

[Second Reprint]  
**ASSEMBLY, No. 2180**  
**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION



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Permits certain school personnel to transport students.

**CURRENT VERSION OF TEXT**

As amended on September 26, 2024 by the General Assembly pursuant to the Governor's recommendations.



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

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

<sup>2</sup>[1. (New section) a. As used in this section:

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

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

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

- (1) is at least 21 years old;
- (2) has held a valid basic driver’s license for a minimum of three years;
- (3) has passed a physical and eye examination;
- (4) has completed and passed a knowledge examination pursuant to R.S.39:3-10.1;
- (5) has 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; and
- (6) has completed any other conditions as determined by the Chief Administrator of the New Jersey Motor Vehicle Commission in collaboration with the Commissioner of Education.

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

required to obtain a commercial driver license, passenger endorsement, or school bus endorsement.

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

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

<sup>2</sup>[2. Section 1 of P.L.2017, c.347 (C.2C:40-26.1) is amended to read as follows:

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

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

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

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

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

(cf: P.L.2017, c.347, s.1)]<sup>2</sup>

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

2. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall revoke for life the passenger

endorsement on the commercial driver's license of a person convicted of a violation of subsection b. or subsection c. of section 1 of P.L.2017, c.347 (C.2C:40-26.1).

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

(cf: P.L.2017, c.347, s.2)]<sup>2</sup>

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

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

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

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

(cf: P.L.2007, c.77, s.2)]<sup>2</sup>

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

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

(cf: P.L.2007, c.77, s.3)]<sup>2</sup>

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

1. a. For the purposes of this section:

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

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

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

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

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

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

c. The chief administrator shall notify the Commissioner of Education of the suspension of a [school bus] driver's school bus endorsement or Type S school bus certificate pursuant to subsection b. of this section within one business day following the date of the suspension.

d. Upon notification from the chief administrator pursuant to subsection c. of this section, the Commissioner of Education shall notify the board of education that employs the [school bus] driver, the nonpublic school that employs the [school bus] driver, or the contractor that employs the [school bus] driver that the

[school bus] driver's school bus endorsement or Type S school bus certificate has been suspended pursuant to subsection b. of this section within one business day following the date of notification of the suspension. If a board of education, a nonpublic school, or a contractor that employs the [school bus] driver is notified by the commissioner that the [school bus] driver's school bus endorsement or Type S school Bus certificate has been suspended, the employing board of education, nonpublic school, or contractor, within 24 hours of the notification, shall provide a statement to the Department of Education verifying that the [school bus] driver no longer operates a school bus or Type S school bus for the board, nonpublic school, or contractor.

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

(1) the person to complete a defensive driving course approved by the chief administrator [and];

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

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

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

(cf: P.L.2019, c.9, s.1)]<sup>2</sup>

<sup>2</sup>1. Section 1. of P.L.2015, c.268 (C.18A:39-20.1) is amended to read as follows:

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) posses 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 a 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) has 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 8 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 motor vehicle violations that would disqualify the driver's eligibility of transporting school children pursuant to Titles 18A and Title 39 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.<sup>2</sup>

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

<sup>2</sup>[7.] 2.<sup>2</sup> This act shall take effect on the first day of the <sup>1</sup>[2023-2024] first full<sup>1</sup> school year <sup>1</sup>next following the date of enactment<sup>1</sup>, except that <sup>2</sup>[the Chief Administrator of the New Jersey Motor Vehicle Commission and]<sup>2</sup> the Commissioner of Education may take any anticipatory administrative action in advance as may be necessary for the timely implementation of this act.