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**REPORTS:**

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No

**NEWSPAPER ARTICLES:**

Yes

"New law requires background checks", 5-7-2003 Trentonian, p 3  
"Law sobering for bus drivers", 5-8-2003 The Times, p.A4

P.L. 2003, CHAPTER 66, *approved May 5, 2003*

Senate, No. 795 (*Third Reprint*)

1 **AN ACT** concerning the qualifications of school bus drivers, amending  
2 various parts of the statutory law and supplementing chapter 39 of  
3 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. Section 12 of P.L.1998, c.31 (C.18A:6-7.1c) is amended to read  
9 as follows:

10 12. A board of education or contracted service provider may  
11 employ an applicant on an emergent basis for a period not to exceed  
12 three months, pending completion of a criminal history records check  
13 and, with respect to a bus driver applicant, a check for the driver's  
14 record of alcohol and drug-related motor vehicle violations pursuant  
15 to section 6 of P.L.1989, c.104 (C.18A:39-19.1), if the board or  
16 service provider demonstrates to the Commissioner of Education that  
17 special circumstances exist which justify the emergent employment.  
18 The board's or service provider's request to the commissioner shall  
19 include: (1) a description of the vacant position that needs to be filled;  
20 (2) a statement describing the board's or contract provider's good faith  
21 efforts to fill the position on a timely basis or a statement describing  
22 the unanticipated need for the applicant's employment; and (3) a sworn  
23 statement submitted by the applicant attesting that the applicant has  
24 not been convicted or does not have a charge pending for a crime or  
25 any other offense enumerated in section 1 of P.L.1986, c.116  
26 (C.18A:6-7.1) or a record of alcohol and drug-related motor vehicle  
27 violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

28 In the event that the background check is not completed within  
29 three months, the board or contracted service provider may petition  
30 the commissioner for an extension of time, not to exceed two months,  
31 in order to retain the employee.

32 (cf: P.L.1998, c.31, s.12)

33

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

35 18A:39-17. In each school year, prior to the assignment of any  
36 driver or substitute driver to any vehicle operated by the board of  
37 education of any district as a school bus, there shall be filed by the  
38 secretary of such board with the county superintendent the name and

**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> Senate SED committee amendments adopted September 9, 2002.

<sup>2</sup> Assembly AED committee amendments adopted November 25, 2002.

<sup>3</sup> Assembly AAP committee amendments adopted February 3, 2003.

1 social security number of each such driver or substitute driver and  
2 certification of a valid school bus driver's license [and], criminal  
3 background check, and evidence of a check for the driver's record of  
4 alcohol and drug-related motor vehicle violations pursuant to section  
5 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

7

8 3. N.J.S.18A:39-18 is amended to read as follows:

9 18A:39-18. In each school year, prior to the beginning of  
10 transportation of school pupils under a contract awarded by a board  
11 of education, the contractor shall furnish to the county superintendent  
12 the name, social security number, and certification of a valid school  
13 bus driver's license and criminal background check, and evidence of a  
14 check for the driver's record of alcohol and drug-related motor vehicle  
15 violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1)  
16 of each driver or substitute driver to be assigned to any vehicle in the  
17 performance of his contract.

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

19

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

22 6. a. Prior to employment as a school bus driver, and upon  
23 application for renewal of a school bus driver's license, a bus driver  
24 shall submit to the Commissioner of Education his or her name,  
25 address and fingerprints <sup>2</sup>[taken on standard fingerprint cards by a  
26 law enforcement agency] in accordance with procedures established  
27 by the commissioner<sup>2</sup>. No criminal history record check or check for  
28 alcohol and drug-related motor vehicle violations shall be furnished  
29 without his or her written consent to such a check. The applicant shall  
30 bear the cost for the [criminal history record check] checks, including  
31 all costs for administering and processing the [check] checks.

32 Upon receipt of the criminal history record information for an  
33 applicant from the Federal Bureau of Investigation and the Division of  
34 State Police, and information on the check for alcohol and drug-  
35 related motor vehicle violations from the Division of Motor Vehicle  
36 Services, the Commissioner of Education shall notify the applicant, in  
37 writing, of the applicant's qualification or disqualification as a school  
38 bus driver. If the applicant is disqualified, the convictions which  
39 constitute the basis for the disqualification shall be identified in the  
40 written notice to the applicant. A school bus driver, except as provided  
41 in subsection e. of this section, shall be permanently disqualified from  
42 employment or service if the individual's criminal history record  
43 reveals a record of conviction for which public school employment  
44 candidates are disqualified pursuant to section 1 of P.L.1986, c.116  
45 (C.18A:6-7.1) or if the driver has been convicted at least two times  
46 within <sup>3</sup>the last<sup>3</sup> 10 years for a violation of R.S.39:4-50, section 2

1 of P.L.1981, c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103  
2 (C.39:3-10.13), or section 16 of P.L.1990, c.103 (C.39:3-10.24); or  
3 once for a violation of section 5 of P.L.1990, c.103 (C.39:3-10.13) or  
4 section 16 of P.L.1990, c.103 (C.39:3-10.24) while transporting  
5 school children. A school bus driver shall not be eligible to  
6 operate a school bus if the individual's bus driver's license is currently  
7 revoked or suspended by the Division of Motor Vehicle Services in  
8 accordance with R.S.39:3-10.1.

9 <sup>2</sup>Following qualification for employment as a school bus driver, the  
10 Division of Motor Vehicle Services shall immediately forward to the  
11 Commissioner of Education any information which the division  
12 receives on a conviction for an alcohol or drug-related motor vehicle  
13 violation that would disqualify the driver from <sup>3</sup>[initial]<sup>3</sup> employment  
14 pursuant to the provisions of this subsection. The commissioner shall  
15 notify the employing board of education or contractor that the driver  
16 is no longer eligible for employment.<sup>2</sup>

17 b. Notwithstanding the provisions of this section, an individual  
18 shall not be disqualified from employment or service under this act on  
19 the basis of any conviction disclosed by a criminal history record check  
20 or a check for alcohol and drug-related motor vehicle violations  
21 performed pursuant to this section without an opportunity to challenge  
22 the accuracy of the disqualifying [criminal history record] records.

23 c. When charges are pending for a crime or any other offense  
24 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1) <sup>1</sup>[or for an  
25 alcohol or drug-related motor vehicle violation]<sup>1</sup>, the employing board  
26 of education or contractor shall be notified that the candidate may not  
27 be eligible for employment until the commissioner has made a  
28 determination regarding qualification or disqualification upon  
29 adjudication of the pending charges.

30 d. The applicant shall have <sup>2</sup>[14] 30<sup>2</sup> days from the date of the  
31 written notice of disqualification to challenge the accuracy of the  
32 criminal history record information or the record of convictions for an  
33 alcohol or drug-related motor vehicle violation. If no challenge is filed  
34 or if the determination of the accuracy of the criminal history record  
35 information or the record of convictions for an alcohol or drug-related  
36 motor vehicle violation upholds the disqualification, notification of the  
37 applicant's disqualification for employment shall be forwarded to the  
38 Division of Motor Vehicle Services. The local board of education or  
39 the school bus contractor and the County Superintendent of Schools  
40 shall also be notified of the disqualification. Notwithstanding the  
41 provisions of any law to the contrary, the Director of the Division of  
42 Motor Vehicle Services shall, upon notice of disqualification from the  
43 Commissioner of Education, immediately revoke the applicant's special  
44 license issued pursuant to R.S.39:3-10.1 without necessity of a further  
45 hearing. Candidates' records shall be maintained in accordance with  
46 the provisions of section 4 of P.L.1986, c.116 (C.18A:6-7.4).

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

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

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

14 <sup>2</sup>f. (1) Notwithstanding any provision of this section to the  
15 contrary, the check for alcohol and drug-related motor vehicle  
16 violations shall be conducted in accordance with the provisions of this  
17 section prior to initial employment as a school bus driver and upon  
18 application for renewal of a school bus driver's license until such time  
19 as the provisions of the "Motor Carrier Safety Improvement Act of  
20 1999," Pub. L. 106-159, are effective and implemented by the State.

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

30 (3) Upon the implementation by the State of the "Motor Carrier  
31 Safety Improvement Act of 1999," Pub. L. 106-159, following  
32 qualification for employment as a school bus driver, the Division of  
33 Motor Vehicle Services shall immediately notify the Commissioner of  
34 Education of the suspension or revocation of a school bus driver's  
35 commercial driver's license. The commissioner shall notify the  
36 employing board of education or contractor of the suspension or  
37 revocation, and the employment of the school bus driver shall be  
38 immediately terminated. In the case of school bus driver whose  
39 commercial driver's license has been suspended, the driver may apply  
40 for re-employment at the end of the period of suspension.<sup>2</sup>

41 (cf: P.L.1998, c.31, s.10)

42  
43 5. N.J.S.18A:39-20 is amended to read as follows:

44 18A:39-20. No board of education or contractor shall <sup>2</sup>knowingly<sup>2</sup>  
45 approve or <sup>2</sup>knowingly<sup>2</sup> assign an individual, as a driver or substitute  
46 driver of a school bus, without first complying with the provisions of

1 this chapter, and any person violating, or failing to comply with such  
2 provisions shall be ~~guilty of a disorderly persons offense and~~ subject  
3 to a fine of not more than ~~[\$500.00]~~ \$5,000 for each driver unlawfully  
4 approved or assigned.

5 (cf: P.L.1998, c.31, s.11)

6

7 6. (New section) In addition to any other penalty provided by law,  
8 a school bus driver who violates section 5 of P.L.1990, c.103 (C.39:3-  
9 10.13) or section 16 of P.L.1990, c.103 (C.39:3-10.24) while  
10 transporting school children shall be guilty of a disorderly persons  
11 offense.

12 Notwithstanding any other provision of law to the contrary, a  
13 conviction under this section shall not merge with a conviction for a  
14 violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a),  
15 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
16 P.L.1990, c.103 (C.39:3-10.24).

17

18 7. This act shall take effect on the first day of the sixth month after  
19 enactment; except that the State Board of Education and the Division  
20 of Motor Vehicle Services may take such administrative and regulatory  
21 action in advance as shall be necessary to implement the provisions of  
22 this act.

23

24

25

26

27 \_\_\_\_\_  
Strengthens screening procedures for school bus drivers.

# SENATE, No. 795

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JANUARY 24, 2002

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**SYNOPSIS**

Strengthens screening procedures for school bus drivers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/10/2002)**



1 AN ACT concerning the qualifications of school bus drivers, amending  
2 various parts of the statutory law and supplementing chapter 39 of  
3 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:

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8 1. Section 12 of P.L.1998, c.31 (C.18A:6-7.1c) is amended to read  
9 as follows:

10 12. A board of education or contracted service provider may  
11 employ an applicant on an emergent basis for a period not to exceed  
12 three months, pending completion of a criminal history records check  
13 and, with respect to a bus driver applicant, a check for the driver's  
14 record of alcohol and drug-related motor vehicle violations pursuant  
15 to section 6 of P.L.1989, c.104 (C.18A:39-19.1), if the board or  
16 service provider demonstrates to the Commissioner of Education that  
17 special circumstances exist which justify the emergent employment.  
18 The board's or service provider's request to the commissioner shall  
19 include: (1) a description of the vacant position that needs to be filled;  
20 (2) a statement describing the board's or contract provider's good faith  
21 efforts to fill the position on a timely basis or a statement describing  
22 the unanticipated need for the applicant's employment; and (3) a sworn  
23 statement submitted by the applicant attesting that the applicant has  
24 not been convicted or does not have a charge pending for a crime or  
25 any other offense enumerated in section 1 of P.L.1986, c.116  
26 (C.18A:6-7.1) or a record of alcohol and drug-related motor vehicle  
27 violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

28 In the event that the background check is not completed within  
29 three months, the board or contracted service provider may petition  
30 the commissioner for an extension of time, not to exceed two months,  
31 in order to retain the employee.

32 (cf: P.L.1998, c.31, s.12)

33

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

35 18A:39-17. In each school year, prior to the assignment of any  
36 driver or substitute driver to any vehicle operated by the board of  
37 education of any district as a school bus, there shall be filed by the  
38 secretary of such board with the county superintendent the name and  
39 social security number of each such driver or substitute driver and  
40 certification of a valid school bus driver's license **[and]**, criminal  
41 background check, and evidence of a check for the driver's record of  
42 alcohol and drug-related motor vehicle violations pursuant to section  
43 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

**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 3. N.J.S.18A:39-18 is amended to read as follows:

2 18A:39-18. In each school year, prior to the beginning of  
3 transportation of school pupils under a contract awarded by a board  
4 of education, the contractor shall furnish to the county superintendent  
5 the name, social security number, and certification of a valid school  
6 bus driver's license and criminal background check and evidence of  
7 a check for the driver's record of alcohol and drug-related motor  
8 vehicle violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-  
9 19.1) of each driver or substitute driver to be assigned to any vehicle  
10 in the performance of his contract.

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

12

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

15 6. a. Prior to employment as a school bus driver, and upon  
16 application for renewal of a school bus driver's license, a bus driver  
17 shall submit to the Commissioner of Education his or her name,  
18 address and fingerprints taken on standard fingerprint cards by a law  
19 enforcement agency. No criminal history record check or check for  
20 alcohol and drug-related motor vehicle violations shall be furnished  
21 without his or her written consent to such a check. The applicant shall  
22 bear the cost for the [criminal history record check] checks, including  
23 all costs for administering and processing the [check] checks.

24 Upon receipt of the criminal history record information for an  
25 applicant from the Federal Bureau of Investigation and the Division of  
26 State Police, and information on the check for alcohol and drug-  
27 related motor vehicle violations from the Division of Motor Vehicle  
28 Services, the Commissioner of Education shall notify the applicant, in  
29 writing, of the applicant's qualification or disqualification as a school  
30 bus driver. If the applicant is disqualified, the convictions which  
31 constitute the basis for the disqualification shall be identified in the  
32 written notice to the applicant. A school bus driver, except as provided  
33 in subsection e. of this section, shall be permanently disqualified from  
34 employment or service if the individual's criminal history record  
35 reveals a record of conviction for which public school employment  
36 candidates are disqualified pursuant to section 1 of P.L.1986, c.116  
37 (C.18A:6-7.1) or if the driver has been convicted at least two times  
38 within 10 years for a violation of R.S.39:4-50, section 2 of P.L.1981,  
39 c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), or  
40 section 16 of P.L.1990, c.103 (C.39:3-10.24); or once for a violation  
41 of section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
42 P.L.1990, c.103 (C.39:3-10.24) while transporting school children.

43 A school bus driver shall not be eligible to operate a school bus if  
44 the individual's bus driver's license is currently revoked or suspended  
45 by the Division of Motor Vehicle Services in accordance with  
46 R.S.39:3-10.1.

1 b. Notwithstanding the provisions of this section, an individual  
2 shall not be disqualified from employment or service under this act on  
3 the basis of any conviction disclosed by a criminal history record check  
4 or a check for alcohol and drug-related motor vehicle violations  
5 performed pursuant to this section without an opportunity to challenge  
6 the accuracy of the disqualifying [criminal history record] records.

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

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

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

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

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

44 (cf: P.L.1998, c.31, s.10)

45  
46 5. N.J.S.18A:39-20 is amended to read as follows:

1 18A:39-20. No board of education or contractor shall approve or  
2 assign an individual, as a driver or substitute driver of a school bus,  
3 without first complying with the provisions of this chapter, and any  
4 person violating, or failing to comply with such provisions shall be  
5 [guilty of a disorderly persons offense and] subject to a fine of not  
6 more than ~~[\$500.00]~~ \$5,000 for each driver unlawfully approved or  
7 assigned.

8 (cf: P.L.1998, c.31, s.11)

9

10 6. (New section) In addition to any other penalty provided by law,  
11 a school bus driver who violates section 5 of P.L.1990, c.103 (C.39:3-  
12 10.13) or section 16 of P.L.1990, c.103 (C.39:3-10.24) while  
13 transporting school children shall be guilty of a disorderly persons  
14 offense.

15 Notwithstanding any other provision of law to the contrary, a  
16 conviction under this section shall not merge with a conviction for a  
17 violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a),  
18 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
19 P.L.1990, c.103 (C.39:3-10.24).

20

21 7. This act shall take effect on the first day of the sixth month after  
22 enactment; except that the State Board of Education and the Division  
23 of Motor Vehicle Services may take such administrative and regulatory  
24 action in advance as shall be necessary to implement the provisions of  
25 this act.

26

27

28

#### STATEMENT

29

30 This bill requires a school bus driver, prior to employment and upon  
31 application for renewal of the license, to undergo a check for alcohol  
32 and drug-related motor vehicle violations along with the criminal  
33 history record check. A school bus driver would be permanently  
34 disqualified from employment if the driver had been convicted at least  
35 two times within 10 years for a violation of the statutes related to the  
36 operation of a motor vehicle while under the influence of alcohol or  
37 drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or  
38 for a violation of the statutes related to the operation of a commercial  
39 motor vehicle while under the influence of alcohol or drugs (C.39:3-  
40 10.13) or refusing to submit to a test (C.39:3-10.24). A driver would  
41 be permanently disqualified from employment if the driver had been  
42 convicted once for a violation of the commercial motor vehicle  
43 statutes while transporting school children.

44 A board of education or school bus contractor who assigns a driver  
45 in violation of the provisions for a criminal history record check and  
46 a check for alcohol and drug-related motor vehicle violations would

**S795 TURNER, PALAIA**

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1 be subject to a fine of \$5,000 for each driver unlawfully approved or  
2 assigned, and a school bus driver who violates the commercial statutes  
3 related to alcohol and drug-related motor vehicle violations while  
4 transporting children would be guilty of a disorderly persons offense  
5 in addition to any other penalty.

6 The provisions of the bill would take effect on the first day of the  
7 sixth month after enactment.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 795**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Assembly Education Committee favorably reports Senate Bill No. 795 (1R) with committee amendments.

As amended, this bill requires a school bus driver, prior to employment and upon application for renewal of the school bus driver license, to undergo a check for alcohol and drug-related motor vehicle violations along with the criminal history record check.

Under the bill's provisions, a school bus driver would be permanently disqualified from employment if the driver had been convicted at least two times within 10 years for a violation of the statutes related to the operation of a motor vehicle while under the influence of alcohol or drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or for a violation of the statutes related to the operation of a commercial motor vehicle while under the influence of alcohol or drugs (C.39:3-10.13) or refusing to submit to a test (C.39:3-10.24). A driver would be permanently disqualified from employment if the driver had been convicted once for a violation of the commercial motor vehicle statutes while transporting school children.

The bill stipulates that the check for alcohol and drug-related motor vehicle violations will be conducted in accordance with the bill's provisions until such time as the provisions of the federal "Motor Carrier Safety Improvement Act of 1999," Pub. L.106-159, are effective and implemented in the State. Upon the enactment of that federal law, the check for alcohol and drug-related motor vehicle violations will be conducted in accordance with the bill's provisions prior to initial employment. A check for such offenses performed at the time of license renewal will be conducted in accordance with the provisions of the federal law. The initial check will be conducted in accordance with the bill's standards due to the fact that under the federal law, only that portion of an individual's personal driving record which occurs after receipt of a commercial driver's license is subject to scrutiny, while under the bill there is no such limitation.

A board of education or school bus contractor who knowingly assigns a driver in violation of the provisions for a criminal history

record check and a check for alcohol and drug-related motor vehicle violations would be subject to a fine of \$5,000 for each driver knowingly approved or assigned, and a school bus driver who violates the commercial statutes related to alcohol and drug-related motor vehicle violations while transporting children would be guilty of a disorderly persons offense in addition to any other penalty.

The provisions of the bill would take effect on the first day of the sixth month after enactment.

As reported by committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 2166 and 1732.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that following qualification for employment as a school bus driver, the Division of Motor Vehicle Services must immediately forward to the Commissioner of Education any information received by the division on a conviction for an alcohol or drug-related motor vehicle violation that would disqualify the driver. The commissioner must then notify the employing board of education or contractor that the driver is no longer eligible for employment. Following the implementation of the federal "Motor Carrier Safety Improvement Act of 1999," the division will immediately notify the commissioner of the suspension or revocation of a school bus driver's commercial driver's license. The commissioner will then notify the employing board of education or the contractor and the employment of the school bus driver will be immediately terminated. In the case of a suspended license, the driver may apply for re-employment at the end of the period of suspension;

2) increase the length of time in which a applicant for employment as a school bus driver may challenge the accuracy of criminal history record information or information on alcohol or drug-related motor vehicle violations from 14 to 30 days;

3) clarify the impact of the implementation of the federal "Motor Carrier Safety Improvement Act of 1999" on the procedures for alcohol and drug-related motor vehicle checks outlined in the bill; and

4) provide that the actions of a board of education or contractor in approving or assigning a school bus driver without complying the law's provisions will result in a penalty only if those actions were taken knowingly.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]  
**SENATE, No. 795**

with Assembly committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Senate Bill No. 795 (2R), with committee amendments.

Senate Bill No. 795 (2R), as amended, requires a school bus driver, prior to employment and upon application for renewal of the school bus driver license, to undergo a check for alcohol and drug-related motor vehicle violations along with the criminal history record check.

Under the legislation, a school bus driver would be permanently disqualified from employment if the driver had been convicted at least two times within the last 10 years for the operation of a motor vehicle while under the influence of alcohol or drugs (R.S.39:4-50), refusing to submit to a test (C.39:4-50.4a); for a violation of the statutes related to the operation of a commercial motor vehicle while under the influence of alcohol or drugs (C.39:3-10.13) or refusing to submit to a test (C.39:3-10.24). A driver would be permanently disqualified from employment if convicted once for a violation of the commercial motor vehicle statutes while transporting school children.

The legislation provides that the check for alcohol and drug-related motor vehicle violations will be conducted until the federal "Motor Carrier Safety Improvement Act of 1999," Pub. L.106-159, is effective and implemented in the State.

A board of education or school bus contractor who knowingly assigns a driver in violation of the provisions for a criminal history record check and a check for alcohol and drug-related motor vehicle violations would be subject to a fine of \$5,000 for each driver knowingly approved or assigned, and a school bus driver who violates the commercial statutes related to alcohol and drug-related motor vehicle violations while transporting children would be guilty of a disorderly persons offense in addition to any other penalty.

As amended and reported, this legislation is identical to Assembly Bill No. 2166 and 1732 (ACS), as also amended and reported by the committee.



FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments allow for disqualification if convicted twice within the last 10 years; and the disqualification is for any employment as a school bus driver, not just the initial employment.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 795**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: SEPTEMBER 9, 2002

The Senate Education Committee reports favorably and with committee amendments Senate Bill No. 795.

As amended, this bill requires a school bus driver, prior to employment and upon application for renewal of the license, to undergo a check for alcohol and drug-related motor vehicle violations along with the criminal history record check. A school bus driver would be permanently disqualified from employment if the driver had been convicted at least two times within 10 years for a violation of the statutes related to the operation of a motor vehicle while under the influence of alcohol or drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or for a violation of the statutes related to the operation of a commercial motor vehicle while under the influence of alcohol or drugs (C.39:3-10.13) or refusing to submit to a test (C.39:3-10.24). A driver would be permanently disqualified from employment if the driver had been convicted once for a violation of the commercial motor vehicle statutes while transporting school children.

A board of education or school bus contractor who assigns a driver in violation of the provisions for a criminal history record check and a check for alcohol and drug-related motor vehicle violations would be subject to a fine of \$5,000 for each driver unlawfully approved or assigned, and a school bus driver who violates the commercial statutes related to alcohol and drug-related motor vehicle violations while transporting children would be guilty of a disorderly persons offense in addition to any other penalty.

The provisions of the bill would take effect on the first day of the sixth month after enactment.

An amendment was adopted to delete a provision regarding pending violations as municipal courts do not report this information.

# ASSEMBLY, No. 2166

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**Assemblyman MATT AHEARN**

**District 38 (Bergen)**

**Assemblyman PAUL SARLO**

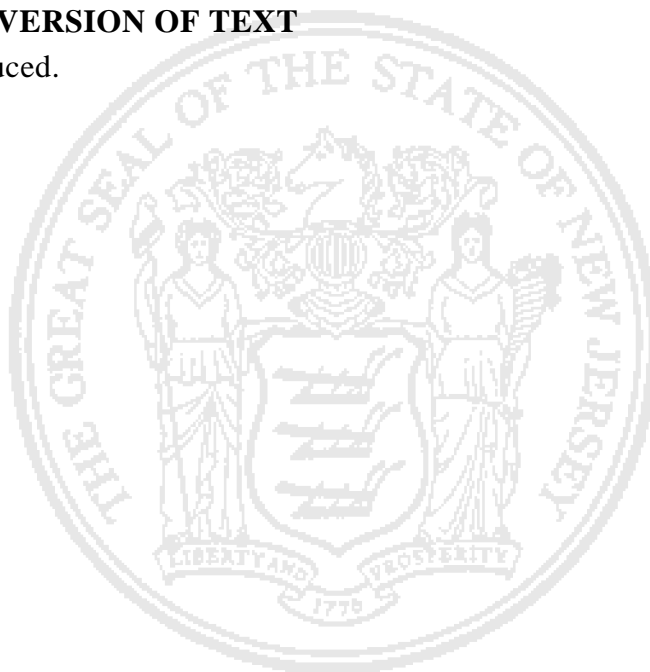
**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Strengthens screening procedures for school bus drivers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2002)**

A2166 MCKEON, DORIA

2

1 AN ACT concerning the qualifications of school bus drivers, amending  
2 various parts of the statutory law and supplementing chapter 39 of  
3 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. Section 12 of P.L.1998, c.31 (C.18A:6-7.1c) is amended to read  
9 as follows:

10 12. A board of education or contracted service provider may  
11 employ an applicant on an emergent basis for a period not to exceed  
12 three months, pending completion of a criminal history records check  
13 and, with respect to a bus driver applicant, a check for the driver's  
14 record of alcohol and drug-related motor vehicle violations pursuant  
15 to section 6 of P.L.1989, c.104 (C.18A:39-19.1), if the board or  
16 service provider demonstrates to the Commissioner of Education that  
17 special circumstances exist which justify the emergent employment.  
18 The board's or service provider's request to the commissioner shall  
19 include: (1) a description of the vacant position that needs to be filled;  
20 (2) a statement describing the board's or contract provider's good faith  
21 efforts to fill the position on a timely basis or a statement describing  
22 the unanticipated need for the applicant's employment; and (3) a sworn  
23 statement submitted by the applicant attesting that the applicant has  
24 not been convicted or does not have a charge pending for a crime or  
25 any other offense enumerated in section 1 of P.L.1986, c.116  
26 (C.18A:6-7.1) or a record of alcohol or drug-related motor vehicle  
27 violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

28 In the event that the background check is not completed within  
29 three months, the board or contracted service provider may petition  
30 the commissioner for an extension of time, not to exceed two months,  
31 in order to retain the employee.

32 (cf: P.L.1998, c.31, s.12)

33

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

35 18A:39-17. In each school year, prior to the assignment of any  
36 driver or substitute driver to any vehicle operated by the board of  
37 education of any district as a school bus, there shall be filed by the  
38 secretary of such board with the county superintendent the name and  
39 social security number of each such driver or substitute driver and  
40 certification of a valid school bus driver's license [and], a criminal  
41 background check, and evidence of a check for the driver's record 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 alcohol and drug-related motor vehicle violations pursuant to section  
2 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

4

5 3. N.J.S.18A:39-18 is amended to read as follows:

6 18A:39-18. In each school year, prior to the beginning of  
7 transportation of school pupils under a contract awarded by a board  
8 of education, the contractor shall furnish to the county superintendent  
9 the name, social security number, and certification of a valid school  
10 bus driver's license and criminal background check , and evidence of  
11 a check for the driver's record of alcohol and drug-related motor  
12 vehicle violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-  
13 19.1) of each driver or substitute driver to be assigned to any vehicle  
14 in the performance of his contract.

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

16

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

19 6. a. Prior to employment as a school bus driver, and upon  
20 application for renewal of a school bus driver's license, a bus driver  
21 shall submit to the Commissioner of Education his or her name,  
22 address and fingerprints taken on standard fingerprint cards by a law  
23 enforcement agency. No criminal history record check or check for  
24 alcohol and drug-related motor vehicle violations shall be furnished  
25 without his or her written consent to such a check. The applicant shall  
26 bear the cost for the [criminal history record check] checks, including  
27 all costs for administering and processing the [check] checks.

28 Upon receipt of the criminal history record information for an  
29 applicant from the Federal Bureau of Investigation and the Division of  
30 State Police, and information on the check for alcohol and drug-  
31 related motor vehicle violations from the Division of Motor Vehicle  
32 Services, the Commissioner of Education shall notify the applicant, in  
33 writing, of the applicant's qualification or disqualification as a school  
34 bus driver. If the applicant is disqualified, the convictions which  
35 constitute the basis for the disqualification shall be identified in the  
36 written notice to the applicant. A school bus driver, except as provided  
37 in subsection e. of this section, shall be permanently disqualified from  
38 employment or service if the individual's criminal history record  
39 reveals a record of conviction for which public school employment  
40 candidates are disqualified pursuant to section 1 of P.L.1986, c.116  
41 (C.18A:6-7.1) or if the driver has been convicted at least two times  
42 within 10 years for a violation of R.S.39:4-50, section 2 of P.L.1981,  
43 c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), or  
44 section 16 of P.L.1990, c.103 (C.39:3-10.24); or once for a violation  
45 of section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
46 P.L.1990, c.103 (C.39:3-10.24) while transporting school children.

1 A school bus driver shall not be eligible to operate a school bus if  
2 the individual's bus driver's license is currently revoked or suspended  
3 by the Division of Motor Vehicle Services in accordance with  
4 R.S.39:3-10.1.

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

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

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

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

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

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

1 or after the effective date of that act.  
2 (cf: P.L.1998, c.31, s.10)

3  
4 5. N.J.S.18A:39-20 is amended to read as follows:

5 18A:39-20. No board of education or contractor shall approve or  
6 assign an individual, as a driver or substitute driver of a school bus,  
7 without first complying with the provisions of this chapter, and any  
8 person violating, or failing to comply with such provisions shall be  
9 **[guilty of a disorderly persons offense and]** subject to a fine of not  
10 more than **[\$500.00] \$5,000 for each driver unlawfully approved or**  
11 **assigned.**

12 (cf: P.L.1998, c.31, s.11)

13

14 6. (New section) In addition to any other penalty provided by law,  
15 a school bus driver who violates section 5 of P.L.1990, c.103 (C.39:3-  
16 10.13) or section 16 of P.L.1990, c.103 (C.39:3-10.24) while  
17 transporting school children shall be guilty of a disorderly persons  
18 offense.

19 Notwithstanding any other provision of law to the contrary, a  
20 conviction under this section shall not merge with a conviction for a  
21 violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a),  
22 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
23 P.L.1990, c.103 (C.39:3-10.24).

24

25 7. This act shall take effect on the first day of the sixth month after  
26 enactment; except that the State Board of Education and the Division  
27 of Motor Vehicle Services may take such administrative and regulatory  
28 action in advance as shall be necessary to implement the provisions of  
29 this act.

30

31

32

#### STATEMENT

33

34 This bill requires a school bus driver, prior to employment and upon  
35 application for renewal of the license, to undergo a check for alcohol  
36 and drug-related motor vehicle violations along with the criminal  
37 history record check. A school bus driver would be permanently  
38 disqualified from employment if the driver had been convicted at least  
39 two times within 10 years for a violation of the statutes related to the  
40 operation of a motor vehicle while under the influence of alcohol or  
41 drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or  
42 for a violation of the statutes related to the operation of a commercial  
43 motor vehicle while under the influence of alcohol or drugs (C.39:3-  
44 10.13) or refusing to submit to a test (C.39:3-10.24). A driver would  
45 be permanently disqualified from employment if the driver had been  
46 convicted once for a violation of the commercial motor vehicle

**A2166 MCKEON, DORIA**

6

1 statutes while transporting school children.

2 A board of education or school bus contractor who assigns a driver  
3 in violation of the provisions for a criminal history record check and  
4 a check for alcohol and drug-related motor vehicle violations would  
5 be subject to a fine of \$5,000 for each driver unlawfully approved or  
6 assigned, and a school bus driver who violates the commercial statutes  
7 related to alcohol and drug-related motor vehicle violations while  
8 transporting children would be guilty of a disorderly persons offense  
9 in addition to any other penalty.

10 The provisions of the bill would take effect on the first day of the  
11 sixth month after enactment.



# ASSEMBLY, No. 1732

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2002

**Sponsored by:**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**SYNOPSIS**

Strengthens screening procedures for school bus drivers.

**CURRENT VERSION OF TEXT**

As introduced.



A1732 WOLFE, HECK

2

1 AN ACT concerning the qualifications of school bus drivers, amending  
2 various parts of the statutory law and supplementing chapter 39 of  
3 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. Section 12 of P.L.1998, c.31 (C.18A:6-7.1c) is amended to read  
9 as follows:

10 12. A board of education or contracted service provider may  
11 employ an applicant on an emergent basis for a period not to exceed  
12 three months, pending completion of a criminal history records check  
13 and, with respect to a bus driver applicant, a check for the driver's  
14 record of alcohol and drug-related motor vehicle violations pursuant  
15 to section 6 of P.L.1989, c.104 (C.18A:39-19.1), if the board or  
16 service provider demonstrates to the Commissioner of Education that  
17 special circumstances exist which justify the emergent employment.  
18 The board's or service provider's request to the commissioner shall  
19 include: (1) a description of the vacant position that needs to be filled;  
20 (2) a statement describing the board's or contract provider's good faith  
21 efforts to fill the position on a timely basis or a statement describing  
22 the unanticipated need for the applicant's employment; and (3) a sworn  
23 statement submitted by the applicant attesting that the applicant has  
24 not been convicted or does not have a charge pending for a crime or  
25 any other offense enumerated in section 1 of P.L.1986, c.116  
26 (C.18A:6-7.1) or a record of alcohol and drug-related motor vehicle  
27 violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

28 In the event that the background check is not completed within  
29 three months, the board or contracted service provider may petition  
30 the commissioner for an extension of time, not to exceed two months,  
31 in order to retain the employee.

32 (cf: P.L.1998, c.31, s.12)

33

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

35 18A:39-17. In each school year, prior to the assignment of any  
36 driver or substitute driver to any vehicle operated by the board of  
37 education of any district as a school bus, there shall be filed by the  
38 secretary of such board with the county superintendent the name and  
39 social security number of each such driver or substitute driver and  
40 certification of a valid school bus driver's license **[and]**, criminal  
41 background check, and evidence of a check for the driver's record 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 alcohol and drug-related motor vehicle violations pursuant to section  
2 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

4

5 3. N.J.S.18A:39-18 is amended to read as follows:

6 18A:39-18. In each school year, prior to the beginning of  
7 transportation of school pupils under a contract awarded by a board  
8 of education, the contractor shall furnish to the county superintendent  
9 the name, social security number, and certification of a valid school  
10 bus driver's license and criminal background check , and evidence of  
11 a check for the driver's record of alcohol and drug-related motor  
12 vehicle violations pursuant to section 6 of P.L.1989, c.104 (C.18A:39-  
13 19.1) of each driver or substitute driver to be assigned to any vehicle  
14 in the performance of his contract.

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

16

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

19 6. a. Prior to employment as a school bus driver, and upon  
20 application for renewal of a school bus driver's license, a bus driver  
21 shall submit to the Commissioner of Education his or her name,  
22 address and fingerprints taken on standard fingerprint cards by a law  
23 enforcement agency. No criminal history record check or check for  
24 alcohol and drug-related motor vehicle violations shall be furnished  
25 without his or her written consent to such a check. The applicant shall  
26 bear the cost for the [criminal history record check] checks, including  
27 all costs for administering and processing the [check] checks.

28 Upon receipt of the criminal history record information for an  
29 applicant from the Federal Bureau of Investigation and the Division of  
30 State Police, and information on the check for alcohol and drug-  
31 related motor vehicle violations from the Division of Motor Vehicle  
32 Services, the Commissioner of Education shall notify the applicant, in  
33 writing, of the applicant's qualification or disqualification as a school  
34 bus driver. If the applicant is disqualified, the convictions which  
35 constitute the basis for the disqualification shall be identified in the  
36 written notice to the applicant. A school bus driver, except as provided  
37 in subsection e. of this section, shall be permanently disqualified from  
38 employment or service if the individual's criminal history record  
39 reveals a record of conviction for which public school employment  
40 candidates are disqualified pursuant to section 1 of P.L.1986, c.116  
41 (C.18A:6-7.1) or if the driver has been convicted at least two times  
42 within 10 years for a violation of R.S.39:4-50, section 2 of P.L.1981,  
43 c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), or  
44 section 16 of P.L.1990, c.103 (C.39:3-10.24); or once for a violation  
45 of section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
46 P.L.1990, c.103 (C.39:3-10.24) while transporting school children.

1 A school bus driver shall not be eligible to operate a school bus if  
2 the individual's bus driver's license is currently revoked or suspended  
3 by the Division of Motor Vehicle Services in accordance with  
4 R.S.39:3-10.1.

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

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

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

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

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

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

1 or after the effective date of that act.

2 (cf: P.L.1998, c.31, s.10)

3

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

5 18A:39-20. No board of education or contractor shall approve or  
6 assign an individual, as a driver or substitute driver of a school bus,  
7 without first complying with the provisions of this chapter, and any  
8 person violating, or failing to comply with such provisions shall be  
9 **[guilty of a disorderly persons offense and]** subject to a fine of not  
10 more than **[\$500.00] \$5,000 for each driver unlawfully approved or**  
11 **assigned.**

12 (cf: P.L.1998, c.31, s.11)

13

14 6. (New section) In addition to any other penalty provided by law,  
15 a school bus driver who violates section 5 of P.L.1990, c.103 (C.39:3-  
16 10.13) or section 16 of P.L.1990, c.103 (C.39:3-10.24) while  
17 transporting school children shall be guilty of a disorderly persons  
18 offense.

19 Notwithstanding any other provision of law to the contrary, a  
20 conviction under this section shall not merge with a conviction for a  
21 violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a),  
22 section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of  
23 P.L.1990, c.103 (C.39:3-10.24).

24

25 7. This act shall take effect on the first day of the sixth month after  
26 enactment; except that the State Board of Education and the Division  
27 of Motor Vehicle Services may take such administrative and regulatory  
28 action in advance as shall be necessary to implement the provisions of  
29 this act.

30

31

32

#### STATEMENT

33

34 This bill requires a school bus driver, prior to employment and upon  
35 application for renewal of the license, to undergo a check for alcohol  
36 and drug-related motor vehicle violations along with the criminal  
37 history record check. A school bus driver would be permanently  
38 disqualified from employment if the driver had been convicted at least  
39 two times within 10 years for a violation of the statutes related to the  
40 operation of a motor vehicle while under the influence of alcohol or  
41 drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or  
42 for a violation of the statutes related to the operation of a commercial  
43 motor vehicle while under the influence of alcohol or drugs (C.39:3-  
44 10.13) or refusing to submit to a test (C.39:3-10.24). A driver would  
45 be permanently disqualified from employment if the driver had been  
46 convicted once for a violation of the commercial motor vehicle

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1 statutes while transporting school children.

2 A board of education or school bus contractor who assigns a driver  
3 in violation of the provisions for a criminal history record check and  
4 a check for alcohol and drug-related motor vehicle violations would  
5 be subject to a fine of \$5,000 for each driver unlawfully approved or  
6 assigned, and a school bus driver who violates the commercial statutes  
7 related to alcohol and drug-related motor vehicle violations while  
8 transporting children would be guilty of a disorderly persons offense  
9 in addition to any other penalty.

10 The provisions of the bill would take effect on the first day of the  
11 sixth month after enactment.`

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2166 and 1732**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Assembly Education Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2166 and 1732.

This committee substitute requires a school bus driver, prior to employment and upon application for renewal of the school bus driver license, to undergo a check for alcohol and drug-related motor vehicle violations along with the criminal history record check.

Under the provisions of the substitute, a school bus driver would be permanently disqualified from employment if the driver had been convicted at least two times within 10 years for a violation of the statutes related to the operation of a motor vehicle while under the influence of alcohol or drugs (R.S.39:4-50) or refusing to submit to a test (C.39:4-50.4a); or for a violation of the statutes related to the operation of a commercial motor vehicle while under the influence of alcohol or drugs (C.39:3-10.13) or refusing to submit to a test (C.39:3-10.24). A driver would be permanently disqualified from employment if the driver had been convicted once for a violation of the commercial motor vehicle statutes while transporting school children.

The substitute provides that the check for alcohol and drug-related motor vehicle violations will be conducted in accordance with the bill's provisions until such time as the provisions of the federal "Motor Carrier Safety Improvement Act of 1999," Pub. L.106-159, are effective and implemented in the State. Upon the enactment of that federal law, the check for alcohol and drug-related motor vehicle violations will be conducted in accordance with the substitute's provisions prior to initial employment. A check for such offenses performed at the time of license renewal will be conducted in accordance with the provisions of the federal law. The initial check will be conducted in accordance with the bill's standards due to the fact that under the federal law, only that portion of an individual's personal driving record which occurs after receipt of a commercial driver's license is subject to scrutiny, while under the substitute there is no such limitation.

A board of education or school bus contractor who knowingly assigns a driver in violation of the provisions for a criminal history record check and a check for alcohol and drug-related motor vehicle

violations would be subject to a fine of \$5,000 for each driver knowingly approved or assigned, and a school bus driver who violates the commercial statutes related to alcohol and drug-related motor vehicle violations while transporting children would be guilty of a disorderly persons offense in addition to any other penalty.

The provisions of the substitute would take effect on the first day of the sixth month after enactment.

As reported by committee, this substitute is identical to Senate Bill No. 795 (1R) with committee amendments.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2166 and 1732**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 2166 and 1732 (ACS), with committee amendments.

Assembly Bill Nos. 2166 and 1732 (ACS), as amended, requires a school bus driver, prior to employment and upon application for renewal of the school bus driver license, to undergo a check for alcohol and drug-related motor vehicle violations along with the criminal history record check.

Under the legislation, a school bus driver would be permanently disqualified from employment if the driver had been convicted at least two times within the last 10 years for the operation of a motor vehicle while under the influence of alcohol or drugs (R.S.39:4-50), refusing to submit to a test (C.39:4-50.4a); for a violation of the statutes related to the operation of a commercial motor vehicle while under the influence of alcohol or drugs (C.39:3-10.13) or refusing to submit to a test (C.39:3-10.24). A driver would be permanently disqualified from employment if convicted once for a violation of the commercial motor vehicle statutes while transporting school children.

The legislation provides that the check for alcohol and drug-related motor vehicle violations will be conducted until the federal "Motor Carrier Safety Improvement Act of 1999," Pub.L.106-159, is effective and implemented in the State.

A board of education or school bus contractor who knowingly assigns a driver in violation of the provisions for a criminal history record check and a check for alcohol and drug-related motor vehicle violations would be subject to a fine of \$5,000 for each driver knowingly approved or assigned, and a school bus driver who violates the commercial statutes related to alcohol and drug-related motor vehicle violations while transporting children would be guilty of a disorderly persons offense in addition to any other penalty.

As reported, this legislation is identical to Senate Bill No. 795 (2R), as also reported by the committee.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments allow for disqualification if convicted twice within the last 10 years; and the disqualification is for any employment as a school bus driver, not just the initial employment.