

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

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

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

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

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

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

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

27 (1) is at least 21 years old;

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted March 11, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

3 (cf: P.L.2017, c.347, s.1)]²

4

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

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

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

18 (cf: P.L.2017, c.347, s.2)]²

19

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

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

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

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

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

38 (cf: P.L.2007, c.77, s.2)]²

39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (cf: P.L.2019, c.9, s.1)]²

35

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

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

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

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

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

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

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

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

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

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

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

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

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

28

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

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39 _____
Permits certain school personnel to transport students.