S T A T E O F N E W Y O R K

1745--A

2011-2012 Regular Sessions

I N S E N A T E

January 12, 2011

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the education law, in relation to electronic monitoring equipment on school buses in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 21-j to read as follows:

21-J. EVERY NEW SCHOOL BUS USED TO TRANSPORT SEVEN OR MORE CHILDREN IN A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE EQUIPPED WITH A SCHOOL BUS ELECTRONIC MONITORING SYSTEM ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, AND EVERY SCHOOL BUS IN SERVICE FOR SUCH TRANSPORT SHALL BE SO EQUIPPED NOT LATER THAN SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER AFTER CONSULTATION WITH THE COMMISSIONERS OF TRANSPORTATION AND EDUCATION. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "SCHOOL BUS ELECTRONIC MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CAPABLE OF RECORDING THE SPEED, SOUND, CONDUCT AND MOVEMENT OF PERSONS WITHIN THE DRIVER AND PASSENGER COMPARTMENTS OF THE BUS. SUCH SYSTEM MAY ALSO INCLUDE ONE OR MORE DEVICES DESIGNED TO SIMULATE THE APPEARANCE OF AN OPERABLE VIDEO CAMERA OR OTHER DEVICE.

S 2. The education law is amended by adding a new section 3624-a to read as follows:

S 3624-A. SCHOOL BUS ELECTRONIC MONITORING SYSTEMS. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION AND THE COMMISSIONER OF MOTOR VEHICLES, SHALL PROMULGATE REGULATIONS CONCERNING THE EQUIPPING, PLACEMENT, INSTALLATION, AND USE OF SCHOOL BUS ELECTRONIC

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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MONITORING SYSTEMS IN SCHOOL BUSES AS REQUIRED PURSUANT TO SUBDIVISION TWENTY-ONE-J OF SECTION THREE HUNDRED SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW. FOR THE PURPOSES OF THIS SECTION, THE TERM "SCHOOL BUS ELECTRONIC MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CAPABLE OF RECORDING THE SPEED, SOUND, CONDUCT AND MOVEMENT OF PERSONS WITHIN THE DRIVER AND PASSENGER COMPARTMENTS OF THE BUS. SUCH SYSTEM MAY ALSO INCLUDE ONE OR MORE DEVICES DESIGNED TO SIMULATE THE APPEARANCE OF AN OPERABLE VIDEO CAMERA OR OTHER DEVICE. SUCH REGULATIONS SHALL APPLY TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND SHALL REQUIRE OR BE CONSISTENT WITH THE FOLLOWING:

1. ALL SCHOOL BUSES SHALL BE EQUIPPED WITH SCHOOL BUS ELECTRONIC MONITORING SYSTEMS, THAT WILL ACCOMPLISH THE PURPOSE AND INTENT OF THIS SECTION IN THE MOST EFFECTIVE AND LEAST COSTLY MANNER, AS FOLLOWS: ALL NEW SCHOOL BUSES SHALL BE SO EQUIPPED ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, AND ALL SCHOOL BUSES IN SERVICE FOR SUCH TRANSPORT SHALL BE SO EQUIPPED NOT LATER THAN SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN.

2. ON AND AFTER SEPTEMBER FIRST, TWO THOUSAND THIRTEEN, THE DISTRICT SHALL CONDUCT A DEMONSTRATION PROGRAM INVOLVING NO LESS THAN FIVE PERCENT OF EXISTING SCHOOL BUSES WHICH SHALL BE RETROFITTED IN A DEMONSTRATION PROJECT CONDUCTED FOR THE PURPOSE OF DETERMINING THE MOST EFFECTIVE AND LEAST COSTLY MEANS OF ACCOMPLISHING THE PURPOSE AND INTENT OF THIS SECTION. INSOFAR AS PRACTICABLE, BUSES USED FOR THE DEMONSTRATION PROGRAM SHALL BE SPREAD OVER CONTRACTORS IN THE SAME RATIO AS BUSES OPERATED BY SUCH CONTRACTORS HAVE OF THE TOTAL NUMBER OF BUSES USED BY THE DISTRICT FOR THE SYSTEM. THE SCHOOL DISTRICT SHALL REPORT ON THE RESULTS OF THE PLAN BY SEPTEMBER FIRST, TWO THOUSAND FOURTEEN TO THE COMMISSIONER, THE GOVERNOR AND THE LEGISLATURE.

3. SCHOOL BUS ELECTRONIC MONITORING SYSTEMS ON SCHOOL BUSES SHALL BE USED ONLY AS AN AID TO MONITOR ON-BOARD ACTIVITIES.

4. RECORDS CREATED BY THE SCHOOL BUS ELECTRONIC MONITORING SYSTEMS SHALL BE STORED IN A SECURE LOCATION FOR A PERIOD OF TIME DESIGNATED BY THE COMMISSIONER, BUT NOT FOR A PERIOD LESS THAN NINETY DAYS, UNLESS THERE IS A REPORT OF AN INCIDENT, IN WHICH CASE THE RECORDS PERTAINING TO SUCH INCIDENT SHALL BE KEPT FOR A PERIOD TO BE DETERMINED BY THE COMMISSIONER.

5. SUCH RECORDS SHALL BE REVIEWED BY DESIGNATED PERSONNEL PURSUANT TO AN INCIDENT REPORT AND ON A REGULAR BASIS USING RANDOM SELECTION CRITERIA, IN ORDER TO ENSURE PROPER DRIVER AND PUPIL CONDUCT.

6. ANY OTHER PROVISION OF THIS SECTION OR OF SUBDIVISION TWENTY-ONE-J OF SECTION THREE HUNDRED SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW NOTWITHSTANDING, THE COMMISSIONER IS AUTHORIZED TO WAIVE ANY PROVISION OF THE SCHOOL BUS ELECTRONIC MONITORING SYSTEM REQUIREMENT ESTABLISHED PURSUANT TO SUCH SUBDIVISION WITH RESPECT TO THE DISTRICT IF THE COMMISSIONER DETERMINES THAT THE REQUIREMENT IS IMPRACTICABLE, OR THAT IT IS FINANCIALLY OR PHYSICALLY BURDENSOME AND INEFFECTIVE WITH RESPECT TO THE GOAL, OR IF THE DISTRICT PROPOSES AND THE COMMISSIONER ACCEPTS AN ALTERNATE MEANS OF ACHIEVING THE SAME GOAL.

7. ALL PUPILS AND ALL SCHOOL BUS DRIVERS SHALL BE NOTIFIED BY MEANS OF SIGNAGE AND BY ANY OTHER MEANS PRESCRIBED BY THE COMMISSIONER THAT THEY ARE SUBJECT TO BEING VIDEOTAPED ON A SCHOOL BUS AT ANY TIME. SUCH NOTIFICATION SHALL BE MADE BY THE SCHOOL TO THE PARENTS OF PUPILS. DRIVERS, PARENTS AND PUPILS SHALL BE ADVISED WHAT DRIVER CONDUCT AND WHAT PUPIL CONDUCT IS PROHIBITED BY THE STATE AND BY THE DISTRICT AND THAT SUCH CONDUCT WILL RESULT IN SPECIFIED DISCIPLINARY CONSEQUENCES AS DEFINED IN THE ESTABLISHED DISCIPLINE POLICY.

8. NOT LESS THAN TWICE EACH SCHOOL YEAR NOTIFICATIONS REGARDING ELECTRONIC MONITORING MUST OCCUR, ADDRESSING THE PURPOSE AND USE OF ELECTRONIC EQUIPMENT AND THE NEED FOR PERSONAL AWARENESS OF SAFETY ISSUES. THE USE OF NEWSLETTERS, PUPIL HANDOUTS, AND NOTICES POSTED WITHIN THE BUS MAY CONSTITUTE MEANS OF FULFILLING THIS REQUIREMENT.

9. RECORDS UNDER THIS SECTION SHALL REMAIN CONFIDENTIAL AND SHALL BE USED ONLY FOR THE PURPOSE OF DISCIPLINARY AND ENFORCEMENT PROCEEDINGS.

S 3. Paragraph c of subdivision 2 of section 3623-a of the education law, as amended by chapter 453 of the laws of 2005, is amended to read as follows:

c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, (iii) the purchase and installation of seat safety belts on school buses in accordance with the provisions of section thirty-six hundred thirty-five-a of this article, (iv) the purchase of school bus back up beepers, (v) the purchase of school bus front crossing arms, (vi) the purchase of school bus safety sensor devices, (vii) THE PURCHASE AND INSTALLATION OF SCHOOL BUS ELECTRONIC MONITORING SYSTEMS ON SCHOOL BUSES AND BACKUP AND STORAGE SYSTEMS REQUIRED TO MAINTAIN RECORDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION THIRTY-SIX HUNDRED TWENTY-FOUR-A OF THIS PART, (VIII) the purchase and installation of exterior reflective marking on school buses, [(viii)] (IX) the purchase of automatic engine fire extinguishing systems for school buses used to transport students who use wheelchairs or other assistive mobility devices, and [(ix)] (X) the purchase of other equipment as prescribed in the regulations of the commissioner; and

S 4. This act shall take effect on the one hundred thirtieth day after it shall have become a law.