

SENATE, No. 3858

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED NOVEMBER 18, 2024

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senators Corrado, Singleton, McKnight and Moriarty

SYNOPSIS

Requires school bus personnel members working with students with disabilities to call 911 emergency line in potential life-threatening emergencies; requires school buses transporting students with disabilities to be equipped with certain safety features.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2025)

1 AN ACT concerning school bus safety, amending various parts of
2 the statutory law, and supplementing chapter 39 of Title 18A of
3 the New Jersey Statutes and Title 39 of the Revised Statutes.

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

7
8 1. Section 1 of P.L.2018, c.160 (C.18A:39-19.1a) is amended to
9 read as follows:

10 1. a. As used in this section, "employer" means a board of
11 education or a contractor that provides pupil transportation services
12 under contract with a board of education.

13 b. An employer shall ensure that all school bus drivers **[and]** ,
14 school bus aides, and other school bus personnel subject to the
15 provisions of sections 4 through 6 of P.L. , c. (C.)
16 (pending before the Legislature as this bill) are properly trained for
17 the functions of their positions.

18 c. An employer shall administer a safety education program for
19 all permanent and substitute school bus drivers **[and]** , school bus
20 aides, and other school bus personnel subject to the provisions of
21 sections 4 through 6 of P.L. , c. (C.) (pending before the
22 Legislature as this bill) that it employs. At a minimum, the training
23 shall include:

- 24 (1) student management and discipline;
25 (2) school bus accident and emergency procedures;
26 (3) conducting school bus emergency exit drills;
27 (4) loading and unloading procedures;
28 (5) school bus stop loading zone safety;
29 (6) inspecting the school vehicle for students left on board at the
30 end of a route; and
31 (7) the use of a student's education records, including the
32 employee's responsibility to ensure the privacy of the student and
33 the student's records, if applicable.

34 d. In addition to the training requirements in subsection c. of
35 this section, an employer shall administer to school bus drivers a
36 safety education program that includes defensive driving techniques
37 and railroad crossing procedures.

38 e. The employer shall administer the safety education program
39 set forth in subsections c. and d. of this section twice per calendar
40 year.

41 (cf: P.L.2018, c.160, s.1)

42
43 2. Section 1 of P.L.2015, c.123 (C.18A:39-19.2) is amended to
44 read as follows:

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 1. The Commissioner of Education shall develop a training
2 program for school bus drivers **【and】** , school bus aides, and other
3 school bus personnel subject to the provisions of sections 4 through
4 6 of P.L. , c. (C.) (pending before the Legislature as this
5 bill) on proper procedures for interacting with students with
6 **【special needs】** disabilities. The training program shall include, but
7 need not be limited to, the following:

- 8 a. appropriate behavior management;
- 9 b. effective communication;
- 10 c. use and operation of adaptive equipment; **【and】**
- 11 d. understanding behaviors that may be related to specific
12 disabilities; and
- 13 e. understanding behaviors or other signs that may indicate
14 circumstances in which a potential life-threatening emergency, as
15 defined in section 4 of P.L. , c. (C.) (pending before the
16 Legislature as this bill), is occurring on a school bus transporting
17 one or more students with disabilities.

18 The commissioner shall make the training program available to
19 boards of education and school bus contractors providing pupil
20 transportation services under contract with boards of education no
21 later than one year following the effective date of **【this act】**
22 P.L.2015, c.123 (C.18A:39-19.2 et seq.). The training program
23 shall be updated to include information on understanding behaviors
24 or other signs that may indicate circumstances in which a potential
25 life-threatening emergency is occurring on a school bus transporting
26 one or more students with disabilities, and made available to school
27 districts, no later than 180 days following the effective date of P.L. ,
28 c. (C.) (pending before the Legislature as this bill).
29 (cf: P.L.2015, c.123, s.1)

30
31 3. Section 2 of P.L.2015, c.123 (C.18A:39-19.3) is amended to
32 read as follows:

33 2. a. (1) An employer shall administer the training program
34 developed pursuant to section 1 of **【this act】** P.L.2015, c.123
35 (C.18A:39-19.2) to all school bus drivers and school bus aides that
36 it employs. In the case of an individual who is employed prior to
37 the development and availability of the training program, the
38 employer shall administer the training program to the individual no
39 later than 180 days after the training program is made available by
40 the commissioner. In the case of an individual who is employed
41 after the development and availability of the training program, the
42 employer shall administer the training program to the individual
43 prior to that individual operating a school bus or serving as an aide
44 on a school bus.

45 (2) An employer shall also administer the training program
46 developed pursuant to section 1 of P.L.2015, c.123 (C.18A:39-19.2)
47 to all other school bus personnel subject to the provisions of

1 sections 4 through 6 of P.L. , c. (C.) (pending before the
2 Legislature as this bill). In the case of an individual who is already
3 working, and is otherwise responsible for the safety of students, on
4 a school bus transporting one or more students with disabilities
5 upon the enactment of P.L. , c. (C.) (pending before the
6 Legislature as this bill), the employer shall administer the training
7 program to the individual no later than 90 days following the update
8 to the training program to include information on understanding
9 behaviors or other signs that may indicate circumstances in which a
10 potential life-threatening emergency is occurring. In the case of an
11 individual who works, and is otherwise responsible for the safety of
12 students, on a school bus transporting one or more students with
13 disabilities after the enactment of P.L. , c. (C.) (pending
14 before the Legislature as this bill), the employer shall administer the
15 training program to the individual prior to that individual first
16 working, and engaging in responsibilities related to the safety of
17 students, on a school bus transporting one or more students with
18 disabilities.

19 b. An employer shall require **[that]** a school bus driver **[or]** ,
20 school bus aide, or any other individual employed as a school bus
21 personnel member to file a certification with the employer that the
22 individual has completed the training program within five business
23 days of its completion. The employer shall retain a copy of the
24 certification for the duration of the individual's employment **[**, and
25 shall forward a copy of the certification to the Department of
26 Education**]** . A board of education shall forward a copy of the
27 certification to the Office of Special Education, or its successor
28 office, within the Department of Education. A contractor providing
29 pupil transportation services under contract with a board of
30 education shall forward a copy of the certification to the board of
31 education to which the contractor is providing services, and the
32 board shall then forward the certification to the Office of Special
33 Education, or its successor office, within the Department of
34 Education.

35 c. As used in this section, "employer" means a board of
36 education or a contractor that provides pupil transportation services
37 under contract with a board of education.

38 (P.L.2015, c.123, s.2)

39

40 4. (New section) As used in sections 5 through 6 of P.L. , c.
41 (C.) (pending before the Legislature as this bill):

42 "Potential life-threatening emergency" means a situation in
43 which a prudent person could reasonably believe that immediate
44 intervention is necessary to protect the life of a student with
45 disabilities being transported on a school bus, or to protect the lives
46 of other students on the school bus, from a possible medical or
47 behavioral emergency, or a possible immediate threat or actual

1 occurrence of a fatal injury, impairment to bodily functions, or
2 dysfunction of a bodily organ or part.

3 “Office” means the Office of Special Education within the
4 Department of Education or its successor office.

5 “School bus” means the same as that term is defined in R.S.39:1-
6 1.

7 “School bus personnel” means a school bus driver, school bus
8 aide, and any other individual who works, and is otherwise
9 responsible for the safety of students, on a school bus transporting
10 one or more students with disabilities.

11

12 5. (New section) a. School bus personnel who work on a school
13 bus transporting one or more students with disabilities shall be
14 required to call the 911 emergency telephone service for assistance
15 in the event of a potential life-threatening emergency on the school
16 bus. School bus personnel shall report that call to the Office of
17 Special Education in the Department of Education, in accordance
18 with policies and procedures established by regulation pursuant to
19 section 7 of P.L. , c. (C.) (pending before the Legislature
20 as this bill). A board of education, or a school bus contractor
21 providing pupil transportation services under contract with a board
22 of education, as applicable, that employs school bus personnel, as
23 well as the office, shall maintain a record of the calls made pursuant
24 to this section and in accordance with the policies and procedures
25 established by regulation pursuant to section 7 of P.L. , c. (C.)
26 (pending before the Legislature as this bill).

27 b. A board of education, or a school bus contractor providing
28 pupil transportation services under contract with a board of
29 education, as applicable, shall ensure that appropriate training is
30 provided to school bus personnel, to effectuate the purposes of
31 subsection a. of this section, which training shall include the safety
32 education program required pursuant to section 1 of P.L.2018, c.160
33 (C.18A:39-19.1a) and the training program developed pursuant to
34 section 1 of P.L.2015, c.123 (C.18A:39-19.2). A board of
35 education or school bus contractor that fails to comply with the
36 provisions of this subsection shall be subject to the applicable
37 penalties enumerated in N.J.S.18A:39-20.

38

39 6. (New section) a. The parent or guardian of a student with a
40 disability, who believes that a school bus personnel member
41 violated the provisions of section 5 of P.L. , c. (C.)
42 (pending before the Legislature as this bill), may file a complaint
43 with the office, in accordance with procedures established by
44 regulation pursuant to section 7 of P.L. , c. (C.) (pending
45 before the Legislature as this bill). The office shall investigate all
46 complaints filed pursuant to this section in order to determine if a
47 school bus personnel member violated the provisions of section 5 of
48 P.L. , c. (C.) (pending before the Legislature as this bill).

1 b. If the office finds that a school bus personnel member
2 violates the provisions of section 5 of P.L. , c. (C.)
3 (pending before the Legislature as this bill), the school bus
4 personnel member shall be liable to a civil penalty of \$5,000 for the
5 first offense, \$10,000 for the second offense, and \$25,000 for the
6 third and each subsequent offense, to be sued for and collected in a
7 summary proceeding by the Commissioner of Education pursuant to
8 the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-
9 10 et seq.).

10 c. The office shall maintain a record of all instances in which a
11 school bus personnel member is found to have violated the
12 provisions of section 5 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14
15 7. (New section) The Commissioner of Education, pursuant to
16 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
17 et seq.), shall adopt rules and regulations necessary to effectuate the
18 provisions of sections 4 through 6 of P.L. , c. (C.) (pending
19 before the Legislature as this bill).

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

22 18A:39-20. No board of education or contractor shall approve or
23 assign an individual, as a driver or substitute driver of a school bus,
24 without first complying with the provisions of this chapter, and any
25 person violating, or failing to comply with such provisions shall be
26 subject to a fine of:

27 a. not more than \$5,000 for each driver unlawfully approved or
28 assigned for the first offense;

29 b. not more than \$10,000 for each driver unlawfully approved
30 or assigned for the second offense; and

31 c. not more than \$15,000 for each driver unlawfully approved
32 or assigned for a third and each subsequent offense.

33 The fines enumerated in this section shall also apply to a board
34 of education or contractor approving or assigning a school bus aide
35 or any other school bus personnel member subject to the provisions
36 of sections 4 through 6 of P.L. , c. (C.) (pending before
37 the Legislature as this bill), without first ensuring that the school
38 bus aide or other school bus personnel member is properly
39 administered the safety education program required pursuant to
40 section 1 of P.L.2018, c.160 (C.18A:39-19.1a) and that the training
41 program developed pursuant to section 1 of P.L.2015, c.123
42 (C.18A:39-19.2) is administered to the school bus aide or other
43 school bus personnel member in accordance with section 2 of
44 P.L.2015, c.123 (C.18A:39-19.3).

45 It shall not be a defense to avoid liability under this section that a
46 board of education or contractor unknowingly failed to comply with
47 the provisions of this chapter.

48 (cf: P.L.2021, c.306, s.1)

1 9. Section 3 of P.L.1999, c.5 (C.39:3B-20) is amended to read
2 as follows:

3 3. As used in **[this act]** the “School Bus Enhanced Safety
4 Inspection Act,” P.L.1999, c.5 (C.39:3B-18 et seq.):

5 **["Director"** means the Director of the Division of Motor
6 Vehicles in the Department of Transportation] “Chief
7 Administrator” means the Chief Administrator of the New Jersey
8 Motor Vehicle Commission;

9 **["Division"** means the Division of Motor Vehicles in the
10 Department of Transportation] “Commission” means the New
11 Jersey Motor Vehicle Commission;

12 "In-terminal inspection" means an inspection conducted by the
13 **[Division of Motor Vehicles]** New Jersey Motor Vehicle
14 Commission at the operator's terminal of any motor vehicle required
15 to meet the safety regulations for school buses adopted by the
16 Department of Transportation pursuant to **[R.S.39:3B-5]** section 6
17 of P.L.1965, c.119 (C.39:3B-5) and section 1 of P.L.1986, c.92
18 **[(C.18A:3B-5.4)]** (C.39:3B-5.4) and vehicle emissions standards
19 established for engine type pursuant to R.S.39:8-2 and section 3 of
20 P.L.1995, c.157 (C.39:8-61);

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

23 "School bus" means all Type I and Type II school buses as
24 defined in R.S.39:1-1 and school buses retired pursuant to section 1
25 of P.L.1986, c.92 (C.39:3B-5.4), under the jurisdiction of the
26 **[division]** commission.

27 (cf: P.L.1999, c.5, s.3)

28

29 10. Section 4 of P.L.1999, c.5 (C.39:3B-21) is amended to read
30 as follows:

31 4. a. The chief administrator shall establish a school bus
32 enhanced safety inspection program which shall include, but not be
33 limited to, the following elements:

34 (1) an in-terminal school bus inspection program which
35 provides for the semi-annual or annual inspection of school buses
36 by commission inspectors. Each in-terminal school bus inspection
37 conducted pursuant to this paragraph shall provide for the
38 inspection of the equipment required to be installed on school buses
39 that transport one or more students with disabilities pursuant to the
40 provisions of section 12 of P.L. , c. (C.) (pending before
41 the Legislature as this bill);

42 (2) standards and requirements pertaining to the equipment,
43 maintenance, and repair of school buses subject to inspection
44 pursuant to **[this act]** the “School Bus Enhanced Safety Inspection
45 Act,” P.L.1999, c.5 (C.39:3B-18 et seq.); all in-terminal
46 inspections, including those involving diesel vehicles, shall include

1 an emission inspection to determine whether that vehicle meets the
2 State's emission specifications and standards;

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

6 (4) standards and requirements pertaining to the establishment
7 and maintenance of driver employment records, including records
8 which demonstrate a driver's compliance with all statutory and
9 regulatory requirements for authorization to operate a school bus,
10 and any other records and credentials deemed necessary by the chief
11 administrator for school bus drivers employed by the operator. The
12 records shall be made available to commission inspectors during
13 each in-terminal inspection.

14 b. If an operator does not have adequate terminal facilities to
15 allow for a proper and thorough in-terminal inspection, the chief
16 administrator shall designate an in-lieu-of terminal site and direct
17 the operator to present **【his】** the operator's buses and records to that
18 site for inspection on such terms and conditions as determined by
19 the chief administrator.

20 c. The time and location of any inspection or reinspection
21 conducted pursuant to this section shall be determined by the chief
22 administrator. Unless an owner agrees to a different time schedule,
23 the chief administrator shall schedule a reinspection within three
24 days of the date of the inspection that necessitated the reinspection.
25 (cf: P.L.2009, c.331, s.3)

26

27 11. Section 5 of P.L.1999, c.5 (C.39:3B-22) is amended to read
28 as follows:

29 5. a. Any operator who violates the standards for driver
30 employment records established pursuant to subsection a. of section
31 4 of **【this act】** P.L.1999, c.5 (C.39:3B-21), or who fails to retain
32 proper records for inspection as required, or who fails to make
33 available any record or document required at the time of inspection,
34 or who falsifies any record, or who fails to present or otherwise
35 make available any school bus or buses due for inspection, as
36 requested by an examiner, unless notification of the intent to
37 withhold a bus or buses from an examiner is made in writing at least
38 24 hours prior to the scheduled inspection, shall be fined not less
39 than \$50 and not more than \$500 per violation, in accordance with a
40 schedule of fines to be established by the **【director】** chief
41 administrator. The **【director】** chief administrator shall waive the
42 requirement of notice upon a showing of good cause by an operator.
43 A bus withheld from an examiner pursuant to this section shall be
44 inspected within 30 days of the date of the originally scheduled
45 inspection, unless otherwise agreed by the operator and the
46 **【director】** chief administrator. The operator shall be responsible for
47 all fines.

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

3 b. Any fine imposed pursuant to the provisions of this section
4 may be collected, with costs, in a summary proceeding pursuant to
5 **["the penalty enforcement law," N.J.S.2A:58-1 et seq.]** the
6 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
7 et seq.). The Superior Court or municipal court of the county or
8 municipality in which the violation occurs or in which the operator
9 resides or has a place of business or principal office in this State,
10 shall have jurisdiction to enforce the provisions of **["the penalty**
11 **enforcement law"]** the "Penalty Enforcement Law of 1999,"
12 P.L.1999, c.274 (C.2A:58-10 et seq.) in connection with any
13 violation of **[this act]** the "School Bus Enhanced Safety Inspection
14 Act," P.L.1999, c.5 (C.39:3B-18 et seq.).

15 The **[director]** chief administrator or any duly authorized
16 representative of the **[director]** chief administrator may issue a
17 summons and complaint returnable in any court of competent
18 jurisdiction for a violation of **[this act]** the "School Bus Enhanced
19 Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et seq.) or any
20 rule or regulation adopted pursuant to **[this act]** the "School Bus
21 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
22 seq.). A municipal, county, or State prosecutor is authorized to
23 assist the **[director]** chief administrator in the enforcement of **[this**
24 **act]** the "School Bus Enhanced Safety Inspection Act," P.L.1999,
25 c.5 (C.39:3B-18 et seq.). The **[director]** chief administrator may
26 institute an action in the Superior Court for injunctive relief to
27 prevent or restrain any violation of **[this act]** the "School Bus
28 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
29 seq.), or any rule or regulation adopted, or any administrative or
30 judicial order issued, pursuant to **[this act]** the "School Bus
31 Enhanced Safety Inspection Act," P.L.1999, c.5 (C.39:3B-18 et
32 seq.).

33 c. Any officer charged with the enforcement of State and
34 municipal laws is authorized to assist the **[director]** chief
35 administrator or any duly authorized representative of the
36 **[director]** chief administrator in the enforcement of the provisions
37 of **[this act]** the "School Bus Enhanced Safety Inspection Act,"
38 P.L.1999, c.5 (C.39:3B-18 et seq.), or any rule or regulation
39 adopted, or any administrative or judicial order issued, pursuant to
40 **[this act]** the "School Bus Enhanced Safety Inspection Act,"
41 P.L.1999, c.5 (C.39:3B-18 et seq.).

42 (cf: P.L.1999, c.5, s.5)

43

44 12. (New section) a. (1) Every school bus, as defined in
45 R.S.39:1-1, that transports one or more students with disabilities
46 shall be equipped with:

1 (a) a video camera on the interior of the school bus to monitor
2 student safety while the students are being transported;

3 (b) a global positioning system that provides information about
4 the location and speed of each school bus in real time; and

5 (c) two-way communications equipment, which may include,
6 but not be limited to, a cellular or other wireless telephone.

7 (2) Each in-terminal school bus inspection conducted pursuant
8 to paragraph (1) of subsection a. of section 4 of P.L.1999, c.5
9 (C.39:3B-21) shall provide for the inspection of the equipment
10 required to be installed under paragraph (1) of this subsection.

11 b. Notwithstanding the provisions of this section, a school bus
12 driver shall comply with the provisions of section 1 of P.L.2002,
13 c.120 (C.39:3B-25) while operating a school bus.

14 c. (1) Any video footage collected from a video camera and
15 any global positioning system data collected from the global
16 positioning system pursuant to this section shall not be considered a
17 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
18 P.L.2001, c.404 (C.47:1A-5 et al.) or the common law concerning
19 access to government records.

20 (2) Notwithstanding the provisions of any law, rule, or
21 regulation to the contrary, any video footage collected from a video
22 camera and any global positioning system data collected from the
23 global positioning system installed pursuant to this section shall be
24 retained for not less than 180 days from the date it was recorded.

25

26 13. (New section) The Commissioner of Education, in
27 consultation with the New Jersey Motor Vehicle Commission, shall
28 promulgate, pursuant to the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
30 concerning: the installation and use of video cameras, global
31 positioning systems, and two-way communications equipment as
32 required pursuant to section 12 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) on school buses that transport
34 students with disabilities; the use and retention of data collected
35 from the global positioning systems; and the use and retention of
36 video footage from the video cameras.

37

38 14. Sections 1 through 8 and section 13 of this act shall take
39 effect immediately. Sections 9 through 12 of this act shall take
40 effect on the first day of the first full fiscal year next following the
41 date of enactment. The Commissioner of Education, in consultation
42 with the Chief Administrator of the New Jersey Motor Vehicle
43 Commission, may take such anticipatory actions as may be
44 necessary for the timely implementation of section 12 of this act.

STATEMENT

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This bill requires school bus drivers, school bus aides, and any other individual who works, and is otherwise responsible for the safety of students, on a school bus transporting one or more students with disabilities to call the 911 emergency telephone service for assistance in the event of a potential life-threatening emergency on the school bus. A school bus personnel member is required to report that call to the Office of Special Education in the Department of Education. Under the bill, a board of education, or a school bus contractor providing pupil transportation services under contract with a board of education, that employs a school bus personnel member, as well as the office, is to maintain a record of the calls.

A board of education, or a school bus contractor as applicable, is required to ensure that certain training related to school bus safety and interacting with students with disabilities are provided to each school bus personnel member who works on a school bus transporting students with disabilities. Pursuant to current law, these training programs are required to be administered to school bus drivers and school bus aides. The bill expands these programs to cover all other school bus personnel members who work, and are responsible for the safety of students, on a school bus transporting one or more students with disabilities. A board of education or school bus contractor that does not properly administer these training programs is to be subject to applicable penalties established under current law.

Pursuant to the bill, the parent or guardian of a student with disabilities, who believes that a school bus personnel member did not properly call the 911 emergency telephone service in the event of a potential life-threatening emergency, may file a complaint with the Office of Special Education within the Department of Education. A school bus personnel member who is found by the office to have violated the provisions concerning 911 emergency notification and follow-up reporting requirements is to be liable for certain civil penalties.

The bill also requires a school bus that transports one or more students with disabilities to be equipped with: 1) a video camera on the interior of the school bus to monitor student safety while the students are being transported; 2) a global positioning system that provides information about the location and speed of each school bus in real time; and 3) two-way communications equipment, which may include, but not be limited to, a cellular or other wireless telephone. Under the bill, any video footage collected from a video camera and any data collected from a global positioning system is to be retained for not less than 180 days from the date it was recorded.

1 Finally, the bill requires that each in-terminal school bus
2 inspection conducted by the New Jersey Motor Vehicle
3 Commission is to provide for the inspection of the equipment
4 required to be installed on school buses pursuant to the bill.