

CHAPTER 81

AN ACT concerning school transportation, amending P.L.2015, c.268 (C.18A:39-20.1).

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

1. Section 1 of P.L.1981, c.51 (C.18A:39-20.1) is amended to read as follows:

C.18A:39-20.1 Transportation of students in certain vehicles.

1. a. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school, or State agency may authorize qualified school personnel, State employees, or parents to transport school children to and from related school activities in a private vehicle with a capacity of eight or less. The board of education, governing body of a nonpublic school, or State agency may also designate school personnel to transport school children to and from school. The designated personnel will only be deemed qualified to transport school children to and from school if the designated school personnel meet the following criteria:

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

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

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

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

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

Department of Education. Failure to provide the requisite driving record within the prescribed time frame will result in the removal of that individual from the list of designated drivers.

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

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

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

2. This act shall take effect on the first day of the first full school year next following the date of enactment, except that the Commissioner of Education may take any anticipatory administrative action in advance as may be necessary for the timely implementation of this act.

Approved October 4, 2024.