shall notify the employing board of education or
27 contractor, and the board or contractor shall take appropriate action.
28 If the pending charge results in conviction, the school bus driver
29 shall not be eligible for continued employment.

30 A school bus driver shall not be eligible to operate a school bus
31 if the individual's bus driver's license is currently revoked or
32 suspended by the **[Division of Motor Vehicle Services]** New Jersey
33 Motor Vehicle Commission in accordance with R.S.39:3-10.1 or if
34 the individual's passenger endorsement or special license issued
35 pursuant to R.S.39:3-10.1 is revoked by the New Jersey Motor
36 Vehicle Commission for life in accordance with section 2 of P.L. ,
37 c. (C.) (pending before the Legislature as this bill).

38 Following qualification for employment as a school bus driver,
39 the **[Division of Motor Vehicle Services]** New Jersey Motor
40 Vehicle Commission shall immediately forward to the
41 Commissioner of Education any information which the division
42 receives on a conviction for an alcohol or drug-related motor
43 vehicle violation that would disqualify the driver from employment
44 pursuant to the provisions of this subsection. The commissioner
45 shall notify the employing board of education or contractor that the
46 driver is no longer eligible for employment.

47 b. Notwithstanding the provisions of this section, an individual
48 shall not be disqualified from employment or service under this act

1 on the basis of any conviction disclosed by a criminal history record
2 check or a check for alcohol and drug-related motor vehicle
3 violations performed pursuant to this section without an opportunity
4 to challenge the accuracy of the disqualifying records.

5 c. When charges are pending for a crime or any other offense
6 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
7 employing board of education or contractor shall be notified that the
8 candidate shall not be eligible for employment until the
9 commissioner has made a determination regarding qualification or
10 disqualification upon adjudication of the pending charges.

11 d. The applicant shall have 30 days from the date of the written
12 notice of disqualification to challenge the accuracy of the criminal
13 history record information or the record of convictions for an
14 alcohol or drug-related motor vehicle violation. If no challenge is
15 filed or if the determination of the accuracy of the criminal history
16 record information or the record of convictions for an alcohol or
17 drug-related motor vehicle violation upholds the disqualification,
18 notification of the applicant's disqualification for employment shall
19 be forwarded to the **【Division of Motor Vehicle Services】** New
20 Jersey Motor Vehicle Commission. The local board of education or
21 the school bus contractor and the County Superintendent of Schools
22 shall also be notified of the disqualification. Notwithstanding the
23 provisions of any law to the contrary, the **【Director】** Chief
24 Administrator of the **【Division of Motor Vehicle Services】** New
25 Jersey Motor Vehicle Commission shall, upon notice of
26 disqualification from the Commissioner of Education, immediately
27 revoke the applicant's special license issued pursuant to R.S.39:3-
28 10.1 without necessity of a further hearing. Candidates' records
29 shall be maintained in accordance with the provisions of section 4
30 of P.L.1986, c.116 (C.18A:6-7.4).

31 e. This section shall first apply to criminal history record
32 checks conducted on or after the effective date of P.L.1998, c.31
33 (C.18A:6-7.1c et al.); except that in the case of a school bus driver
34 employed by a board of education or a contracted service provider
35 who is required to undergo a check upon application for renewal of
36 a school bus driver's license, the individual shall be disqualified
37 only for the following offenses:

38 (1) any offense enumerated in this section prior to the effective
39 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

40 (2) any offense enumerated in this section which had not been
41 enumerated in this section prior to the effective date of P.L.1998,
42 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
43 offense on or after the effective date of that act.

44 f. (1) Notwithstanding any provision of this section to the
45 contrary, the check for alcohol and drug-related motor vehicle
46 violations shall be conducted in accordance with the provisions of
47 this section prior to initial employment as a school bus driver and
48 upon application for renewal of a school bus driver's license until

1 such time as the provisions of the "Motor Carrier Safety
2 Improvement Act of 1999," Pub. L. 106-159, are effective and
3 implemented by the State.

4 (2) Notwithstanding any provision of this section to the
5 contrary, upon the implementation by the State of the "Motor
6 Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check
7 for alcohol and drug-related motor vehicle violations shall be
8 conducted in accordance with the provisions of this section prior to
9 initial employment as a school bus driver. A check for alcohol and
10 drug-related motor vehicle violations conducted for any subsequent
11 renewal of a school bus driver's license shall be subject to the
12 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
13 Pub. L.106-159.

14 (3) Upon the implementation by the State of the "Motor Carrier
15 Safety Improvement Act of 1999," Pub. L. 106-159, following
16 qualification for employment as a school bus driver, the **Division**
17 **of Motor Vehicle Services** New Jersey Motor Vehicle Commission
18 shall immediately notify the Commissioner of Education of the
19 suspension or revocation of a school bus driver's commercial
20 driver's license. The commissioner shall notify the employing
21 board of education or contractor of the suspension or revocation,
22 and the employment of the school bus driver shall be immediately
23 terminated. In the case of a school bus driver whose commercial
24 driver's license has been suspended, the driver may apply for re-
25 employment at the end of the period of suspension.

26 (cf: P.L.2003, c.66, s.4)

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28 4. This act shall take effect on the first day of the seventh
29 month after the date of enactment.

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STATEMENT

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34 The bill provides that a person who knowingly operates a school
35 bus transporting one or more students while that person's driving
36 privileges have been suspended or revoked is guilty of a crime of
37 the fourth degree. A crime of the fourth degree is ordinarily
38 punishable by a term of imprisonment of up to 18 months or a fine
39 of up to \$10,000, or both.

40 The bill further provides that a person, knowingly operating a
41 school bus while that person's driving privileges have been
42 suspended or revoked, who is involved in an accident resulting in
43 bodily injury to another person is guilty of a crime of the third
44 degree. A crime of the third degree is ordinarily punishable by a
45 term of imprisonment of three to five years or a fine of up to
46 \$15,000, or both.

47 The bill requires the Chief Administrator of the Motor Vehicle
48 Commission to revoke for life the passenger and school bus

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1 endorsements on the commercial driver's license of a person
2 convicted of either offense. Finally, the bill specifies that a person
3 convicted of either offense is permanently disqualified from
4 employment as a school bus driver.