

# ASSEMBLY, No. 4835

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 14, 2022

**Sponsored by:**

**Assemblyman WILLIAM F. MOEN, JR.**

**District 5 (Camden and Gloucester)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

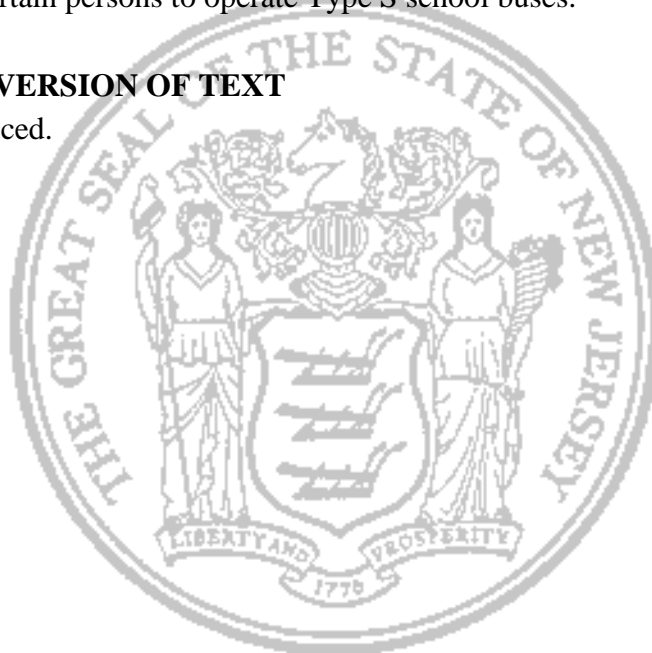
**Assemblywomen Piperno, Eulner, Assemblymen Sauickie, S.Kean, Thomson, Assemblywoman Reynolds-Jackson, Assemblymen Stanley, Atkins, Rooney, Assemblywoman McCarthy Patrick, Assemblyman Sampson, Assemblywoman McKnight, Assemblymen Wirths, Space and Assemblywoman Mosquera**

**SYNOPSIS**

Permits certain persons to operate Type S school buses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2023)**

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

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

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

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

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

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

27 (1) is at least 21 years old;

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21  
22 7. This act shall take effect on the first day of the 2023-2024  
23 school year, except that the Chief Administrator of the New Jersey  
24 Motor Vehicle Commission and the Commissioner of Education  
25 may take any anticipatory administrative action in advance as may  
26 be necessary for the timely implementation of this act.

## 27 28 29 STATEMENT

30  
31 This bill permits the holder of a Type S school bus certificate to  
32 operate a Type S school bus to transport children to and from  
33 school without obtaining a commercial driver license, passenger  
34 endorsement, or school bus endorsement. A person is required to  
35 meet certain requirements described in the bill to be eligible for a  
36 Type S school bus certificate. Such drivers are subject to certain  
37 provisions of law applicable to school bus drivers as enumerated in  
38 the bill.

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

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

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

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

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

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