

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 5

**NJSA:** 39:3B-18 to 39:3B-24

("School Bus Enhanced Safety Inspection Act")

**BILL NO:** A1697 (Substituted for S800 Senate Committee Substitute/1st Reprint)

**SPONSOR(S):** Wisniewski and Wolfe

**DATE INTRODUCED:** February 19, 1998

**COMMITTEE:**

*ASSEMBLY:* Education; Appropriations

*SENATE:* Education; Budget and Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATES OF PASSAGE:**

*ASSEMBLY:* December 17, 1998

*SENATE:* December 17, 1998

**DATE OF APPROVAL:** January 21, 1999

**THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

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**FINAL TEXT OF BILL:** Assembly Committee Substitute (3rd Reprint)  
(Amendments during passage denoted by superscript numbers)

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### **ACS for A1697**

**SPONSORS STATEMENT:** *No*

**COMMITTEE STATEMENT:**

*ASSEMBLY: Yes*

May 7, 1998

June 22, 1998

*SENATE: Yes*

September 24, 1998

December 10, 1998

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

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**A1697**

**SPONSORS STATEMENT:** *Yes* (Begins on page 10 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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**SCS for S800**

**SPONSORS STATEMENT:** *No*

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

**LAST VERSION:** *Yes* (1st Reprint)

(Amendments during passage denoted by superscript numbers)

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**S800**

**SPONSORS STATEMENT:** *Yes* (Begins on page 10 of original bill)

(Bill and Sponsors statement identical to A1697)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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**GOVERNOR'S ACTIONS**

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

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**REPORTS:**

**974.90 S128 1997o**

New Jersey. School Bus Safety Task Force.

New Jersey. Dept. of Law and Public Safety.

**School Bus Safety Task Force initial report to Governor Christine Todd Whitman**

[Trenton, N.J.] : Dept. of Law and Public Safety : Dept. of Transportation : Dept. of Education, [1997]

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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§§1-7  
C. 39:3B-18  
To  
39:3B-24  
§9  
Note To §§1-8

P.L. 1999, CHAPTER 5, *approved January 21, 1999*  
Assembly Committee Substitute (*Third Reprint*) for  
Assembly, No. 1697

1 AN ACT concerning the inspection of school buses <sup>1</sup>[and],<sup>1</sup>  
2 supplementing chapter 3B of Title 39 of the Revised Statutes  
3 <sup>1</sup>and amending R.S.39:8-2<sup>1</sup>.  
4

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

8 1. (New section) This act shall be known and may be cited as the  
9 "School Bus Enhanced Safety Inspection Act."  
10

11 2. (New section) The Legislature finds and declares that school  
12 bus safety is of paramount importance to the health and welfare of the  
13 school children of this State. The Legislature further finds that school  
14 buses are cited for safety violations during scheduled and random  
15 inspections at an unacceptably high level and that recent random  
16 school bus inspections conducted by the Division of State Police and  
17 the Division of Motor Vehicles found a high percentage of school  
18 buses operating with significant violations that warranted the removal  
19 of these vehicles from service.

20 The Legislature concurs with the findings of the Governor's School  
21 Bus Safety Task Force that it is appropriate and necessary to revise  
22 the existing system of in-lane inspections to a system of in-terminal  
23 inspections conducted by motor vehicle inspectors at the facility of the  
24 school bus operator. Such a system would provide insight into the  
25 carrier's overall operation and commitment to maintenance; allow  
26 interaction with the carrier's mechanics and operational personnel to  
27 facilitate the immediate repair of vehicles; provide a mechanism for the  
28 audit of a carrier's maintenance records, including daily defect slips,  
29 vehicle history records, and driver history and credential records; and,  
30 insure the timely inspection of all school buses.  
31

32 3. (New section) As used in this act:  
33 "Director" means the Director of the Division of Motor Vehicles  
34 in the Department of Transportation;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AAP committee amendments adopted June 22, 1998.

<sup>2</sup> Senate SED committee amendments adopted September 24, 1998.

<sup>3</sup> Senate SBA committee amendments adopted December 10, 1998.

1 "Division" means the Division of Motor Vehicles in the  
2 Department of Transportation;

3 "In-terminal inspection" means an inspection conducted by the  
4 Division of Motor Vehicles at the operator's terminal of any motor  
5 vehicle required to meet the safety regulations for school buses  
6 adopted by the <sup>2</sup>**[State Board of Education]** Department of  
7 Transportation<sup>2</sup> pursuant to R.S.39:3B-5 and P.L.1986, c.92  
8 (C.18A:3B-5.4) and vehicle emissions standards established for engine  
9 type pursuant to R.S.39:8-2 and section 3 of P.L.1995, c.157 (C.39:8-  
10 61);

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

13 "School bus" means all Type I and Type II school buses as defined  
14 in R.S.39:1-1 and school buses retired pursuant to sections 1 and 2 of  
15 P.L.1986, c.92 (C.18A:39-5.1 and 5.2), under the jurisdiction of the  
16 division.

17

18 4. (New section) a. The director shall establish a school bus  
19 enhanced safety inspection program which shall include, but not be  
20 limited to, the following elements:

21 (1) an in-terminal school bus inspection program which provides  
22 for the semi-annual or annual inspection of school buses by division  
23 inspection teams;

24 (2) standards and requirements pertaining to the equipment,  
25 maintenance, and repair of school buses subject to inspection pursuant  
26 to this act <sup>2</sup>; all in-terminal inspections, including those involving  
27 diesel vehicles, shall include an emission inspection to determine  
28 whether that vehicle meets the State's emission specifications and  
29 standards<sup>2</sup>;

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

33 (4) standards and requirements pertaining to the establishment and  
34 maintenance of driver employment records, including records which  
35 demonstrate a driver's compliance with all statutory and regulatory  
36 requirements for authorization to operate a school bus, and any other  
37 records and credentials deemed necessary by the director for school  
38 bus drivers employed by the operator. The records shall be made  
39 available to division inspectors during each in-terminal inspection.

40 b. If an operator does not have adequate terminal facilities to  
41 allow for a proper and thorough in-terminal inspection, the director  
42 shall designate an in-lieu-of terminal site and direct the operator to  
43 present his buses and records to that site for inspection on such terms  
44 and conditions as determined by the director.

45 c. The time and location of any inspection <sup>2</sup>or reinspection<sup>2</sup>  
46 conducted pursuant to this section shall be determined by the director.

1 <sup>2</sup>Unless an owner agrees to a different time schedule, the director shall  
2 schedule a reinspection within three days of the date of the inspection  
3 that necessitated the reinspection.<sup>2</sup>  
4

5 5. (New Section) a. Any operator who violates the standards for  
6 driver employment records established pursuant to subsection a. of  
7 section 4 of this act, or who fails to retain proper records for  
8 inspection as required, or who fails to make available any record or  
9 document required at the time of inspection, or who falsifies any  
10 record, <sup>3</sup>or who fails to present or otherwise make available any  
11 school bus or buses due for inspection, as requested by an examiner,  
12 unless notification of the intent to withhold a bus or buses from an  
13 examiner is made in writing at least 24 hours prior to the scheduled  
14 inspection,<sup>3</sup> shall be fined not less than \$50 and not more than \$500  
15 per violation, in accordance with a schedule of fines to be established  
16 by the director. <sup>3</sup>The director shall waive the requirement of notice  
17 upon a showing of good cause by an operator. A bus withheld from  
18 an examiner pursuant to this section shall be inspected within 30 days  
19 of the date of the originally scheduled inspection, unless otherwise  
20 agreed by the operator and the director.<sup>3</sup> The operator shall be  
21 responsible for all fines.

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

24 b. Any fine imposed pursuant to the provisions of this section may  
25 be collected, with costs, in a summary proceeding pursuant to "the  
26 penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior Court  
27 or municipal court of the county or municipality in which the violation  
28 occurs or in which the operator resides or has a place of business or  
29 principal office in this State, shall have jurisdiction to enforce the  
30 provisions of "the penalty enforcement law" in connection with any  
31 violation of this act.

32 The director or any duly authorized representative of the director  
33 may issue a summons and complaint returnable in any court of  
34 competent jurisdiction for a violation of this act or any rule or  
35 regulation adopted pursuant to this act. A municipal, county, or State  
36 prosecutor is authorized to assist the director in the enforcement of  
37 this act. The director may institute an action in the Superior Court for  
38 injunctive relief to prevent or restrain any violation of this act, or any  
39 rule or regulation adopted, or any administrative or judicial order  
40 issued, pursuant to this act.

41 c. Any officer charged with the enforcement of State and  
42 municipal laws is authorized to assist the director or any duly  
43 authorized representative of the director in the enforcement of the  
44 provisions of this act, or any rule or regulation adopted, or any  
45 administrative or judicial order issued, pursuant to this act.

1       6. (New section) Any school bus that fails an inspection based on  
2 out-of-service criteria as established by the director shall be  
3 immediately removed from service.

4  
5       7. (New section) The director shall adopt, pursuant to the  
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
7 seq.), rules and regulations to implement the provisions of this act,  
8 including the schedule of fines required pursuant to section 5 of this  
9 act and the out of service criteria required pursuant to section 6 of this  
10 act.

11  
12       <sup>1</sup>8. R.S.39:8-2 is amended to read as follows:

13       39:8-2. a. The director may designate and appoint, subject to  
14 existing laws, competent examiners of motor vehicles to conduct  
15 examinations, other than the periodic inspections required pursuant to  
16 subsection b. of this section, of motor vehicles required to be  
17 inspected in accordance with the provisions of this chapter. The  
18 examiners may be delegated to enforce the provisions of the motor  
19 vehicle and traffic law.

20       b. (1) The director shall adopt, pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
22 regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and  
23 with the requirements of the federal Clean Air Act with respect to the  
24 type and character of the inspections to be made, the facility at which  
25 the vehicle shall be inspected, the frequency of inspections of motor  
26 vehicles and the approval or rejection of motor vehicles as a result of  
27 these inspections. These rules and regulations shall require the use of  
28 inspection tests that are designed to meet the enhanced inspection and  
29 maintenance requirements of the federal Clean Air Act and that have  
30 been proven to be feasible and effective for the inspection of large  
31 numbers of motor vehicles, except that these tests shall not include the  
32 "I/M 240" test. Nothing in this subsection shall preclude the use of the  
33 "I/M 240" test in sampling for performance evaluations only or the use  
34 of the test at the option of a private inspection facility. The rules and  
35 regulations may distinguish between vehicles based on model year,  
36 type, or other vehicle characteristics in order to facilitate inspections  
37 or to comply with the federal Clean Air Act. A low mileage vehicle  
38 shall not be subject to a tailpipe inspection test utilizing a  
39 dynamometer but may be subject to an idle test and a purge and  
40 pressure test. For the purpose of this paragraph, "low mileage  
41 vehicle" means a motor vehicle that is driven less than 10,000 miles  
42 during the biennial inspection period, except that the director may set  
43 the qualifying number of miles for this exemption at a lower number  
44 in order to meet the federal enhanced inspection and maintenance  
45 performance standard.

46       (2) The Department of Environmental Protection and the director

1 shall investigate advanced testing technologies, including but not  
2 limited to remote sensing and onboard diagnostics, and shall, to the  
3 extent permitted by law, pursue the use of such technologies, other  
4 than the "I/M 240" test, in motor vehicle emission inspections required  
5 by the United States Environmental Protection Agency pursuant to the  
6 federal Clean Air Act. The director shall adopt, to the extent  
7 practicable, advanced technologies to facilitate the retrieval of testing  
8 and other information concerning motor vehicles, which technologies  
9 shall include but not be limited to the use of computer bar codes and  
10 personal cards containing encoded information, such as a person's  
11 operating license, motor vehicle registration, and motor vehicle  
12 insurance, the inspection status of a motor vehicle, and mass transit  
13 fares, that can be accessed quickly by a computer.

14 c. Except as modified by the director to distribute evenly the  
15 volume of inspections, all motor vehicles required by the director, in  
16 accordance with the provisions of R.S.39:8-1, to be inspected under  
17 this chapter shall be inspected biennially, except that classes of  
18 vehicles that require more frequent inspections, such as school buses,  
19 shall be inspected at such shorter intervals as may be established by the  
20 director after consultation with the Department of Environmental  
21 Protection. At any time, the director may require the owner, lessee,  
22 or operator of a motor vehicle to submit the vehicle for inspection.

23 d. The director shall furnish to designated examiners or to other  
24 persons authorized to conduct inspections or to grant waivers official  
25 certificates of approval, rejection stickers or waiver certificates, the  
26 form, content and use of which he shall establish. The certificates of  
27 approval, rejection stickers and waiver certificates shall be of a type,  
28 such as a windshield sticker or license plate decal, that can be attached  
29 to the vehicle or license plate in a location that is readily visible to  
30 anyone viewing the vehicle. If a certificate of approval cannot be  
31 issued, the driver shall be provided with a written inspection report  
32 describing the reasons for rejection and, if appropriate, the repairs  
33 needed or likely to be needed to bring the vehicle into compliance with  
34 applicable standards.

35 e. The director may, with the approval of the State House  
36 Commission, purchase, lease or acquire by the exercise of the power  
37 of eminent domain any property for the purpose of assisting him in  
38 carrying out the provisions of this chapter. This property may also be  
39 used by the director for the exercise of the duties and powers  
40 conferred upon him by the other chapters of this Title.

41 f. For the purpose of implementing the motor vehicle inspection  
42 requirements of the federal Clean Air Act and subject to the approval  
43 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
44 may:

45 (1) Purchase, lease or acquire by eminent domain any property for  
46 vehicle inspection purposes. Any other provision of law to the



1 contrary notwithstanding, no further approval shall be required for  
2 transactions authorized by this paragraph, except that a proposed  
3 purchase, lease or acquisition by eminent domain shall require the  
4 approval of the Joint Budget Oversight Committee, and shall be  
5 submitted to the Joint Budget Oversight Committee, which shall  
6 review the proposed purchase, lease or acquisition by eminent domain  
7 within 15 business days; and

8 (2) Sell or lease, or grant an easement in, any property acquired,  
9 held or used for vehicle inspection purposes or any other suitable  
10 property held by the State that is not currently in use or dedicated to  
11 another purpose. For the purpose of this paragraph and  
12 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
13 the sale or lease of, or the granting of an easement in, real property  
14 owned by the State shall be subject to the approval of the State House  
15 Commission, which shall meet at the call of the Governor to act on a  
16 proposed sale or lease or grant of an easement pursuant to this  
17 paragraph. A member of the State House Commission may permit a  
18 representative to act on that member's behalf in considering and voting  
19 on a sale or lease or grant of an easement pursuant to this paragraph.  
20 Any other provision of law to the contrary notwithstanding, any  
21 moneys derived from a sale, lease or granting of an easement by the  
22 State pursuant to this paragraph shall not be expended unless approved  
23 by the Joint Budget Oversight Committee for the purpose of  
24 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
25 this subsection, except that any moneys derived therefrom and not  
26 approved for that purpose shall be appropriated to the Department of  
27 Transportation to provide for mass transit improvements.

28 g. The director shall conduct roadside examinations of motor  
29 vehicles required to be inspected, using such inspection equipment and  
30 procedures, and standards established pursuant to section 1 of  
31 P.L.1966, c.16 (C.26:2C-8.1), including, but not limited to, remote  
32 sensing technology, as the director shall deem appropriate to provide  
33 for the monitoring of motor vehicles pursuant to this subsection. At  
34 least 20,000 vehicles or 0.5 percent of the total number of motor  
35 vehicles required to be inspected under this chapter, whichever is less,  
36 shall be inspected during each inspection cycle by roadside  
37 examination teams under the supervision of the director. The director  
38 may require any vehicle failing a roadside examination to be inspected  
39 at an official inspection facility or a private inspection facility within  
40 a time period fixed by the director. Failure to appear and pass  
41 inspection within the time period fixed by the director shall result in  
42 registration suspension in addition to any other penalties provided in  
43 this Title. The director shall conduct an aggressive roadside  
44 inspection program to ensure that all motor vehicles that are required  
45 to be inspected in this State are in compliance with State law.

46 h. The director , and, when appropriate, the Department of

1 Environmental Protection, shall conduct inspections and audits of  
 2 licensed private inspection facilities, official inspection facilities and  
 3 designated examiners to ensure accurate test equipment calibration and  
 4 use, and compliance with proper inspection procedures and with the  
 5 provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any regulations  
 6 adopted pursuant thereto by the Division of Motor Vehicles or by the  
 7 Department of Environmental Protection. These inspections and audits  
 8 shall be conducted at such times and in such manner as the director,  
 9 upon consultation with the Department of Environmental Protection,  
 10 shall determine in order to provide quality assurance in the  
 11 performance of the inspection and maintenance program.

12 i. (1) The director shall make a charge of \$2.50 for the initial  
 13 inspection for each vehicle subject to inspection, which amount shall  
 14 be paid to the director or his representative when payment of the  
 15 registration fees fixed in chapter 3 of this Title is made; provided  
 16 however, that on and after <sup>2</sup>[July] January<sup>2</sup> 1, <sup>2</sup>[1998] 1999<sup>2</sup>, a  
 17 school bus as defined pursuant to section 3 of P.L. , c. (C. )  
 18 (now pending before the Legislature as this bill) and having a  
 19 registration period commencing on or after <sup>2</sup>[July] January <sup>2</sup>1,  
 20 <sup>2</sup>[1998] 1999<sup>2</sup>, shall be subject to an inspection fee for each in-  
 21 terminal or in-lieu-of terminal inspection in accordance with the  
 22 following schedule:

|    |  |                     |
|----|--|---------------------|
| 23 |  |                     |
| 24 | <u>School Bus Specification Inspection</u> | <u>\$50 per bus</u> |
| 25 | <u>School Bus Inspection</u>               | <u>\$25 per bus</u> |
| 26 |  |                     |

27 The specification inspection is required when a school bus is put into  
 28 service in New Jersey, whether a new bus or a bus from another state.  
 29 The specification inspection is conducted to ensure that the school bus  
 30 meets New Jersey specification standards. The school bus inspection  
 31 fee shall be charged to the operator for each in-terminal or in-lieu-of  
 32 terminal inspection. School Vehicle Type I and School Vehicle Type  
 33 II buses shall be inspected semiannually. Retired school buses shall be  
 34 inspected annually. No school bus inspection fee shall be charged for  
 35 any reinspection conducted by the division on a previously scheduled  
 36 trip <sup>2</sup>or if the reinspection is conducted on the same day as the  
 37 inspection that necessitated the reinspection<sup>2</sup>. If an additional trip is  
 38 required by the division's inspectors for a reinspection for out of  
 39 service criteria , a fee of \$25 per bus shall be charged. Inspection fees  
 40 shall be paid to the director or the director's designee subject to the  
 41 terms and conditions prescribed by the director. Any law or rule or  
 42 regulation adopted pursuant thereto to the contrary notwithstanding,  
 43 a registration fee authorized pursuant to chapter 3 of Title 39 of the  
 44 Revised Statutes shall not be increased for the purpose of paying any  
 45 costs associated in any manner with the establishment, implementation  
 46 or operation of the motor vehicle inspection and maintenance program

1 established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

2 (2) The director shall establish by regulation a fee to cover the  
3 costs of inspecting any vehicle that is required, or has the option,  
4 under federal law to be inspected in this State but is registered in  
5 another state or is owned or leased by the federal government. In  
6 determining these costs, the director shall include all capital and direct  
7 and indirect operating costs associated with the inspection of these  
8 vehicles including, but not limited to, the costs of the actual  
9 inspection, the creation and maintenance of the vehicle inspection  
10 record, administrative, oversight and quality assurance costs and the  
11 costs associated with reporting inspection information to the owner,  
12 the federal government and agencies of other states. All fees collected  
13 pursuant to this subsection shall be paid to the State Treasurer and  
14 deposited in the "Motor Vehicle Inspection Fund" established pursuant  
15 to subsection j. of this section.

16 j. There is established in the General Fund a special dedicated,  
17 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
18 which shall be administered by the State Treasurer. The State  
19 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
20 \$11.50 from each motor vehicle registration fee received by the State  
21 after June 30, 1995. The Legislature shall annually appropriate from  
22 the fund an amount necessary to pay the reasonable and necessary  
23 expenses of the implementation and operation of the motor vehicle  
24 inspection program. The State Treasurer shall:

25 (1) Pay to a private contractor or contractors contracted to  
26 design, construct, renovate, equip, establish, maintain and operate  
27 official inspection facilities under a contract or contracts entered into  
28 with the State Treasurer pursuant to subsection a. of section 4 of  
29 P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to  
30 meet the costs agreed to under the contract or contracts; and

31 (2) Transfer from the fund to the Division of Motor Vehicles and  
32 the Department of Environmental Protection the amounts necessary to  
33 finance the costs of administering and implementing all aspects of the  
34 inspection and maintenance program, and to the Office of  
35 Telecommunications and Information Systems in the Department of  
36 the Treasury the amount necessary for computer support upgrades;

37 Moneys remaining in the fund and any unexpended balance of  
38 appropriations from the fund at the end of each fiscal year shall be  
39 reappropriated for the purposes of the fund. Any interest earned on  
40 moneys in the fund shall be credited to the fund.<sup>1</sup>

41 (cf: P.L.1995, c.112, s.20)

42

43 <sup>1</sup>[8.] <sup>1</sup>9. <sup>1</sup>This act shall take effect on <sup>2</sup>[July] January<sup>2</sup> 1, <sup>2</sup>[1998]  
44 1999<sup>2</sup>, except that the division may immediately take such  
45 administrative and regulatory action as may be necessary to implement  
46 the provisions of this act.

1

\_\_\_\_\_

2

3 The "School Bus Enhanced Safety Inspection Act."

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1697**

# **STATE OF NEW JERSEY**

DATED: MAY 7, 1998

The Assembly Education Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 1697.

This committee substitute implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. Such a system of inspection would permit the division to better monitor the operations and maintenance procedures of carriers, allow for interaction with mechanics and operational staff, audit the maintenance, repair and inspection records of the carrier, and ensure the timely inspection of vehicles.

The substitute directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program. Under the program, Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes would be subject to inspection. As indicated above, these inspections would be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present his buses and records at that site for inspection. The time and location of any inspection conducted under the substitute's provisions are to be determined by the director.

The enhanced safety inspection program established by the director would include standards and requirements pertaining to equipment, maintenance, and repair of school buses; the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records which demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus.

Any operator who violates the standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, or falsifies any record, shall

be liable to a fine of not less than \$50 and not more than \$500. A schedule of fines is to be developed by the director.

In addition, under the substitute's provisions, any school bus that fails an inspection based on out-of-service criteria as established by the director would be immediately removed from service.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1697**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 22, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1697 ACS, with committee amendments.

Assembly Bill No. 1697 ACS, as amended, implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. In-terminal inspections would permit the Division of Motor Vehicles to better monitor the carriers' operations and maintenance procedures, allow interaction with mechanics and operational staff, to audit maintenance, repair and inspection records, and ensure the timely inspection of vehicles.

The bill directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program. The bill requires that Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes be subject to inspection. These are to be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present the operator's buses and records at that site for inspection. The time and location of any inspection conducted under the substitute's provisions are to be determined by the director.

The bill requires that the enhanced safety inspection program to be established by the director include standards and requirements pertaining to equipment, maintenance, and repair of school buses; the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records that demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus.

An operator who violates the standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, or falsifies any record, will be liable to a fine of not less than \$50 and not more than \$500. The bill requires that the director develop a schedule of fines.

In addition, the bill requires that any school bus that fails an inspection based on out-of-service criteria as established by the director be immediately removed from service.

To offset the costs involved in conducting these in-terminal and in-lieu-of terminal inspections, the bill establishes inspection fees of \$25 for all school buses and \$50 for a "specification inspection" an inspection for new buses being put into service or brought in from other states for operation in New Jersey. These inspection fees include reinspection so long as the reinspection can be conducted during the same visit to the terminal or at another visit previously scheduled to the same terminal. If an additional trip must be made to conduct the reinspection there is established a \$25 reinspection fee for each bus.

In addition, fines ranging from \$50 to \$500 would be set by regulation for violations related to driver employment records, including qualifications, violations of record retention, failure to make records available at the time of inspection, and for falsification of records.

**FISCAL IMPACT:**

It has been estimated that the semiannual inspection of approximately 15,000 school buses will result in inspection fees of approximately \$750,000 annually; that approximately 20,000 reinspections will result in reinspection fees of approximately \$500,000 annually; and that 600 specification inspections will result in specification inspection fees of approximately \$30,000 annually for total annual inspection fees of \$1,280,000 annually. No specific total fine impositions are anticipated.

**COMMITTEE AMENDMENTS:**

The amendments add the schedule of inspection fees.



# SENATE EDUCATION COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1697**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 24, 1998

The Senate Education Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1697 (1R) with Senate committee amendments.

As amended, this bill implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. In-terminal inspections would permit the Division of Motor Vehicles to better monitor the carriers' operations and maintenance procedures, interact with mechanics and operational staff, audit maintenance, repair and inspection records, and ensure the timely inspection of vehicles.

The bill directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program that would require the inspection of Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes. These are to be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present the operator's buses and records at that site for inspection. The time and location of any inspection or reinspection conducted under the bill's provisions are to be determined by the director, but unless an owner agrees to a different time schedule, the director would schedule a reinspection within three days of the initial inspection.

The bill requires that the enhanced safety inspection program to be established by the director include standards and requirements pertaining to equipment, maintenance, and repair of school buses, including an emission inspection; the establishment and maintenance

of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records that demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus. An operator who violates the standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, or falsifies any record, will be liable to a fine of not less than \$50 and not more than \$500. The bill requires that the director develop a schedule of fines.

In addition, the bill requires any school bus that fails an inspection based on out-of-service criteria as established by the director to be immediately removed from service.

To offset the costs involved in conducting these in-terminal and in-lieu-of terminal inspections, the bill establishes inspection fees of \$25 for all school buses and \$50 for a "specification inspection," an inspection for new buses being put into service or brought in from other states for operation in New Jersey. These inspection fees include reinspection so long as the reinspection can be conducted during the same visit to the terminal or at another visit previously scheduled to the same terminal. If an additional trip must be made to conduct the reinspection, a fee of \$25 per bus would be charged.

In addition, fines ranging from \$50 to \$500 would be set by regulation for violations related to driver employment records, including qualifications, violations of record retention, failure to make records available at the time of inspection, and falsification of records.

The provisions of the bill would take effect on January 1, 1999.

The committee adopted a technical amendment to confirm that safety regulations for school buses are adopted by the Department of Transportation and not the Department of Education in conformity with Executive Reorganization Plan No. 005-1998. Additional amendments were adopted to: 1) require an emission inspection; 2) require reinspection within three days of the initial inspection unless the owner agrees to a different time schedule; 3) provide for no fee if reinspection is conducted on the same day as the initial inspection; and 4) change the effective date of the act to January 1, 1999.

As reported, this bill is identical to the Senate Committee Substitute for Senate, No.800.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1697**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1697 (ACS) (2R).

This bill implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. The Task Force concluded that in-terminal inspections would permit the Division of Motor Vehicles to better monitor the carriers' operations and maintenance procedures, interact with mechanics and operational staff, audit maintenance, repair and inspection records, and ensure the timely inspection of vehicles.

The bill directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program that would require the inspection of Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes. These are to be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present the operator's buses and records at that site for inspection. The time and location of any inspection or reinspection conducted under the bill's provisions are to be determined by the director, but unless an owner agrees to a different time schedule, the director would schedule a reinspection within three days of the initial inspection.

The bill requires that the enhanced safety inspection program to be established by the director include standards and requirements pertaining to equipment, maintenance, and repair of school buses, including an emission inspection; the establishment and maintenance

of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records that demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus. An operator who violates the standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, falsifies any record, or fails to make a school bus available that is due for inspection (except upon 24 hours' notice prior to the scheduled inspection), will be liable to a fine of not less than \$50 and not more than \$500. The bill requires that the director develop a schedule of fines.

In addition, the bill requires any school bus that fails an inspection based on out-of-service criteria as established by the director to be immediately removed from service.

To offset the costs involved in conducting these in-terminal and in-lieu-of terminal inspections, the bill establishes inspection fees of \$25 for all school buses and \$50 for a "specification inspection," an inspection for new buses being put into service or brought in from other states for operation in New Jersey. These inspection fees include reinspection so long as the reinspection can be conducted during the same visit to the terminal or at another visit previously scheduled to the same terminal. If an additional trip must be made to conduct the reinspection, a fee of \$25 per bus would be charged.

The provisions of the bill would take effect on January 1, 1999.

As amended, this bill is identical to Senate Bill No. 800 (SCS)(1R).

#### COMMITTEE AMENDMENTS

The committee amendments to this bill added failure to present a bus for inspection to the list of acts that expose a bus operator to potential liability for a fine of from \$50 to \$500.

#### FISCAL IMPACT

The Fiscal Year 1999 appropriations act included \$1.5 million for a DMV In-Terminal School Bus Inspection Program. The funds are to be used to support 53 positions that would be created to implement the program. However, the program is intended to be self-supporting. New revenue of \$1.5 million derived from a \$50 per bus inspection fee is anticipated in the FY1999 appropriations act. It should be noted that the appropriations act also anticipates \$2.0 million in related program revenues derived from school buses failing to pass inspections. Consequently, it is expected that the new school bus inspection program will not have a negative effect on the State's General Fund.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1697** **STATE OF NEW JERSEY** **208th LEGISLATURE**

DATED: JULY 2, 1998

Assembly Committee Substitute for Assembly Bill No. 1697 (1R) of 1998 would implement the recommendation of the Governor's School Bus Safety Task Force that the existing system of in-lane inspections for school buses be changed to a system of in-terminal inspections. Pursuant to this new program, mobile inspection teams of the Division of Motor Vehicles (DMV) would travel to the terminals of school bus operators and inspect school buses on-site. The intent is to reduce the volume of school bus inspections at centralized inspection stations, reduce the overall costs for the operators of school buses who now must bring buses to and wait for inspections at motor vehicle facilities, and to improve overall school bus inspection effectiveness and convenience.

The Office of Legislative Services (OLS) notes that the Governor's Fiscal Year 1999 budget requests \$1.5 million for a DMV In-Terminal School Bus Inspection Program. The funds would be used to support 53 positions that would be created to implement the program. However, the program is intended to be self-supporting. New revenue of \$1.5 million derived from a \$50 per bus inspection fee is anticipated in the Governor's Fiscal Year 1999 budget. OLS would further note that the proposed budget also anticipates \$2.0 million in related program revenues derived from school buses failing to pass inspections. Consequently, OLS does not expect the new school bus inspection program to have a negative effect on the State's General Fund.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 1697

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## STATE OF NEW JERSEY

### 208th LEGISLATURE

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INTRODUCED FEBRUARY 19, 1998

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**Cosponsored by:**

**Assemblymen Impreveduto and Moran**

**SYNOPSIS**

The "School Bus Safety Enhancement Act."

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning school bus safety, amending various sections of  
2 the statutory law and supplementing P.L.1965, c.119 (C.39:3B-1  
3 et seq.) and chapter 39 of Title 18A of the New Jersey Statutes.  
4

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

7  
8 1. (New section) This act shall be known and may be cited as the  
9 "School Bus Safety Enhancement Act."  
10

11 2. (New section) Every school bus used to transport children to  
12 and from school and to and from school related activities pursuant to  
13 chapter 39 of Title 18A of the New Jersey Statutes shall be subject to  
14 quarterly inspections by the Division of Motor Vehicles to determine  
15 the vehicle's compliance with all applicable safety and emissions  
16 standards and regulations.  
17

18 3. (New section) To insure the safety and well-being of the school  
19 children being transported by school buses in this State, the Director  
20 of the Division of Motor Vehicles shall:

21 a. promulgate, after consultation with the Office of Pupil  
22 Transportation in the Department of Education and the Superintendent  
23 of State Police, stringent standards and regulations governing the  
24 components, equipment and systems subject to inspection under this  
25 act and setting forth the requirements for compliance with those  
26 standards and regulations;

27 b. require that the major components, equipment and systems of  
28 each school bus be examined at each inspection by two inspectors of  
29 the division working independently of each other and that those  
30 inspectors file separate reports on their findings and assessments;

31 c. direct that the owner or lessee of a school bus subject to the  
32 provisions of this act:

33 (1) conduct daily inspections of the vehicle's major safety  
34 components, equipment and systems in accordance with the standards  
35 and guidelines set forth in the rules and regulations promulgated  
36 pursuant to subsection a. of this section; and

37 (2) maintain a written record of those daily inspections and all  
38 maintenance, repairs and corrections performed as a result of these  
39 inspections for each vehicle;

40 d. develop, in cooperation with the Office of Pupil Transportation  
41 in the Department of Education and the Superintendent of State  
42 Police, a specialized training program for the certification of school  
43 bus inspectors and provide for annual requalifications and renewals of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 those certifications; and

2 e. conduct unscheduled, random examinations each year of at least  
3 20 percent of the school buses subject to inspection under the  
4 provisions of this act. The examinations required under the provisions  
5 of this subsection shall be conducted by inspectors from the division  
6 and from the Division of State Police.

7

8 4. (New section) Any school bus that fails an inspection or  
9 examination conducted pursuant to sections 2 or 3 of this act shall  
10 immediately be removed from service and shall not be used for any  
11 pupil transportation until all necessary repairs and corrections have  
12 been made and that school bus is certified as meeting all safety  
13 standards and regulations.

14

15 5. (New section) a. Any owner or lessee of a school bus subject  
16 to the provisions of this act who refuses to have that school bus  
17 inspected, or, after having had it inspected, refuses to display, in the  
18 manner prescribed by the director, a certificate of approval or who  
19 fraudulently obtains a certificate of approval, or who refuses to place  
20 his school bus in proper condition after it is inspected, or who, in any  
21 manner fails to conform to the provisions of this act, shall be fined  
22 \$100 for a first offense and \$250 for each subsequent offense.

23 b. Any owner or lessee of a school bus subject to the provisions of  
24 this act who violates any of the rules and regulations promulgated  
25 pursuant to section 3 or 7 of this act governing the construction,  
26 design, equipping, inspection, maintenance or safe operation of a  
27 school bus shall be fined \$100 for a first offense and \$250 for each  
28 subsequent offense.

29 c. No fine authorized under subsection a. or b. of this section shall  
30 be imposed upon a local school district, a regional school district, or  
31 a county vocational or technical school; provided, however, upon a  
32 finding by the director that a district or school has persistently and  
33 egregiously violated the provisions of this section, the Commissioner  
34 of Education, in accordance with rules and regulations, may reduce  
35 or withhold the amount of State transportation aid afforded that  
36 district or school under the provisions of section 25 of P.L.1996,  
37 c.138 (C.18A:7F-25).

38

39 6. (New section) Any school employee or official, any employee  
40 of the owner or lessee of a school bus subject to the provisions of this  
41 act or any other person who knows that a school bus is in violation of  
42 any of the safety standards or regulations promulgated pursuant to this  
43 act shall immediately report that violation to the director or the  
44 Division of State Police. The director, in consultation with the  
45 Superintendent of State Police, shall establish a special telephone  
46 number for reporting such violations. The director shall develop and



1 undertake an information program designed to inform school  
2 employees and officials, and employees of the owners and lessees of  
3 school buses subject to the provisions of this act, of the provisions of  
4 this section and of the telephone number for reporting school bus  
5 safety violations.

6 Whenever the director or the Division of State Police receives a  
7 report of a safety violation pursuant to this section, the owner or  
8 lessee of that school bus and the affected school district shall be  
9 immediately notified. Any school bus subject to such a report shall be  
10 immediately be withdrawn from service and shall not be used for any  
11 pupil transportation until it has been examined by an inspector from  
12 the division or from the Division of State Police and until all necessary  
13 repairs and corrections have been made and that school bus is certified  
14 as meeting all safety standards and regulations. The examination  
15 required under this paragraph shall be completed within 24 hours of  
16 the submission of the report of a violation.

17

18 7. (New section) The director, in consultation with the Office of  
19 Pupil Transportation in the Department of Education, Superintendent  
20 of State Police and the State Board of Education, shall promulgate  
21 rules and regulations to provide for the construction, design,  
22 equipping, inspection, maintenance and safe operation of school buses  
23 in this State.

24

25 8. Section 6 of P.L.1965, c.119 (C.39:3B-5) is amended to read  
26 as follows:

27 6. **【The State Board of Education is hereby authorized to make**  
28 **rules and regulations not inconsistent with the provisions of this Title**  
29 **or any rule or regulation made pursuant thereto, concerning the**  
30 **construction, design, equipment, maintenance, operation and**  
31 **inspection of any bus subject to the provisions of section 1 of this act.**  
32 **Such rules and regulations shall be filed with the Director of the**  
33 **Division of Motor Vehicles and, upon such filing, shall be enforced by**  
34 **the director in the same manner as all other rules and regulations**  
35 **made pursuant to this Title.】**

36 Nothing contained **【in this section】** in P.L. c. (C. ) **(now**  
37 **pending before the Legislature as this bill)** shall be deemed to limit the  
38 existing authority of the State Board of Education to make rules and  
39 regulations governing the transportation of school pupils pursuant to  
40 Title 18 of the Revised Statutes.

41 (cf: P.L.1965, c.119, s.6)

42

43 9. Section 3 of P.L.1983, c.206 (C.39:3B-5.3) is amended to read  
44 as follows:

45 3. **【School】** In the case of school buses manufactured on or  
46 after April 1, 1977, when used beyond the tenth year, other than the

1 transit type whose gross vehicle weight (G.V.W.) exceeds 25,000  
2 pounds, one of the quarterly inspections required under the provisions  
3 of P.L. , c. (C. )(now pending before the Legislature as this bill)  
4 shall ~~have an annual in-depth inspection~~be conducted by the  
5 Division of Motor Vehicles no more than 30 days prior to the  
6 beginning of the school year.  
7 (cf: P.L.1983, c.206, s.3)

8

9 10. N.J.S.18A:39-17 is amended to read as follows:

10 18A:39-17. **[In]** At the beginning of each school year, and prior  
11 to the assignment of any driver or substitute driver to any vehicle  
12 operated by the board of education of any district as a school bus,  
13 there shall be filed by the secretary of such board with the county  
14 superintendent and the Division of Motor Vehicles the name, driver's  
15 license number and social security number of each such driver or  
16 substitute driver and exclusively with the county superintendent a  
17 certification of a valid school bus driver's license and criminal  
18 background check.  
19 (cf: P.L.1989, c.104, s.1)

20

21 11. N.J.S.18A:39-18 is amended to read as follows:

22 18A:39-18. In each school year, prior to the beginning of  
23 transportation of school pupils under a contract awarded by a board  
24 of education, the contractor shall furnish to the Division of Motor  
25 Vehicles and the board of education the name, social security number,  
26 and driver's license number of each driver or substitute driver to be  
27 assigned to any vehicle in the performance of his contract. Whenever  
28 a driver is newly assigned to a board of education, this information  
29 shall also be furnished to the division and the board of education. The  
30 board of education shall forward this information to the county  
31 superintendent **[the name, social security number, and]** along with a  
32 certification of a valid school bus driver's license and criminal  
33 background check of each driver or substitute driver to be assigned to  
34 any vehicle in the performance of his contract.  
35 (cf: P.L.1989, c.104, s.2)

36

37 12. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to  
38 read as follows:

39 6. Prior to employment as a school bus driver, and upon  
40 application for renewal of a school bus driver's license, a bus driver  
41 shall submit to the **[Commissioner of Education]**local board of  
42 education his or her name, address and fingerprints taken on standard  
43 fingerprint cards by a State or municipal law enforcement agency. No  
44 criminal history record check shall be furnished without his or her  
45 written consent to such a check. The local board shall submit to the  
46 Commissioner of Education and the County Superintendent of

1 Schools the name and address of each applicant who has submitted a  
2 written consent form. The commissioner shall compile a master list of  
3 these names and addresses to be distributed monthly to each county  
4 superintendent in the State.

5 The local board, or contractor who has been awarded a contract to  
6 transport pupils by that local board, shall be responsible for initiating  
7 the criminal history record check and ensuring that the record check  
8 is completed in a timely manner. Upon receipt of the criminal history  
9 record information for an applicant from the Federal Bureau of  
10 Investigation and the Division of State Police, the **[Commissioner of**  
11 **Education]** local board or contractor shall forward that information to  
12 the Commissioner of Education, who shall notify the applicant, in  
13 writing, of the applicant's qualification or disqualification as a school  
14 bus driver. A school bus driver shall be disqualified from employment  
15 or service if the individual has refused to provide written consent to a  
16 criminal history record check or if the individual's criminal history  
17 record reveals a record of conviction of any of the following crimes  
18 and offenses:

19 a. A crime or offense bearing upon or involving a sexual offense or  
20 child molestation or endangering the welfare of children or  
21 incompetents, as specified in section 1 of P.L.1986, c.116  
22 (C.18A:6-7.1).

23 b. A crime or offense involving the manufacture, transportation,  
24 sale, possession, or habitual use of a "controlled dangerous substance"  
25 as defined in the "New Jersey Controlled Dangerous Substances Act,"  
26 P.L.1970, c.226 (C.24:21-1 et seq.).

27 c. A crime or offense involving the use of force or the threat of  
28 force to or upon a person or property including: armed robbery,  
29 assault, kidnapping, arson, manslaughter and murder.

30 A school bus driver shall also be disqualified if the individual's bus  
31 driver's license is currently revoked or suspended by the Division of  
32 Motor Vehicles in accordance with R.S.39:3-10.1 or if the driver has  
33 been convicted at least two times for a violation of R.S.39:4-50 or  
34 section 2 of P.L.1981, c.512 (C.39:4-50.4a), or once for a violation of  
35 either section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
36 P.L.1990, c.103 (C.39:3-10.24) while transporting schoolchildren. A  
37 driver shall also be disqualified if convicted of any of these violations  
38 in connection with an accident resulting in serious bodily injury or  
39 death to any person.

40 The applicant shall have 30 days from the date of the written notice  
41 of disqualification to petition the Commissioner of Education for a  
42 hearing on the accuracy of the criminal history record information, the  
43 accuracy of the record of a conviction related to the operation of a  
44 motor vehicle while under the influence of intoxicating liquor, or of a  
45 narcotic, hallucinogenic or habit-producing drug, or to establish the  
46 applicant's rehabilitation under subsection c. of section 1 of P.L.1986,

1 c.116 (C.18A:6-7.1). If the applicant is disqualified, the convictions  
2 which constitute the basis for disqualification shall be identified in the  
3 written notice with copies forwarded to the Division of Motor  
4 Vehicles. [The local board of education, the school bus contractor  
5 and the County Superintendent of Schools shall also be notified of the  
6 disqualification.] Notwithstanding the provisions of any law to the  
7 contrary, the Director of the Division of Motor Vehicles shall, upon  
8 notice of disqualification from the Commissioner of Education,  
9 immediately revoke the applicant's special license issued pursuant to  
10 R.S.39:3-10.1 without necessity of a further hearing. The  
11 commissioner shall also notify the county superintendent of the  
12 disqualification. The county superintendent shall notify the local board  
13 and contractor of the disqualification. Candidates' records shall be  
14 maintained in accordance with the provisions of section 4 of P.L.1986,  
15 c.116 (C.18A:6-7.4).  
16 (cf: P.L.1989, c.104, s.6)

17

18 13. Section 10 of P.L.1990, c.103 (C.39:3-10.18) is amended to  
19 read as follows:

20 10. a. (1) Through March 31, 1992, and except as provided by  
21 the director by rule or regulation, a person who has been issued a  
22 commercial driver license shall not operate a commercial motor vehicle  
23 unless the person is in possession of the valid commercial driver  
24 license and endorsements for the class and type of vehicle being  
25 operated. Such a person shall not operate a commercial motor vehicle  
26 if the person is restricted from operating a commercial vehicle of that  
27 class or type.

28 (2) On and after April 1, 1992, and except when operating under  
29 a valid commercial driver examination or learner's permit and  
30 accompanied by the holder of a commercial driver license valid for the  
31 class of vehicle being operated, a person shall not operate a  
32 commercial motor vehicle unless the person has been issued and is in  
33 possession of a valid commercial driver license and applicable  
34 endorsements for the class and type of vehicle being operated. A  
35 person shall not operate a commercial motor vehicle if the person is  
36 restricted from operating a commercial vehicle of that class or type.  
37 A person shall not operate a school bus unless the division has marked  
38 a "C" for children on his license.

39 (3) A person violating this subsection shall be fined not less than  
40 \$250 or more than \$500, or imprisoned for not more than 60 days, or  
41 both. This penalty shall not be applicable in cases where failure to have  
42 actual possession of the commercial driver license is due to an  
43 administrative or technical error by the division. If a person charged  
44 with a failure to have possession of a valid commercial driver license  
45 can exhibit the license to the judge of the court before whom he is  
46 summoned to answer to a charge and the license was valid on the day

1 the person was charged, the judge may dismiss the charge. However,  
2 the judge may impose court costs.

3 b. (1) A person who has been refused a commercial driver license,  
4 whose commercial motor vehicle driving privilege or any endorsement  
5 has been suspended or revoked, who has been prohibited or  
6 disqualified from operating a commercial motor vehicle, who is subject  
7 to an out of service order, or whose driving privilege is suspended or  
8 revoked, shall not operate a commercial motor vehicle during the  
9 period of refusal, suspension, revocation, prohibition, or  
10 disqualification, or during the period of the out of service order.

11 (2) A person who violates this subsection shall, upon conviction,  
12 be fined not more than \$5,000 for each offense, or imprisoned for a  
13 term of not more than 90 days, or both. If a person is involved in an  
14 accident resulting in personal injury to another person while operating  
15 a commercial motor vehicle in violation of this subsection, the court  
16 shall impose both a period of imprisonment for 90 days and a fine of  
17 \$5,000.

18 In addition, the commercial motor vehicle driving privilege of a  
19 person convicted under this subsection shall be suspended in  
20 accordance with section 12 of this act.

21 (cf: P.L.1990, c.103, s.10.)

22

23 14. N.J.S.18A:39-20 is amended to read as follows:

24 18A:39-20. No board of education or contractor shall approve or  
25 assign a driver, as a driver or substitute driver of a school bus,  
26 without first complying with the provisions of this chapter, and any  
27 person violating, or failing to comply with, such provisions shall be  
28 guilty of a misdemeanor and subject to a fine of not more  
29 than ~~[\$500.00]~~ \$5,000 for each driver unlawfully approved or  
30 assigned.

31 However, a board of education or a contractor may employ a bus  
32 driver provisionally for a period not to exceed ~~[six]~~ three months,  
33 without exception, pending completion of a criminal history record  
34 check required pursuant to section 6 of P.L.1989, c.104  
35 (C.18A:39-19.1); provided that the candidate submits to the  
36 commissioner a sworn statement attesting that the candidate has not  
37 been convicted of any crime ~~[or],~~ disorderly persons or alcohol or  
38 drug-related driving offense as described in that section. No  
39 extensions to the three-month provisional period shall be granted.

40 (cf: P.L.1989, c.104, s.3)

41

42 15. (New section) a. Except as provided in N.J.S.18A:39-20 for  
43 provisional employment, no board of education, private school or  
44 contractor shall approve or assign a person as a driver or substitute  
45 driver of a school bus who has not successfully completed an approved  
46 school bus driver training program within one year of the effective

1 date of this act or within one year of initial employment as a school  
2 bus driver after the effective date of this act.

3 b. The training program, which may be operated by the Department  
4 of Education, the driver's employer upon approval of the division, or  
5 by a drivers' school licensed by the director pursuant to P.L.1951,  
6 c.216 (C.39:12-1 et seq.), shall provide a minimum of 20 hours of  
7 course work and behind-the-wheel instruction. The program shall  
8 emphasize, but not be limited to, the responsibilities of drivers for the  
9 safety of school children, passenger control, defensive driving,  
10 accidents and emergencies, emergency driving techniques, first aid,  
11 field trips and transporting handicapped children.

12 c. Guidelines for the training shall be established by the Division of  
13 Motor Vehicles, in consultation with the Office of Pupil  
14 Transportation in the Department of Education, the Superintendent of  
15 State Police and the Office Highway Traffic Safety in the Department  
16 of Law and Public Safety. The division shall also establish continuing  
17 education requirements for training recertification prior to commercial  
18 driver license renewal, which shall include a minimum of 20 hours of  
19 refresher course work. The cost of the training shall be borne by the  
20 employer of the school bus driver.

21

22 16. (New section) Every municipal court shall immediately notify  
23 the Division of Motor Vehicles when a school bus driver is charged  
24 either with a motor vehicle offense for which penalty points may be  
25 assessed or with a violation of section 5 of P.L.1990, c.103  
26 (C.39:3-10.13), section 16 of P.L.1990, c.103 (C.39:3-10.24),  
27 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). Within  
28 one business day after receiving notice from the court, the director  
29 shall notify the school superintendent and bus contractor, if any, that  
30 a school bus driver assigned to that district has been charged with such  
31 offense or violation. The superintendent or bus contractor, as the case  
32 may be, shall have the authority to immediately suspend, and upon  
33 conviction, terminate, the bus driver who is charged with a motor  
34 vehicle offense and has already been assessed at least two points  
35 within the past three years or fulfills any of the criteria for  
36 disqualification in connection with driving a school bus pursuant to  
37 section 6 of P.L.1989, c.104 (C.18A:39-19.1). The commissioner  
38 shall provide the division with a current listing of all school  
39 superintendents prior to each school year to enable the director to  
40 provide the notices required in this section.

41

42 17. (New section) In addition to any other penalty provided by  
43 law, a school bus driver who, while transporting school children,  
44 violates section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
45 P.L.1990, c.103 (C.39:3-10.24) shall be subject to a jail sentence of up  
46 to one year upon conviction.

1 Notwithstanding any other provision of law to the contrary, a  
2 conviction under this section shall not merge with a conviction for a  
3 violation of R.S.39:4-50, section 2 of P.L.1966, c.142 (C.39:4-50.2),  
4 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
5 P.L.1990, c.103 (C.39:3-10.24).

6  
7 18. This act shall take effect on the first day of the seventh month  
8 following enactment.

9  
10  
11 STATEMENT

12  
13 The purpose of this bill, the "School Bus Safety Enhancement Act,"  
14 is to insure the safety and well-being of the school children of this  
15 State who are transported by school buses. To achieve this objective,  
16 the bill focuses on two key areas: (1) school bus inspections and (2)  
17 the training and qualifications of school bus drivers.

18 (1) Under the current regulatory and statutory scheme,  
19 responsibility for school bus inspections and safety is fragmented  
20 among a variety of agencies and offices. The regulations governing  
21 school bus standards and safety are promulgated by the State Board  
22 of Education; regular inspections fall under the jurisdiction of the  
23 Division of Motor Vehicles (DMV) in the Department of  
24 Transportation; unscheduled, on-site inspections are undertaken by the  
25 State Police; and responsibility for retiring old school buses rests with  
26 the various county superintendents. This fragmentation is not  
27 conducive to the well-being of the school children who are regularly  
28 transported in these buses.

29 To insure the safety of our school children, this bill mandates more  
30 stringent safety standards and regulations, not only for the buses these  
31 children are transported on, but also for the individuals who own,  
32 lease, drive, maintain and inspect those buses. To achieve these  
33 objectives, the bill centralizes responsibility for the inspection and  
34 enforcement of school bus safety within the DMV.

35 Under the provisions of this bill, all school buses would be subject  
36 to quarterly inspections by the DMV. To further insure the safety and  
37 well-being of the students riding those buses, the bill mandates (1)  
38 more stringent safety standards developed by the DMV, in cooperation  
39 with the office of Pupil Transportation in the Department of  
40 Education and the Superintendent of State Police; (2) every school bus  
41 inspection be conducted by two examiners who work independent of  
42 each other and who file separate reports; (3) owners and lessees of  
43 school buses undertake daily safety inspections of the major safety  
44 components and systems of those buses and keep appropriate records;  
45 (4) the development of a certification program for school bus  
46 inspectors and providing for periodic requalifications and renewals of

1 those certifications; (5) the establishment of a mandatory continuing  
2 safety education program for all school bus drivers; and (6)  
3 unscheduled, random safety examinations of school buses by  
4 inspectors from the DMV and the division of State Police. The bill  
5 specifies that at least 20% of all school buses must be subject to these  
6 random examinations.

7 Any school bus that fails any inspection or examination is to be  
8 immediately removed from service and not used to transport any  
9 student until all necessary repairs and corrections have been made and  
10 that school bus is certified as meeting all safety standards and  
11 regulations. The bill also provides that in the case of older buses  
12 (those more than 10 years old), one of the quarterly inspections must  
13 be conducted no more than 30 days before the start of the school year.

14 A person violating the inspection requirements or any of the rules  
15 or regulations governing the construction, design, maintenance,  
16 equipping and safety operation of school buses is subject to a fine of  
17 \$100 for a first offense and to a fine of \$250 for a second or  
18 subsequent offense. While the bill directs that these fines may be  
19 imposed only on private contractors, it does provide that school  
20 districts that are guilty of persistent or egregious violations may be  
21 penalized by having their pupil transportation aid reduced or withheld.

22 School employees and officers, employees or school bus owners  
23 and lessees, and any other persons who know of any specific school  
24 bus safety violations are to report them to the DMV or the State  
25 Police by using a special telephone number established specifically for  
26 that purpose. The DMV or State Police, as the case may be, is to  
27 immediately notify the affected owner or lessee of the bus and the  
28 school district. The bus is to be removed from service until examined  
29 by inspectors from the DMV or State Police and all necessary repairs  
30 and corrections are made.

31 (2) Under the provisions of the bill, at the beginning of each year  
32 and prior to the assignment of a driver or substitute driver to a vehicle  
33 operated by a board of education, the board's secretary is required to  
34 file with the county superintendent and the DMV, the school bus  
35 driver's name, social security number and driver's license number. The  
36 secretary is required to provide the county superintendent, but not the  
37 Division of Motor Vehicles, with a certification of the driver's valid  
38 school bus driver's license and criminal background check.

39 School bus contractors are required to provide to the board of  
40 education and the Division of Motor Vehicles the name, social security  
41 number and driver's license number of any driver to be assigned or  
42 newly assigned to drive a school bus. The board of education must  
43 then forward this information to the county superintendent in addition  
44 to a certification of a valid school bus driver's license and criminal  
45 background check for each driver or substitute driver that will be  
46 assigned to drive a school bus.



1 The bill establishes additional grounds for the disqualification of a  
2 school bus driver. School bus drivers will be disqualified if they have  
3 been twice convicted of driving while intoxicated or once convicted  
4 for refusing to submit to a breath or chemical test while transporting  
5 school children or if the conviction is in connection with an accident  
6 resulting in serious bodily injury or death. Similar to challenging the  
7 accuracy of a criminal history check, the bill accords applicants 30  
8 days in which to petition for a hearing to challenge the accuracy of a  
9 record of conviction related to the operation of a motor vehicle under  
10 the influence of intoxicating liquor or a narcotic, hallucinogenic or  
11 habit-producing drug. The bill also provides for disqualification for  
12 individuals who fail to submit to a criminal background check.

13 So that municipal courts are able to readily identify licensed drivers  
14 who operate school buses, drivers are prohibited from operating a  
15 school bus unless they have ensured that their licenses have been  
16 marked with a "C," for children, by the DMV. The bill requires  
17 municipal courts to immediately notify the division whenever a school  
18 bus driver is charged with a motor vehicle violation for which points  
19 are assessed, operating a commercial vehicle while under the influence  
20 of alcohol or a controlled dangerous substance, refusing to submit to  
21 a chemical test while driving a commercial vehicle, driving while  
22 intoxicated or refusing to submit to a breath test. The director is then  
23 required to notify the school superintendent or bus contractor of the  
24 charge. The superintendent or contractor may suspend and, upon  
25 conviction, terminate the bus driver.

26 School bus drivers who, while transporting children, are convicted  
27 of operating a commercial vehicle while under the influence of alcohol  
28 or a controlled dangerous substance or refusing to submit to a breath  
29 test are subject to a one-year term of imprisonment. A board of  
30 education or contractor who unlawfully approves or assigns a school  
31 bus driver can be fined up to \$5,000 for each driver unlawfully  
32 approved or assigned. School bus drivers may still be hired on a  
33 provisional basis pending the completion of the check of their criminal  
34 and driving records under the bill, but only for a period of up to three  
35 rather than six months and if they provide a sworn statement attesting  
36 that they have not been convicted of a crime, a disorderly persons  
37 offense or an alcohol or drug-related driving offense.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 800**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 800 (SCS).

This bill implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. The Task-Force concluded that in-terminal inspections would permit the Division of Motor Vehicles to better monitor the carriers' operations and maintenance procedures, interact with mechanics and operational staff, audit maintenance, repair and inspection records, and ensure the timely inspection of vehicles.

The bill directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program that would require the inspection of Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes. These are to be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present the operator's buses and records at that site for inspection. The time and location of any inspection or reinspection conducted under the bill's provisions are to be determined by the director, but unless an owner agrees to a different time schedule, the director would schedule a reinspection within three days of the initial inspection.

The bill requires that the enhanced safety inspection program to be established by the director include standards and requirements pertaining to equipment, maintenance, and repair of school buses, including an emission inspection; the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records that demonstrate a driver's compliance with all statutory and regulatory requirements for

authorization to operate a school bus. An operator who violates the standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, falsifies any record, or fails to make a school bus available that is due for inspection (except upon 24 hours' notice prior to the scheduled inspection), will be liable to a fine of not less than \$50 and not more than \$500. The bill requires that the director develop a schedule of fines.

In addition, the bill requires any school bus that fails an inspection based on out-of-service criteria as established by the director to be immediately removed from service.

To offset the costs involved in conducting these in-terminal and in-lieu-of terminal inspections, the bill establishes inspection fees of \$25 for all school buses and \$50 for a "specification inspection," an inspection for new buses being put into service or brought in from other states for operation in New Jersey. These inspection fees include reinspection so long as the reinspection can be conducted during the same visit to the terminal or at another visit previously scheduled to the same terminal. If an additional trip must be made to conduct the reinspection, a fee of \$25 per bus would be charged.

The provisions of the bill would take effect on January 1, 1999.

As amended, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 1697 (3R).

#### COMMITTEE AMENDMENTS

The committee amendments to this bill added failure to present a bus for inspection to the list of acts that expose a bus operator to potential liability for a fine of from \$50 to \$500.

#### FISCAL IMPACT

The Fiscal Year 1999 appropriations act included \$1.5 million for a DMV In-Terminal School Bus Inspection Program. The funds are to be used to support 53 positions that would be created to implement the program. However, the program is intended to be self-supporting. New revenue of \$1.5 million derived from a \$50 per bus inspection fee is anticipated in the FY1999 appropriations act. It should be noted that the appropriations act also anticipates \$2.0 million in related program revenues derived from school buses failing to pass inspections. Consequently, it is expected that the new school bus inspection program will not have a negative effect on the State's General Fund.

# LEGISLATIVE FISCAL ESTIMATE

## SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 800**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: NOVEMBER 24, 1998

Senate Committee Substitute for Senate Bill No. 800 of 1998 would implement the recommendation of the Governor's School Bus Safety Task Force that the existing system of in-lane inspections for school buses be changed to a system of in-terminal inspections. Pursuant to this new program, mobile inspection teams of the Division of Motor Vehicles (DMV) would travel to the terminals of school bus operators and inspect school buses on-site. The intent is to reduce the volume of school bus inspections at centralized inspection stations, reduce the overall costs for the operators of school buses who now must bring buses to and wait for inspections at motor vehicle facilities, and improve overall school bus inspection effectiveness and convenience.

The Office of Legislative Services (OLS) notes that the Fiscal Year 1999 Appropriations Act provides \$1.5 million for a DMV In-Terminal School Bus Inspection Program. The funds would be used to support 53 people who would operate the program. However, the program is intended to be self-supporting. New revenue of \$1.5 million derived from a \$50 per bus specification inspection fee and a \$25 per bus inspection fee is anticipated in the Fiscal Year 1999 Appropriations Act. This act also anticipates \$2.0 million in related program revenues derived from fines levied on school buses failing to pass inspections. Consequently, OLS does not expect the new school bus inspection program to have a negative effect on the State's General Fund.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 800**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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ADOPTED SEPTEMBER 24, 1998

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JACK R. SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

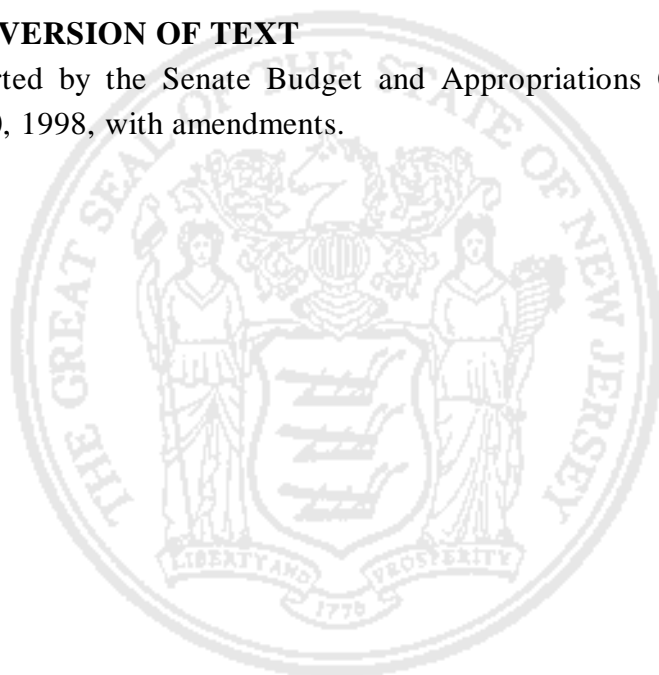
**Senators Baer and Matheussen**

**SYNOPSIS**

The "School Bus Enhanced Safety Inspection Act."

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on December 10, 1998, with amendments.



**(Sponsorship Updated As Of: 12/11/1998)**

1 AN ACT concerning the inspection of school buses, supplementing  
2 chapter 3B of Title 39 of the Revised Statutes and amending  
3 R.S.39:8-2.

4

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

7

8 1. (New Section) This act shall be known and may be cited as the  
9 "School Bus Enhanced Safety Inspection Act."

10

11 2. (New Section) The Legislature finds and declares that school  
12 bus safety is of paramount importance to the health and welfare of the  
13 school children of this State. The Legislature further finds that school  
14 buses are cited for safety violations during scheduled and random  
15 inspections at an unacceptably high level and that recent random  
16 school bus inspections conducted by the Division of State Police and  
17 the Division of Motor Vehicles found a high percentage of school  
18 buses operating with significant violations that warranted the removal  
19 of these vehicles from service.

20

21 The Legislature concurs with the findings of the Governor's School  
22 Bus Safety Task Force that it is appropriate and necessary to revise  
23 the existing system of in-lane inspections to a system of in-terminal  
24 inspections conducted by motor vehicle inspectors at the facility of the  
25 school bus operator. Such a system would provide insight into the  
26 carrier's overall operation and commitment to maintenance; allow  
27 interaction with the carrier's mechanics and operational personnel to  
28 facilitate the immediate repair of vehicles; provide a mechanism for the  
29 audit of a carrier's maintenance records, including daily defect slips,  
30 vehicle history records, and driver history and credential records; and,  
31 insure the timely inspection of all school buses.

31

32 3. (New Section) As used in this act:

33 "Director" means the Director of the Division of Motor Vehicles  
34 in the Department of Transportation;

35 "Division" means the Division of Motor Vehicles in the  
36 Department of Transportation;

37 "In-terminal inspection" means an inspection conducted by the  
38 Division of Motor Vehicles at the operator's terminal of any motor  
39 vehicle required to meet the safety regulations for school buses  
40 adopted by the Department of Transportation pursuant to R.S.39:3B-5  
41 and P.L.1986, c.92 (C.18A:3B-5.4) and vehicle emissions standards  
42 established for engine type pursuant to R.S.39:8-2 and section 3 of

**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:**

**<sup>1</sup> Senate SBA committee amendments adopted December 10, 1998.**

1 P.L.1995, c.157 (C.39:8-61);

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

4 "School bus" means all Type I and Type II school buses as defined  
5 in R.S.39:1-1 and school buses retired pursuant to sections 1 and 2 of  
6 P.L.1986, c.92 (C.18A:39-5.1 and 5.2), under the jurisdiction of the  
7 division.

8

9 4. (New Section) a. The director shall establish a school bus  
10 enhanced safety inspection program which shall include, but not be  
11 limited to, the following elements:

12 (1) an in-terminal school bus inspection program which provides  
13 for the semi-annual or annual inspection of school buses by division  
14 inspection teams;

15 (2) standards and requirements pertaining to the equipment,  
16 maintenance, and repair of school buses subject to inspection pursuant  
17 to this act; all in-terminal inspections, including those involving diesel  
18 vehicles, shall include an emission inspection to determine whether  
19 that vehicle meets the State's emission specifications and standards;

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

23 (4) standards and requirements pertaining to the establishment and  
24 maintenance of driver employment records, including records which  
25 demonstrate a driver's compliance with all statutory and regulatory  
26 requirements for authorization to operate a school bus, and any other  
27 records and credentials deemed necessary by the director for school  
28 bus drivers employed by the operator. The records shall be made  
29 available to division inspectors during each in-terminal inspection.

30 b. If an operator does not have adequate terminal facilities to  
31 allow for a proper and thorough in-terminal inspection, the director  
32 shall designate an in-lieu-of terminal site and direct the operator to  
33 present his buses and records to that site for inspection on such terms  
34 and conditions as determined by the director.

35 c. The time and location of any inspection or reinspection  
36 conducted pursuant to this section shall be determined by the director.  
37 Unless an owner agrees to a different time schedule, the director shall  
38 schedule a reinspection within three days of the date of the inspection  
39 that necessitated the reinspection.

40

41 5. (New Section) a. Any operator who violates the standards for  
42 driver employment records established pursuant to subsection a. of  
43 section 4 of this act, or who fails to retain proper records for  
44 inspection as required, or who fails to make available any record or  
45 document required at the time of inspection, or who falsifies any  
46 record, or who fails to present or otherwise make available any

1 school bus or buses due for inspection, as requested by an examiner,  
2 unless notification of the intent to withhold a bus or buses from an  
3 examiner is made in writing at least 24 hours prior to the scheduled  
4 inspection.<sup>1</sup> shall be fined not less than \$50 and not more than \$500  
5 per violation, in accordance with a schedule of fines to be established  
6 by the director. <sup>1</sup>The director shall waive the requirement of notice  
7 upon a showing of good cause by an operator. A bus withheld from  
8 an examiner pursuant to this section shall be inspected within 30 days  
9 of the date of the originally scheduled inspection, unless otherwise  
10 agreed by the operator and the director.<sup>1</sup> The operator shall be  
11 responsible for all fines.

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

14 b. Any fine imposed pursuant to the provisions of this section may  
15 be collected, with costs, in a summary proceeding pursuant to "the  
16 penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior Court  
17 or municipal court of the county or municipality in which the violation  
18 occurs or in which the operator resides or has a place of business or  
19 principal office in this State, shall have jurisdiction to enforce the  
20 provisions of "the penalty enforcement law" in connection with any  
21 violation of this act.

22 The director or any duly authorized representative of the director  
23 may issue a summons and complaint returnable in any court of  
24 competent jurisdiction for a violation of this act or any rule or  
25 regulation adopted pursuant to this act. A municipal, county, or State  
26 prosecutor is authorized to assist the director in the enforcement of  
27 this act. The director may institute an action in the Superior Court for  
28 injunctive relief to prevent or restrain any violation of this act, or any  
29 rule or regulation adopted, or any administrative or judicial order  
30 issued, pursuant to this act.

31 c. Any officer charged with the enforcement of State and  
32 municipal laws is authorized to assist the director or any duly  
33 authorized representative of the director in the enforcement of the  
34 provisions of this act, or any rule or regulation adopted, or any  
35 administrative or judicial order issued, pursuant to this act.

36  
37 6. (New Section) Any school bus that fails an inspection based on  
38 out-of-service criteria as established by the director shall be  
39 immediately removed from service.

40  
41 7. (New Section) The director shall adopt, pursuant to the  
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.), rules and regulations to implement the provisions of this act,  
44 including the schedule of fines required pursuant to section 5 of this  
45 act and the out of service criteria required pursuant to section 6 of this  
46 act.



1       8. R.S. 39:8-2 is amended to read as follows:

2       39:8-2. a. The director may designate and appoint, subject to  
3 existing laws, competent examiners of motor vehicles to conduct  
4 examinations, other than the periodic inspections required pursuant to  
5 subsection b. of this section, of motor vehicles required to be  
6 inspected in accordance with the provisions of this chapter. The  
7 examiners may be delegated to enforce the provisions of the motor  
8 vehicle and traffic law.

9       b. (1) The director shall adopt, pursuant to the "Administrative  
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
11 regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and  
12 with the requirements of the federal Clean Air Act with respect to the  
13 type and character of the inspections to be made, the facility at which  
14 the vehicle shall be inspected, the frequency of inspections of motor  
15 vehicles and the approval or rejection of motor vehicles as a result of  
16 these inspections. These rules and regulations shall require the use of  
17 inspection tests that are designed to meet the enhanced inspection and  
18 maintenance requirements of the federal Clean Air Act and that have  
19 been proven to be feasible and effective for the inspection of large  
20 numbers of motor vehicles, except that these tests shall not include the  
21 "I/M 240" test. Nothing in this subsection shall preclude the use of the  
22 "I/M 240" test in sampling for performance evaluations only or the use  
23 of the test at the option of a private inspection facility. The rules and  
24 regulations may distinguish between vehicles based on model year,  
25 type, or other vehicle characteristics in order to facilitate inspections  
26 or to comply with the federal Clean Air Act. A low mileage vehicle  
27 shall not be subject to a tailpipe inspection test utilizing a  
28 dynamometer but may be subject to an idle test and a purge and  
29 pressure test. For the purpose of this paragraph, "low mileage  
30 vehicle" means a motor vehicle that is driven less than 10,000 miles  
31 during the biennial inspection period, except that the director may set  
32 the qualifying number of miles for this exemption at a lower number  
33 in order to meet the federal enhanced inspection and maintenance  
34 performance standard.

35       (2) The Department of Environmental Protection and the director  
36 shall investigate advanced testing technologies, including but not  
37 limited to remote sensing and onboard diagnostics, and shall, to the  
38 extent permitted by law, pursue the use of such technologies, other  
39 than the "I/M 240" test, in motor vehicle emission inspections required  
40 by the United States Environmental Protection Agency pursuant to the  
41 federal Clean Air Act. The director shall adopt, to the extent  
42 practicable, advanced technologies to facilitate the retrieval of testing  
43 and other information concerning motor vehicles, which technologies  
44 shall include but not be limited to the use of computer bar codes and  
45 personal cards containing encoded information, such as a person's  
46 operating license, motor vehicle registration, and motor vehicle

1 insurance, the inspection status of a motor vehicle, and mass transit  
2 fares, that can be accessed quickly by a computer.

3 c. Except as modified by the director to distribute evenly the  
4 volume of inspections, all motor vehicles required by the director, in  
5 accordance with the provisions of R.S.39:8-1, to be inspected under  
6 this chapter shall be inspected biennially, except that classes of  
7 vehicles that require more frequent inspections, such as school buses,  
8 shall be inspected at such shorter intervals as may be established by the  
9 director after consultation with the Department of Environmental  
10 Protection. At any time, the director may require the owner, lessee,  
11 or operator of a motor vehicle to submit the vehicle for inspection.

12 d. The director shall furnish to designated examiners or to other  
13 persons authorized to conduct inspections or to grant waivers official  
14 certificates of approval, rejection stickers or waiver certificates, the  
15 form, content and use of which he shall establish. The certificates of  
16 approval, rejection stickers and waiver certificates shall be of a type,  
17 such as a windshield sticker or license plate decal, that can be attached  
18 to the vehicle or license plate in a location that is readily visible to  
19 anyone viewing the vehicle. If a certificate of approval cannot be  
20 issued, the driver shall be provided with a written inspection report  
21 describing the reasons for rejection and, if appropriate, the repairs  
22 needed or likely to be needed to bring the vehicle into compliance with  
23 applicable standards.

24 e. The director may, with the approval of the State House  
25 Commission, purchase, lease or acquire by the exercise of the power  
26 of eminent domain any property for the purpose of assisting him in  
27 carrying out the provisions of this chapter. This property may also be  
28 used by the director for the exercise of the duties and powers  
29 conferred upon him by the other chapters of this Title.

30 f. For the purpose of implementing the motor vehicle inspection  
31 requirements of the federal Clean Air Act and subject to the approval  
32 of the Attorney General, the State Treasurer, prior to January 1, 1997,  
33 may:

34 (1) Purchase, lease or acquire by eminent domain any property for  
35 vehicle inspection purposes. Any other provision of law to the  
36 contrary notwithstanding, no further approval shall be required for  
37 transactions authorized by this paragraph, except that a proposed  
38 purchase, lease or acquisition by eminent domain shall require the  
39 approval of the Joint Budget Oversight Committee, and shall be  
40 submitted to the Joint Budget Oversight Committee, which shall  
41 review the proposed purchase, lease or acquisition by eminent domain  
42 within 15 business days; and

43 (2) Sell or lease, or grant an easement in, any property acquired,  
44 held or used for vehicle inspection purposes or any other suitable  
45 property held by the State that is not currently in use or dedicated to  
46 another purpose. For the purpose of this paragraph and

1 notwithstanding any provision of R.S.52:20-1 et seq. to the contrary,  
2 the sale or lease of, or the granting of an easement in, real property  
3 owned by the State shall be subject to the approval of the State House  
4 Commission, which shall meet at the call of the Governor to act on a  
5 proposed sale or lease or grant of an easement pursuant to this  
6 paragraph. A member of the State House Commission may permit a  
7 representative to act on that member's behalf in considering and voting  
8 on a sale or lease or grant of an easement pursuant to this paragraph.  
9 Any other provision of law to the contrary notwithstanding, any  
10 moneys derived from a sale, lease or granting of an easement by the  
11 State pursuant to this paragraph shall not be expended unless approved  
12 by the Joint Budget Oversight Committee for the purpose of  
13 purchasing, leasing or acquiring property pursuant to paragraph (1) of  
14 this subsection, except that any moneys derived therefrom and not  
15 approved for that purpose shall be appropriated to the Department of  
16 Transportation to provide for mass transit improvements.

17 g. The director shall conduct roadside examinations of motor  
18 vehicles required to be inspected, using such inspection equipment and  
19 procedures, and standards established pursuant to section 1 of  
20 P.L.1966, c.16 (C.26:2C-8.1), including, but not limited to, remote  
21 sensing technology, as the director shall deem appropriate to provide  
22 for the monitoring of motor vehicles pursuant to this subsection. At  
23 least 20,000 vehicles or 0.5 percent of the total number of motor  
24 vehicles required to be inspected under this chapter, whichever is less,  
25 shall be inspected during each inspection cycle by roadside  
26 examination teams under the supervision of the director. The director  
27 may require any vehicle failing a roadside examination to be inspected  
28 at an official inspection facility or a private inspection facility within  
29 a time period fixed by the director. Failure to appear and pass  
30 inspection within the time period fixed by the director shall result in  
31 registration suspension in addition to any other penalties provided in  
32 this Title. The director shall conduct an aggressive roadside  
33 inspection program to ensure that all motor vehicles that are required  
34 to be inspected in this State are in compliance with State law.

35 h. The director, and, when appropriate, the Department of  
36 Environmental Protection, shall conduct inspections and audits of  
37 licensed private inspection facilities, official inspection facilities and  
38 designated examiners to ensure accurate test equipment calibration and  
39 use, and compliance with proper inspection procedures and with the  
40 provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any regulations  
41 adopted pursuant thereto by the Division of Motor Vehicles or by the  
42 Department of Environmental Protection. These inspections and audits  
43 shall be conducted at such times and in such manner as the director,  
44 upon consultation with the Department of Environmental Protection,  
45 shall determine in order to provide quality assurance in the  
46 performance of the inspection and maintenance program.

1 i. (1) The director shall make a charge of \$2.50 for the initial  
2 inspection for each vehicle subject to inspection, which amount shall  
3 be paid to the director or his representative when payment of the  
4 registration fees fixed in chapter 3 of this Title is made; provided  
5 however, that on and after January 1, 1999, a school bus as defined  
6 pursuant to section 3 of P.L. , c. (C. ) (now pending before  
7 the Legislature as this bill) and having a registration period  
8 commencing on or after January 1, 1999, shall be subject to an  
9 inspection fee for each in-terminal or in-lieu-of terminal inspection in  
10 accordance with the following schedule:

|   |                     |
|---|---------------------|
| 11 <u>School Bus Specification Inspection</u> | <u>\$50 per bus</u> |
| 12 <u>School Bus Inspection</u>               | <u>\$25 per bus</u> |

13  
14 The specification inspection is required when a school bus is put into  
15 service in New Jersey, whether a new bus or a bus from another state.  
16 The specification inspection is conducted to ensure that the school bus  
17 meets New Jersey specification standards. The school bus inspection  
18 fee shall be charged to the operator for each in-terminal or in-lieu-of  
19 terminal inspection. School Vehicle Type I and School Vehicle Type  
20 II buses shall be inspected semiannually. Retired school buses shall be  
21 inspected annually. No school bus inspection fee shall be charged for  
22 any reinspection conducted by the division on a previously scheduled  
23 trip or if the reinspection is conducted on the same day as the  
24 inspection that necessitated the reinspection. If an additional trip is  
25 required by the division's inspectors for a reinspection for out of  
26 service criteria, a fee of \$25 per bus shall be charged. Inspection fees  
27 shall be paid to the director or the director's designee subject to the  
28 terms and conditions prescribed by the director. Any law or rule or  
29 regulation adopted pursuant thereto to the contrary notwithstanding,  
30 a registration fee authorized pursuant to chapter 3 of Title 39 of the  
31 Revised Statutes shall not be increased for the purpose of paying any  
32 costs associated in any manner with the establishment, implementation  
33 or operation of the motor vehicle inspection and maintenance program  
34 established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

35 (2) The director shall establish by regulation a fee to cover the  
36 costs of inspecting any vehicle that is required, or has the option,  
37 under federal law to be inspected in this State but is registered in  
38 another state or is owned or leased by the federal government. In  
39 determining these costs, the director shall include all capital and direct  
40 and indirect operating costs associated with the inspection of these  
41 vehicles including, but not limited to, the costs of the actual  
42 inspection, the creation and maintenance of the vehicle inspection  
43 record, administrative, oversight and quality assurance costs and the  
44 costs associated with reporting inspection information to the owner,  
45 the federal government and agencies of other states. All fees collected  
46 pursuant to this subsection shall be paid to the State Treasurer and

1 deposited in the "Motor Vehicle Inspection Fund" established pursuant  
2 to subsection j. of this section.

3 j. There is established in the General Fund a special dedicated,  
4 non-lapsing fund to be known as the "Motor Vehicle Inspection Fund,"  
5 which shall be administered by the State Treasurer. The State  
6 Treasurer shall deposit into the "Motor Vehicle Inspection Fund"  
7 \$11.50 from each motor vehicle registration fee received by the State  
8 after June 30, 1995. The Legislature shall annually appropriate from  
9 the fund an amount necessary to pay the reasonable and necessary  
10 expenses of the implementation and operation of the motor vehicle  
11 inspection program. The State Treasurer shall:

12 (1) Pay to a private contractor or contractors contracted to  
13 design, construct, renovate, equip, establish, maintain and operate  
14 official inspection facilities under a contract or contracts entered into  
15 with the State Treasurer pursuant to subsection a. of section 4 of  
16 P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to  
17 meet the costs agreed to under the contract or contracts; and

18 (2) Transfer from the fund to the Division of Motor Vehicles and  
19 the Department of Environmental Protection the amounts necessary to  
20 finance the costs of administering and implementing all aspects of the  
21 inspection and maintenance program, and to the Office of  
22 Telecommunications and Information Systems in the Department of  
23 the Treasury the amount necessary for computer support upgrades;

24 Moneys remaining in the fund and any unexpended balance of  
25 appropriations from the fund at the end of each fiscal year shall be  
26 reappropriated for the purposes of the fund. Any interest earned on  
27 moneys in the fund shall be credited to the fund.

28 (cf: P.L.1995, c.112, s.20)

29

30 9. This act shall take effect on January 1, 1999, except that the  
31 division may immediately take such administrative and regulatory  
32 action as may be necessary to implement the provisions of this act.

# SENATE, No. 800

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 2, 1998

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Baer**

**SYNOPSIS**

The "School Bus Safety Enhancement Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/29/1998)**

1 AN ACT concerning school bus safety, amending various sections of  
2 the statutory law and supplementing P.L.1965, c.119 (C.39:3B-1  
3 et seq.) and chapter 39 of Title 18A of the New Jersey Statutes.  
4

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

7  
8 1. (New section) This act shall be known and may be cited as the  
9 "School Bus Safety Enhancement Act."  
10

11 2. (New section) Every school bus used to transport children to  
12 and from school and to and from school related activities pursuant to  
13 chapter 39 of Title 18A of the New Jersey Statutes shall be subject to  
14 quarterly inspections by the Division of Motor Vehicles to determine  
15 the vehicle's compliance with all applicable safety and emissions  
16 standards and regulations.  
17

18 3. (New section) To insure the safety and well-being of the school  
19 children being transported by school buses in this State, the Director  
20 of the Division of Motor Vehicles shall:

21 a. promulgate, after consultation with the Office of Pupil  
22 Transportation in the Department of Education and the Superintendent  
23 of State Police, stringent standards and regulations governing the  
24 components, equipment and systems subject to inspection under this  
25 act and setting forth the requirements for compliance with those  
26 standards and regulations;

27 b. require that the major components, equipment and systems of  
28 each school bus be examined at each inspection by two inspectors of  
29 the division working independently of each other and that those  
30 inspectors file separate reports on their findings and assessments;

31 c. direct that the owner or lessee of a school bus subject to the  
32 provisions of this act:

33 (1) conduct daily inspections of the vehicle's major safety  
34 components, equipment and systems in accordance with the standards  
35 and guidelines set forth in the rules and regulations promulgated  
36 pursuant to subsection a. of this section; and

37 (2) maintain a written record of those daily inspections and all  
38 maintenance, repairs and corrections performed as a result of these  
39 inspections for each vehicle;

40 d. develop, in cooperation with the Office of Pupil Transportation  
41 in the Department of Education and the Superintendent of State  
42 Police, a specialized training program for the certification of school  
43 bus inspectors and provide for annual requalifications and renewals of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 those certifications; and

2 e. conduct unscheduled, random examinations each year of at least  
3 20 percent of the school buses subject to inspection under the  
4 provisions of this act. The examinations required under the provisions  
5 of this subsection shall be conducted by inspectors from the division  
6 and from the Division of State Police.

7

8 4. (New section) Any school bus that fails an inspection or  
9 examination conducted pursuant to sections 2 or 3 of this act shall  
10 immediately be removed from service and shall not be used for any  
11 pupil transportation until all necessary repairs and corrections have  
12 been made and that school bus is certified as meeting all safety  
13 standards and regulations.

14

15 5. (New section) a. Any owner or lessee of a school bus subject  
16 to the provisions of this act who refuses to have that school bus  
17 inspected, or, after having had it inspected, refuses to display, in the  
18 manner prescribed by the director, a certificate of approval or who  
19 fraudulently obtains a certificate of approval, or who refuses to place  
20 his school bus in proper condition after it is inspected, or who, in any  
21 manner fails to conform to the provisions of this act, shall be fined  
22 \$100 for a first offense and \$250 for each subsequent offense.

23 b. Any owner or lessee of a school bus subject to the provisions of  
24 this act who violates any of the rules and regulations promulgated  
25 pursuant to section 3 or 7 of this act governing the construction,  
26 design, equipping, inspection, maintenance or safe operation of a  
27 school bus shall be fined \$100 for a first offense and \$250 for each  
28 subsequent offense.

29 c. No fine authorized under subsection a. or b. of this section shall  
30 be imposed upon a local school district, a regional school district, or  
31 a county vocational or technical school; provided, however, upon a  
32 finding by the director that a district or school has persistently and  
33 egregiously violated the provisions of this section, the Commissioner  
34 of Education, in accordance with rules and regulations, may reduce  
35 or withhold the amount of State transportation aid afforded that  
36 district or school under the provisions of section 25 of P.L.1996,  
37 c.138 (C.18A:7F-25).

38

39 6. (New section) Any school employee or official, any employee  
40 of the owner or lessee of a school bus subject to the provisions of this  
41 act or any other person who knows that a school bus is in violation of  
42 any of the safety standards or regulations promulgated pursuant to this  
43 act shall immediately report that violation to the director or the  
44 Division of State Police. The director, in consultation with the  
45 Superintendent of State Police, shall establish a special telephone  
46 number for reporting such violations. The director shall develop and



1 undertake an information program designed to inform school  
2 employees and officials, and employees of the owners and lessees of  
3 school buses subject to the provisions of this act, of the provisions of  
4 this section and of the telephone number for reporting school bus  
5 safety violations.

6 Whenever the director or the Division of State Police receives a  
7 report of a safety violation pursuant to this section, the owner or  
8 lessee of that school bus and the affected school district shall be  
9 immediately notified. Any school bus subject to such a report shall be  
10 immediately be withdrawn from service and shall not be used for any  
11 pupil transportation until it has been examined by an inspector from  
12 the division or from the Division of State Police and until all necessary  
13 repairs and corrections have been made and that school bus is certified  
14 as meeting all safety standards and regulations. The examination  
15 required under this paragraph shall be completed within 24 hours of  
16 the submission of the report of a violation.

17

18 7. (New section) The director, in consultation with the Office of  
19 Pupil Transportation in the Department of Education, Superintendent  
20 of State Police and the State Board of Education, shall promulgate  
21 rules and regulations to provide for the construction, design,  
22 equipping, inspection, maintenance and safe operation of school buses  
23 in this State.

24

25 8. Section 6 of P.L.1965, c.119 (C.39:3B-5) is amended to read as  
26 follows:

27 6. **【The State Board of Education is hereby authorized to make**  
28 **rules and regulations not inconsistent with the provisions of this Title**  
29 **or any rule or regulation made pursuant thereto, concerning the**  
30 **construction, design, equipment, maintenance, operation and**  
31 **inspection of any bus subject to the provisions of section 1 of this act.**  
32 **Such rules and regulations shall be filed with the Director of the**  
33 **Division of Motor Vehicles and, upon such filing, shall be enforced by**  
34 **the director in the same manner as all other rules and regulations**  
35 **made pursuant to this Title.】**

36 Nothing contained **【in this section】** in P.L. c. (C. ) (now  
37 pending before the Legislature as this bill) shall be deemed to limit the  
38 existing authority of the State Board of Education to make rules and  
39 regulations governing the transportation of school pupils pursuant to  
40 Title 18 of the Revised Statutes.

41 (cf: P.L.1965, c.119, s.6)

42

43 9. Section 3 of P.L.1983, c.206 (C.39:3B-5.3) is amended to read  
44 as follows:

45 3. **【School】** In the case of school buses manufactured on or after  
46 April 1, 1977, when used beyond the tenth year, other than the transit

1 type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds,  
2 one of the quarterly inspections required under the provisions of  
3 P.L. , c. (C. )(now pending before the Legislature as this bill)  
4 shall **【have an annual in-depth inspection】** be conducted by the  
5 Division of Motor Vehicles no more than 30 days prior to the  
6 beginning of the school year.  
7 (cf: P.L.1983, c.206, s.3)

8

9 10. N.J.S.18A:39-17 is amended to read as follows:

10 18A:39-17. **【In】** At the beginning of each school year, and prior  
11 to the assignment of any driver or substitute driver to any vehicle  
12 operated by the board of education of any district as a school bus,  
13 there shall be filed by the secretary of such board with the county  
14 superintendent and the Division of Motor Vehicles the name, driver's  
15 license number and social security number of each such driver or  
16 substitute driver and exclusively with the county superintendent a  
17 certification of a valid school bus driver's license and criminal  
18 background check.

19 (cf: P.L.1989, c.104, s.1)

20

21 11. N.J.S.18A:39-18 is amended to read as follows:

22 18A:39-18. In each school year, prior to the beginning of  
23 transportation of school pupils under a contract awarded by a board  
24 of education, the contractor shall furnish to the Division of Motor  
25 Vehicles and the board of education the name, social security number,  
26 and driver's license number of each driver or substitute driver to be  
27 assigned to any vehicle in the performance of his contract. Whenever  
28 a driver is newly assigned to a board of education, this information  
29 shall also be furnished to the division and the board of education. The  
30 board of education shall forward this information to the county  
31 superintendent **【the name, social security number, and】** along with a  
32 certification of a valid school bus driver's license and criminal  
33 background check of each driver or substitute driver to be assigned to  
34 any vehicle in the performance of his contract.

35 (cf: P.L.1989, c.104, s.2)

36

37 12. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to  
38 read as follows:

39 6. Prior to employment as a school bus driver, and upon  
40 application for renewal of a school bus driver's license, a bus driver  
41 shall submit to the **【Commissioner of Education】**local board of  
42 education his or her name, address and fingerprints taken on standard  
43 fingerprint cards by a State or municipal law enforcement agency. No  
44 criminal history record check shall be furnished without his or her  
45 written consent to such a check. The local board shall submit to the  
46 Commissioner of Education and the County Superintendent of Schools

1 the name and address of each applicant who has submitted a written  
2 consent form. The commissioner shall compile a master list of these  
3 names and addresses to be distributed monthly to each county  
4 superintendent in the State.

5 The local board, or contractor who has been awarded a contract to  
6 transport pupils by that local board, shall be responsible for initiating  
7 the criminal history record check and ensuring that the record check  
8 is completed in a timely manner. Upon receipt of the criminal history  
9 record information for an applicant from the Federal Bureau of  
10 Investigation and the Division of State Police, the [Commissioner of  
11 Education] local board or contractor shall forward that information to  
12 the Commissioner of Education, who shall notify the applicant, in  
13 writing, of the applicant's qualification or disqualification as a school  
14 bus driver. A school bus driver shall be disqualified from employment  
15 or service if the individual has refused to provide written consent to a  
16 criminal history record check or if the individual's criminal history  
17 record reveals a record of conviction of any of the following crimes  
18 and offenses:

19 a. A crime or offense bearing upon or involving a sexual offense or  
20 child molestation or endangering the welfare of children or  
21 incompetents, as specified in section 1 of P.L.1986, c.116  
22 (C.18A:6-7.1).

23 b. A crime or offense involving the manufacture, transportation,  
24 sale, possession, or habitual use of a "controlled dangerous substance"  
25 as defined in the "New Jersey Controlled Dangerous Substances Act,"  
26 P.L.1970, c.226 (C.24:21-1 et seq.).

27 c. A crime or offense involving the use of force or the threat of  
28 force to or upon a person or property including: armed robbery,  
29 assault, kidnapping, arson, manslaughter and murder.

30 A school bus driver shall also be disqualified if the individual's bus  
31 driver's license is currently revoked or suspended by the Division of  
32 Motor Vehicles in accordance with R.S.39:3-10.1 or if the driver has  
33 been convicted at least two times for a violation of R.S.39:4-50 or  
34 section 2 of P.L.1981, c.512 (C.39:4-50.4a), or once for a violation of  
35 either section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
36 P.L.1990, c.103 (C.39:3-10.24) while transporting schoolchildren. A  
37 driver shall also be disqualified if convicted of any of these violations  
38 in connection with an accident resulting in serious bodily injury or  
39 death to any person.

40 The applicant shall have 30 days from the date of the written notice  
41 of disqualification to petition the Commissioner of Education for a  
42 hearing on the accuracy of the criminal history record information, the  
43 accuracy of the record of a conviction related to the operation of a  
44 motor vehicle while under the influence of intoxicating liquor, or of a  
45 narcotic, hallucinogenic or habit-producing drug, or to establish the  
46 applicant's rehabilitation under subsection c. of section 1 of P.L.1986,

1 c.116 (C.18A:6-7.1). If the applicant is disqualified, the convictions  
2 which constitute the basis for disqualification shall be identified in the  
3 written notice with copies forwarded to the Division of Motor  
4 Vehicles. [The local board of education, the school bus contractor  
5 and the County Superintendent of Schools shall also be notified of the  
6 disqualification.] Notwithstanding the provisions of any law to the  
7 contrary, the Director of the Division of Motor Vehicles shall, upon  
8 notice of disqualification from the Commissioner of Education,  
9 immediately revoke the applicant's special license issued pursuant to  
10 R.S.39:3-10.1 without necessity of a further hearing. The  
11 commissioner shall also notify the county superintendent of the  
12 disqualification. The county superintendent shall notify the local board  
13 and contractor of the disqualification. Candidates' records shall be  
14 maintained in accordance with the provisions of section 4 of P.L.1986,  
15 c.116 (C.18A:6-7.4).

16 (cf: P.L.1989, c.104, s.6)

17

18 13. Section 10 of P.L.1990, c.103 (C.39:3-10.18) is amended to  
19 read as follows:

20 10. a. (1) Through March 31, 1992, and except as provided by  
21 the director by rule or regulation, a person who has been issued a  
22 commercial driver license shall not operate a commercial motor vehicle  
23 unless the person is in possession of the valid commercial driver  
24 license and endorsements for the class and type of vehicle being  
25 operated. Such a person shall not operate a commercial motor vehicle  
26 if the person is restricted from operating a commercial vehicle of that  
27 class or type.

28 (2) On and after April 1, 1992, and except when operating under  
29 a valid commercial driver examination or learner's permit and  
30 accompanied by the holder of a commercial driver license valid for the  
31 class of vehicle being operated, a person shall not operate a  
32 commercial motor vehicle unless the person has been issued and is in  
33 possession of a valid commercial driver license and applicable  
34 endorsements for the class and type of vehicle being operated. A  
35 person shall not operate a commercial motor vehicle if the person is  
36 restricted from operating a commercial vehicle of that class or type.  
37 A person shall not operate a school bus unless the division has marked  
38 a "C" for children on his license.

39 (3) A person violating this subsection shall be fined not less than  
40 \$250 or more than \$500, or imprisoned for not more than 60 days, or  
41 both. This penalty shall not be applicable in cases where failure to have  
42 actual possession of the commercial driver license is due to an  
43 administrative or technical error by the division. If a person charged  
44 with a failure to have possession of a valid commercial driver license  
45 can exhibit the license to the judge of the court before whom he is  
46 summoned to answer to a charge and the license was valid on the day

1 the person was charged, the judge may dismiss the charge. However,  
2 the judge may impose court costs.

3 b. (1) A person who has been refused a commercial driver license,  
4 whose commercial motor vehicle driving privilege or any endorsement  
5 has been suspended or revoked, who has been prohibited or  
6 disqualified from operating a commercial motor vehicle, who is subject  
7 to an out of service order, or whose driving privilege is suspended or  
8 revoked, shall not operate a commercial motor vehicle during the  
9 period of refusal, suspension, revocation, prohibition, or  
10 disqualification, or during the period of the out of service order.

11 (2) A person who violates this subsection shall, upon conviction,  
12 be fined not more than \$5,000 for each offense, or imprisoned for a  
13 term of not more than 90 days, or both. If a person is involved in an  
14 accident resulting in personal injury to another person while operating  
15 a commercial motor vehicle in violation of this subsection, the court  
16 shall impose both a period of imprisonment for 90 days and a fine of  
17 \$5,000.

18 In addition, the commercial motor vehicle driving privilege of a  
19 person convicted under this subsection shall be suspended in  
20 accordance with section 12 of this act.

21 (cf: P.L.1990, c.103, s.10.)

22

23 14. N.J.S.18A:39-20 is amended to read as follows:

24 18A:39-20. No board of education or contractor shall approve or  
25 assign a driver, as a driver or substitute driver of a school bus,  
26 without first complying with the provisions of this chapter, and any  
27 person violating, or failing to comply with, such provisions shall be  
28 guilty of a misdemeanor and subject to a fine of not more  
29 than ~~[\$500.00]~~ \$5,000 for each driver unlawfully approved or  
30 assigned.

31 However, a board of education or a contractor may employ a bus  
32 driver provisionally for a period not to exceed ~~[six]~~ three months,  
33 without exception, pending completion of a criminal history record  
34 check required pursuant to section 6 of P.L.1989, c.104  
35 (C.18A:39-19.1); provided that the candidate submits to the  
36 commissioner a sworn statement attesting that the candidate has not  
37 been convicted of any crime ~~[or],~~ disorderly persons or alcohol or  
38 drug-related driving offense as described in that section. No  
39 extensions to the three-month provisional period shall be granted.

40 (cf: P.L.1989, c.104, s.3)

41

42 15. (New section) a. Except as provided in N.J.S.18A:39-20 for  
43 provisional employment, no board of education, private school or  
44 contractor shall approve or assign a person as a driver or substitute  
45 driver of a school bus who has not successfully completed an approved  
46 school bus driver training program within one year of the effective

1 date of this act or within one year of initial employment as a school  
2 bus driver after the effective date of this act.

3 b. The training program, which may be operated by the Department  
4 of Education, the driver's employer upon approval of the division, or  
5 by a drivers' school licensed by the director pursuant to P.L.1951,  
6 c.216 (C.39:12-1 et seq.), shall provide a minimum of 20 hours of  
7 course work and behind-the-wheel instruction. The program shall  
8 emphasize, but not be limited to, the responsibilities of drivers for the  
9 safety of school children, passenger control, defensive driving,  
10 accidents and emergencies, emergency driving techniques, first aid,  
11 field trips and transporting handicapped children.

12 c. Guidelines for the training shall be established by the Division of  
13 Motor Vehicles, in consultation with the Office of Pupil  
14 Transportation in the Department of Education, the Superintendent of  
15 State Police and the Office Highway Traffic Safety in the Department  
16 of Law and Public Safety. The division shall also establish continuing  
17 education requirements for training recertification prior to commercial  
18 driver license renewal, which shall include a minimum of 20 hours of  
19 refresher course work. The cost of the training shall be borne by the  
20 employer of the school bus driver.

21

22 16. (New section) Every municipal court shall immediately notify  
23 the Division of Motor Vehicles when a school bus driver is charged  
24 either with a motor vehicle offense for which penalty points may be  
25 assessed or with a violation of section 5 of P.L.1990, c.103  
26 (C.39:3-10.13), section 16 of P.L.1990, c.103 (C.39:3-10.24),  
27 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a). Within  
28 one business day after receiving notice from the court, the director  
29 shall notify the school superintendent and bus contractor, if any, that  
30 a school bus driver assigned to that district has been charged with such  
31 offense or violation. The superintendent or bus contractor, as the case  
32 may be, shall have the authority to immediately suspend, and upon  
33 conviction, terminate, the bus driver who is charged with a motor  
34 vehicle offense and has already been assessed at least two points  
35 within the past three years or fulfills any of the criteria for  
36 disqualification in connection with driving a school bus pursuant to  
37 section 6 of P.L.1989, c.104 (C.18A:39-19.1). The commissioner  
38 shall provide the division with a current listing of all school  
39 superintendents prior to each school year to enable the director to  
40 provide the notices required in this section.

41

42 17. (New section) In addition to any other penalty provided by  
43 law, a school bus driver who, while transporting school children,  
44 violates section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
45 P.L.1990, c.103 (C.39:3-10.24) shall be subject to a jail sentence of up  
46 to one year upon conviction.

1 Notwithstanding any other provision of law to the contrary, a  
2 conviction under this section shall not merge with a conviction for a  
3 violation of R.S.39:4-50, section 2 of P.L.1966, c.142 (C.39:4-50.2),  
4 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
5 P.L.1990, c.103 (C.39:3-10.24).

6  
7 18. This act shall take effect on the first day of the seventh month  
8 following enactment.

9  
10  
11 STATEMENT

12  
13 The purpose of this bill, the "School Bus Safety Enhancement Act,"  
14 is to insure the safety and well-being of the school children of this  
15 State who are transported by school buses. To achieve this objective,  
16 the bill focuses on two key areas: (1) school bus inspections and (2)  
17 the training and qualifications of school bus drivers.

18 (1) Under the current regulatory and statutory scheme,  
19 responsibility for school bus inspections and safety is fragmented  
20 among a variety of agencies and offices. The regulations governing  
21 school bus standards and safety are promulgated by the State Board  
22 of Education; regular inspections fall under the jurisdiction of the  
23 Division of Motor Vehicles (DMV) in the Department of  
24 Transportation; unscheduled, on-site inspections are undertaken by the  
25 State Police; and responsibility for retiring old school buses rests with  
26 the various county superintendents. This fragmentation is not  
27 conducive to the well-being of the school children who are regularly  
28 transported in these buses.

29 To insure the safety of our school children, this bill mandates more  
30 stringent safety standards and regulations, not only for the buses these  
31 children are transported on, but also for the individuals who own,  
32 lease, drive, maintain and inspect those buses. To achieve these  
33 objectives, the bill centralizes responsibility for the inspection and  
34 enforcement of school bus safety within the DMV.

35 Under the provisions of this bill, all school buses would be subject  
36 to quarterly inspections by the DMV. To further insure the safety and  
37 well-being of the students riding those buses, the bill mandates (1)  
38 more stringent safety standards developed by the DMV, in cooperation  
39 with the office of Pupil Transportation in the Department of  
40 Education and the Superintendent of State Police; (2) every school bus  
41 inspection be conducted by two examiners who work independent of  
42 each other and who file separate reports; (3) owners and lessees of  
43 school buses undertake daily safety inspections of the major safety  
44 components and systems of those buses and keep appropriate records;  
45 (4) the development of a certification program for school bus  
46 inspectors and providing for periodic requalifications and renewals of

1 those certifications; (5) the establishment of a mandatory continuing  
2 safety education program for all school bus drivers; and (6)  
3 unscheduled, random safety examinations of school buses by  
4 inspectors from the DMV and the division of State Police. The bill  
5 specifies that at least 20% of all school buses must be subject to these  
6 random examinations.

7 Any school bus that fails any inspection or examination is to be  
8 immediately removed from service and not used to transport any  
9 student until all necessary repairs and corrections have been made and  
10 that school bus is certified as meeting all safety standards and  
11 regulations. The bill also provides that in the case of older buses  
12 (those more than 10 years old), one of the quarterly inspections must  
13 be conducted no more than 30 days before the start of the school year.

14 A person violating the inspection requirements or any of the rules  
15 or regulations governing the construction, design, maintenance,  
16 equipping and safety operation of school buses is subject to a fine of  
17 \$100 for a first offense and to a fine of \$250 for a second or  
18 subsequent offense. While the bill directs that these fines may be  
19 imposed only on private contractors, it does provide that school  
20 districts that are guilty of persistent or egregious violations may be  
21 penalized by having their pupil transportation aid reduced or withheld.

22 School employees and officers, employees or school bus owners  
23 and lessees, and any other persons who know of any specific school  
24 bus safety violations are to report them to the DMV or the State  
25 Police by using a special telephone number established specifically for  
26 that purpose. The DMV or State Police, as the case may be, is to  
27 immediately notify the affected owner or lessee of the bus and the  
28 school district. The bus is to be removed from service until examined  
29 by inspectors from the DMV or State Police and all necessary repairs  
30 and corrections are made.

31 (2) Under the provisions of the bill, at the beginning of each year  
32 and prior to the assignment of a driver or substitute driver to a vehicle  
33 operated by a board of education, the board's secretary is required to  
34 file with the county superintendent and the DMV, the school bus  
35 driver's name, social security number and driver's license number. The  
36 secretary is required to provide the county superintendent, but not the  
37 Division of Motor Vehicles, with a certification of the driver's valid  
38 school bus driver's license and criminal background check.

39 School bus contractors are required to provide to the board of  
40 education and the Division of Motor Vehicles the name, social security  
41 number and driver's license number of any driver to be assigned or  
42 newly assigned to drive a school bus. The board of education must  
43 then forward this information to the county superintendent in addition  
44 to a certification of a valid school bus driver's license and criminal  
45 background check for each driver or substitute driver that will be  
46 assigned to drive a school bus.



1 The bill establishes additional grounds for the disqualification of a  
2 school bus driver. School bus drivers will be disqualified if they have  
3 been twice convicted of driving while intoxicated or once convicted  
4 for refusing to submit to a breath or chemical test while transporting  
5 school children or if the conviction is in connection with an accident  
6 resulting in serious bodily injury or death. Similar to challenging the  
7 accuracy of a criminal history check, the bill accords applicants 30  
8 days in which to petition for a hearing to challenge the accuracy of a  
9 record of conviction related to the operation of a motor vehicle under  
10 the influence of intoxicating liquor or a narcotic, hallucinogenic or  
11 habit-producing drug. The bill also provides for disqualification for  
12 individuals who fail to submit to a criminal background check.

13 So that municipal courts are able to readily identify licensed drivers  
14 who operate school buses, drivers are prohibited from operating a  
15 school bus unless they have ensured that their licenses have been  
16 marked with a "C," for children, by the DMV. The bill requires  
17 municipal courts to immediately notify the division whenever a school  
18 bus driver is charged with a motor vehicle violation for which points  
19 are assessed, operating a commercial vehicle while under the influence  
20 of alcohol or a controlled dangerous substance, refusing to submit to  
21 a chemical test while driving a commercial vehicle, driving while  
22 intoxicated or refusing to submit to a breath test. The director is then  
23 required to notify the school superintendent or bus contractor of the  
24 charge. The superintendent or contractor may suspend and, upon  
25 conviction, terminate the bus driver.

26 School bus drivers who, while transporting children, are convicted  
27 of operating a commercial vehicle while under the influence of alcohol  
28 or a controlled dangerous substance or refusing to submit to a breath  
29 test are subject to a one-year term of imprisonment. A board of  
30 education or contractor who unlawfully approves or assigns a school  
31 bus driver can be fined up to \$5,000 for each driver unlawfully  
32 approved or assigned. School bus drivers may still be hired on a  
33 provisional basis pending the completion of the check of their criminal  
34 and driving records under the bill, but only for a period of up to three  
35 rather than six months and if they provide a sworn statement attesting  
36 that they have not been convicted of a crime, a disorderly persons  
37 offense or an alcohol or drug-related driving offense.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 800**

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 24, 1998

The Senate Education Committee reports favorably Senate Bill No. 800 as a Senate Committee Substitute.

This committee substitute implements the recommendation of the Governor's School Bus Safety Task Force that the Division of Motor Vehicles conduct school bus inspections at the facility of the school bus operator. In-terminal inspections would permit the Division of Motor Vehicles to better monitor the carriers' operations and maintenance procedures, interact with mechanics and operational staff, audit maintenance, repair and inspection records, and ensure the timely inspection of vehicles.

The bill directs the Director of the Division of Motor Vehicles to establish a school bus enhanced safety inspection program that would require the inspection of Type I and Type II school buses used to transport students to and from school and school-related activities and retired school buses used to transport children or senior citizens for recreational purposes. These are to be in-terminal inspections which would occur at the operator's terminal. If the operator does not have adequate facilities to allow for a thorough and proper inspection, the director is to designate an in-lieu-of terminal site and direct the operator to present the operator's buses and records at that site for inspection. The time and location of any inspection or reinspection conducted under the bill's provisions are to be determined by the director, but unless an owner agrees to a different time schedule, the director would schedule a reinspection within three days of the initial inspection.

The bill requires that the enhanced safety inspection program to be established by the director include standards and requirements pertaining to equipment, maintenance, and repair of school buses, including an emission inspection; the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator's fleet; and the establishment and maintenance of driver employment records, including records that demonstrate a driver's compliance with all statutory and regulatory requirements for authorization to operate a school bus. An operator who violates the

standards for driver employment records, fails to retain proper records for inspection or to make those records available at the time of inspection, or falsifies any record, will be liable to a fine of not less than \$50 and not more than \$500. The bill requires that the director develop a schedule of fines.

In addition, the bill requires any school bus that fails an inspection based on out-of-service criteria as established by the director to be immediately removed from service.

To offset the costs involved in conducting these in-terminal and in-lieu-of terminal inspections, the bill establishes inspection fees of \$25 for all school buses and \$50 for a "specification inspection," an inspection for new buses being put into service or brought in from other states for operation in New Jersey. These inspection fees include reinspection so long as the reinspection can be conducted during the same visit to the terminal or at another visit previously scheduled to the same terminal. If an additional trip must be made to conduct the reinspection, a fee of \$25 per bus would be charged.

In addition, fines ranging from \$50 to \$500 would be set by regulation for violations related to driver employment records, including qualifications, violations of record retention, failure to make records available at the time of inspection, and falsification of records.

The provisions of the bill would take effect on January 1, 1999.

As reported, this committee substitute is identical to the Assembly Committee Substitute for Assembly Bill No.1697 (1R) with Senate committee amendments.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
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RELEASE: January 21, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**A-2008**, sponsored by Assembly Members George F. Geist (R-Camden/Gloucester) and Arline M. Friscia (D-Middlesex), raises the state minimum wage rate to bring it into concurrence with the federal minimum wage rate, which is currently \$5.15 per hour. Under the bill, any future changes in the federal minimum wage would be automatically incorporated into state minimum wage law.

**A-1697**, sponsored by Assembly Members John S. Wisniewski (D- Middlesex) and David W. Wolfe (R-Monmouth/Ocean) and Senators Joseph F. Vitale (D-Middlesex) and Jack Sinagra (R-Middlesex), creates the School Bus Enhanced Safety Act. The bill, which implements the recommendations of the Governor's School Bus Safety Task Force, authorizes the Director of the Division of Motor Vehicles (DMV) to establish a semi-annual or annual in-terminal school bus inspection program and establish standards and requirements pertaining to equipment, maintenance and repair of school buses; maintenance, repair and inspection records and driver employment records and any other records or credentials deemed necessary by the director. It also authorizes the DMV Director to implement a fee and fine schedule for such inspections. The bill will enhance the in-terminal semi-annual inspection program that the Director of DMV, through his administrative powers, implemented on July 6. This program includes both a safety and a vehicle emissions inspection.

**A-1427**, sponsored by Assembly Members Raul "Rudy" Garcia (D- Hudson) and George F. Geist (R-Camden/Gloucester) and Senator Bernard F. Kenny, Jr. (D-Hudson), increases penalties for violations of workplace standards in the apparel industry. The bill establishes a minimum penalty equal to the current maximum penalty and doubles the maximum penalties for violations of workplace laws. For instance, under the previous laws fines for first violations ranged up to \$1,000 while the new law provides that penalties for first violations will not be less than \$1,000 or more than \$2,000.

**A-192**, sponsored by Assembly Members George F. Geist (R- Camden/Gloucester) and Kevin J. O'Toole (R-Essex/Union), conforms New Jersey law regarding public sector labor organizations with federal law pertaining to penalties imposed in the private sector for individuals in labor organizations convicted of certain crimes. The bill provides that during the period in which an individual convicted under federal law of certain crimes is prohibited from serving in various private sector labor union capacities, the individual shall also be prohibited from serving in comparable capacities in connection with labor organizations, employers and employer organizations which are related to State and local government in New Jersey.

**S-1324**, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and Henry P. McNamara (R-Bergen/Passaic) and Assembly Members Guy R. Gregg (R-Sussex/ Hunterdon/Morris) and Sam Thompson (R-Middlesex/Monmouth), appropriates \$3,166,577 in funds from the Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996 to the Department of Environmental Protection (DEP) for lake restoration projects in Northern New Jersey. Six local government entities in Monmouth, Morris, Passaic, and Sussex counties are eligible for funding totaling \$849,927 under the bill. Also, under the bill, the DEP's Division of Parks and Forestry will be eligible for funding totaling \$816,650 for projects in Morris, Sussex, Hunterdon, Middlesex and Warren counties and three private lake associations, as co-applicants with local governments, in Morris, Passaic and Sussex counties will be eligible for a total of \$1.5 million in loans.

**S-1419**, sponsored by Senators Diane B. Allen (R-Burlington/Camden) and Joseph A. Palaia (R-Monmouth), appropriates \$1,833,423 in funds from the Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bound Act of 1996 to the DEP for lake restoration projects in Southern New Jersey. Under the bill, grants totaling \$1,724,473 will be distributed by the DEP to eight local governments in Atlantic, Burlington, Gloucester, Monmouth and Ocean counties. DEP also will award grants to its Division of Parks and Forestry (\$75,000 for a project in Burlington County) and to its Division of Fish, Game and Wildlife (\$33,950 for a project that spans Gloucester and Salem Counties).

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