

# STATE OF NEW YORK

10401

## IN ASSEMBLY

March 3, 2026

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Education

AN ACT to amend the education law and the vehicle and traffic law, in relation to pupil transportation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 14 of section 305 of the education law is  
2 amended by adding a new paragraph h to read as follows:

3 h. Notwithstanding the provisions of this subdivision, section one  
4 hundred three of the general municipal law, or any other provision of  
5 law to the contrary, the board of education shall be authorized to enter  
6 into a piggyback contract with another school district that transports  
7 students pursuant to a contract with a private single pupil transporta-  
8 tion contractor, provided that the board finds that the contract cost is  
9 appropriate and entry into a piggyback contract will result in a cost  
10 savings to the school district, and provided further, the commissioner  
11 approves such private transportation contractor as meeting the require-  
12 ments of the education law. For purposes of this paragraph, a "piggyback  
13 contract" means a contract for the transportation of students that: (1)  
14 provides transportation for students to or from school or school-related  
15 activities whether in New York state or otherwise, where another school  
16 district is already being provided transportation through an existing  
17 contract with a private transportation contractor, including a coopera-  
18 tively bid contract; (2) is either at the commencement of the contract,  
19 or at any point during the contract term, entered into by the private  
20 transportation contractor and each school district involved; and (3)  
21 provides for transportation in accordance with the terms and conditions  
22 of such existing transportation contract.

23 § 2. Section 509-a of the vehicle and traffic law, as amended by chap-  
24 ter 675 of the laws of 1985, subdivision 1 as amended by chapter 853 of  
25 the laws of 1992, subdivision 3 as amended by chapter 360 of the laws of  
26 1986 and subdivision 7 as added by chapter 599 of the laws of 1993, is  
27 amended to read as follows:

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

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1 § 509-a. Definitions. As used in this article, the ~~[term]~~ following  
2 terms shall have the following meanings:

3 (1) ~~[bus]~~ "Bus" shall mean every motor vehicle, owned, leased, rented  
4 or otherwise controlled by a motor carrier, which (a) is a school bus as  
5 defined in section one hundred forty-two of this chapter or has a seat-  
6 ing capacity of more than ten adult passengers in addition to the driver  
7 and which is used for the transportation of persons under the age of  
8 twenty-one or persons of any age who are mentally or physically disabled  
9 to a place of vocational, academic or religious instruction or religious  
10 service including nursery schools, day care centers and camps, (b) is  
11 required to obtain approval to operate in the state as a common or  
12 contract carrier of passengers by motor vehicle from the commissioner of  
13 transportation, or the interstate commerce commission, (c) is regulated  
14 as a bus line by a city that has adopted an ordinance, local law or  
15 charter to regulate or franchise bus line operations pursuant to subdivi-  
16 sion four of section eighty of the transportation law, (d) is regu-  
17 lated as a van service or other common carrier of passengers by motor  
18 vehicle covered under article seven of the transportation law by a city  
19 with a population of over one million pursuant to an ordinance or local  
20 law adopted pursuant to subdivision five of section eighty of the trans-  
21 portation law or (e) is operated by a transit authority or municipality  
22 and is used to transport persons for hire. Provided, however, that bus  
23 shall not mean an authorized emergency vehicle operated in the course of  
24 an emergency, or a motor vehicle used in the transportation of agricul-  
25 tural workers to and from their place of employment;

26 (2) ~~[driver or bus driver]~~ "Driver" or "bus driver" shall mean every  
27 person: (i) who is self-employed and drives a bus for hire or profit;  
28 or (ii) who is employed by a motor carrier and operates a bus owned,  
29 leased or rented by such employer; or (iii) who as a volunteer drives a  
30 bus which is owned, leased or rented by a motor carrier. Provided,  
31 however, bus driver shall not include those persons who are engaged in  
32 the maintenance, repair or garaging of such buses and in the course of  
33 their duties must incidentally drive a bus without passengers, or who,  
34 as a volunteer, drive a bus with passengers for less than thirty days  
35 each year~~[+]~~.

36 (3) ~~[motor carrier]~~ "Motor carrier" shall mean any person, corpo-  
37 ration, municipality, or entity, public or private, who directs one or  
38 more bus drivers and who operates a bus wholly within or partly within  
39 and partly without this state in connection with the business of trans-  
40 porting passengers for hire or in the operation or administration of any  
41 business, or place of vocational, academic or religious instruction or  
42 religious service for persons under the age of twenty-one or persons of  
43 any age who are mentally disabled including nursery schools, day care  
44 centers and camps, or public agency, except such out-of-state public or  
45 governmental operators who may be exempted from the provisions of this  
46 article by the commissioner through regulation promulgated by the  
47 commissioner~~[+]~~.

48 (4) ~~[intoxicating liquor]~~ "Intoxicating liquor" shall mean and  
49 include, alcohol, spirits, liquor, wine, beer and cider having alcoholic  
50 content~~[+]~~.

51 (5) ~~[drug]~~ "Drug" shall mean any substance listed in section thirty-  
52 three hundred six of the public health law not dispensed or consumed  
53 pursuant to a lawful prescription~~[+]~~.

54 (6) ~~[controlled substance]~~ "Controlled substance" shall mean any  
55 substance listed in section thirty-three hundred six of the public  
56 health law not dispensed or consumed pursuant to lawful prescription.

1 (7) [~~accident~~] "Accident" shall include any accident with another  
2 vehicle, object or person, which occurs in this state or elsewhere, in  
3 which any person is killed or injured, or in which damage to the proper-  
4 ty of any one person, including the operator, in excess of one thousand  
5 five hundred dollars is sustained, or in which damage in excess of two  
6 thousand five hundred dollars is sustained to any bus as defined in  
7 section one hundred four of this chapter; provided however that acci-  
8 dents occurring outside this state shall not be recorded on the driver's  
9 license record.

10 (8) "School-related pupil transportation" shall mean to and from  
11 school transportation, field trips, after school program-related trans-  
12 portation, preschool and childcare-related transportation, athletic  
13 program-related transportation, extracurricular school activity-related  
14 transportation, or any transportation of pupils to or from a school  
15 campus, if provided by a private transportation contractor.

16 (9) "School transportation logistics vehicle" shall mean motor vehi-  
17 cles, except a motorcycle, designed for carrying no more than nine  
18 passengers, including the driver, utilized by a logistics company  
19 contracted by a local educational agency, or contracted by any entity  
20 with funding from a local educational agency, providing school-related  
21 pupil transportation for compensation.

22 (10) "School transportation logistics coordinator" shall mean a logis-  
23 tics company contracted by a local educational agency or contracted by  
24 any entity with funding from a local educational agency, providing  
25 school-related pupil transportation for compensation in a school trans-  
26 portation logistics vehicle.

27 § 3. Section 509-e of the vehicle and traffic law, as amended by chap-  
28 ter 853 of the laws of 1975, is amended to read as follows:

29 § 509-e. Annual review of driving record. (1) Each motor carrier  
30 shall, at least once every twelve months, review the driving record of  
31 each bus driver it employs to determine whether that driver meets mini-  
32 mum requirements for safe driving and is qualified to drive a bus pursu-  
33 ant to section five hundred nine-b of this article. In reviewing a driv-  
34 ing record, the motor carrier must consider any evidence that the bus  
35 driver has violated applicable provisions of [~~the vehicle and traffic~~  
36 ~~law~~] this chapter. The motor carrier must also consider the driver's  
37 accident record and any evidence that the driver has violated laws  
38 governing the operation of motor vehicles, such as speeding, reckless  
39 driving, and operating while under the influence of alcohol or drugs,  
40 that indicate that the driver has exhibited a disregard for the safety  
41 of the public. Such information shall be recorded in the employer's  
42 record.

43 (2) Each school transportation logistics coordinator shall, at least  
44 once every twelve months, review the driving record of each school  
45 transportation logistics vehicle driver it contracts with to determine  
46 whether that driver meets minimum requirements for safe driving and is  
47 qualified to drive such vehicle pursuant to section five hundred nine-  
48 bbb of this article. In reviewing a driving record, the logistics coor-  
49 ordinator shall consider any evidence that the driver has violated appli-  
50 cable provisions of this chapter. The logistics coordinator shall also  
51 consider the driver's accident record and any evidence that the driver  
52 has violated laws governing the operation of motor vehicles, such as  
53 speeding, reckless driving, and operating while under the influence of  
54 alcohol or drugs, that indicate that the driver has exhibited a disre-  
55 gard for the safety of the public. In addition, each school transporta-  
56 tion logistics coordinator shall conduct pre-service, random and post-

1 accident drug testing. Such information shall be recorded in the  
2 logistics coordinator's record. Nothing herein shall require that a  
3 school transportation logistics vehicle driver be required to have a  
4 commercial driver's license in order to provide school-related single  
5 pupil transportation. For purposes of this section, a school bus shall  
6 not include a school transportation logistics vehicle driven by a driver  
7 contracted by a school transportation logistics company.

8 § 4. Subdivisions (a), (b), (c), (d) and (e) of section 509-j of the  
9 vehicle and traffic law, subdivision (a) as added by chapter 1050 of the  
10 laws of 1974, subdivisions (b) and (d) as amended by chapter 675 of the  
11 laws of 1985, subdivision (c) as amended by chapter 599 of the laws of  
12 1993 and subdivision (e) as amended by chapter 424 of the laws of 2000,  
13 are amended to read as follows:

14 (a) Every motor carrier or school transportation logistics  
15 coordinator, its officers, agents, representatives, and employees  
16 responsible for the management, maintenance, operation or driving of  
17 motor vehicles, or the hiring, supervising, training, assigning, or  
18 dispatching of drivers, shall be instructed in and comply with this  
19 article.

20 (b) Nothing contained herein shall prevent a motor carrier, school  
21 transportation logistics coordinator, or political subdivision from  
22 imposing qualifications that are more stringent than those contained in  
23 this article or from disqualifying a person who has been issued a condi-  
24 tional or restricted use license pursuant to the provisions of article  
25 twenty-one or twenty-one-A of this [~~chapter~~] title.

26 (c) Every motor carrier or school transportation logistics coordinator  
27 shall submit an affidavit to the commissioner attesting to compliance  
28 with this article. Such affidavit shall be submitted annually, in a  
29 manner prescribed by regulations of the commissioner, and shall include  
30 as an attachment thereto a copy of the report required by subdivision  
31 seven of section five hundred nine-d of this [~~chapter~~] article.

32 (d) Notwithstanding any provision of any other article of this [~~law~~]  
33 chapter, where an affidavit is not submitted pursuant to this section,  
34 the commissioner may, in [~~his~~] their discretion, suspend the registra-  
35 tion of the vehicle or the vehicles or deny registration or renewal to  
36 the vehicle or vehicles owned or operated by the motor carrier or school  
37 transportation logistics coordinator, or suspend the motor carrier's or  
38 school transportation logistics coordinator's privilege of operation in  
39 this state. Such suspension or denial shall only remain in effect as  
40 long as the motor carrier or school transportation logistics coordinator  
41 fails to submit such affidavit.

42 (e) The commissioner or any person deputized by the commissioner, may  
43 require any motor carrier or school transportation logistics coordinator  
44 to pay to the people of this state a civil penalty, if after the motor  
45 carrier or school transportation logistics coordinator has had an oppor-  
46 tunity to be heard, the commissioner finds that the motor carrier or  
47 school transportation logistics coordinator has violated any provision  
48 of this article or regulations promulgated therein, or has made any  
49 false statement or misrepresentation on any affidavit of compliance  
50 filed with the commissioner or with respect to violations of paragraphs  
51 (i) and (ii) of subdivision one, paragraphs (a) and (b) of subdivision  
52 two, and subdivisions three, four and five of section five hundred  
53 nine-d, section five hundred nine-g, section five hundred nine-h and  
54 subdivision two of section five hundred nine-l of this article the  
55 commissioner may in lieu of or in addition to a civil penalty suspend  
56 all of a motor carrier's registrations. Any civil penalty assessed for a

1 first violation shall not be less than five hundred dollars nor greater  
2 than two thousand five hundred dollars for each violation, false state-  
3 ment or representation found to have been made or committed, and for a  
4 second or subsequent violation, not arising out of the same incident,  
5 all of which were committed within a period of eighteen months, shall  
6 not be less than five hundred dollars nor greater than five thousand  
7 dollars for each violation, false statement or representation found to  
8 have been made or committed. If the registrant fails to pay such penalty  
9 within twenty days after the mailing of such order, postage prepaid,  
10 certified and addressed to the last known place of business of such  
11 registrant, unless such order is stayed by an order of a court of compe-  
12 tent jurisdiction, the commissioner may revoke the vehicle registrations  
13 or out of state registration privilege of operation in the state of such  
14 motor carrier or school transportation logistics coordinator, or may  
15 suspend the same for such periods as the commissioner may determine.  
16 Civil penalties assessed under this subdivision shall be paid to the  
17 commissioner for deposit into the state treasury, and unpaid civil  
18 penalties may be recovered by the commissioner in a civil action in the  
19 name of the commissioner.

20 § 5. The vehicle and traffic law is amended by adding a new section  
21 509-bbb to read as follows:

22 § 509-bbb. Qualifications of school transportation logistics vehicle  
23 drivers. Notwithstanding any other provision of law, a person shall be  
24 qualified to operate school transportation logistics vehicles only if  
25 such person:

26 (1) is at least twenty-one years old;

27 (2) has been issued a currently valid driver's license or permit which  
28 is valid for the operation of a passenger vehicle in this state;

29 (3) has passed the physical examinations and tests administered pursu-  
30 ant to section five hundred nine-g of this article; and

31 (4) is not disqualified to drive a motor vehicle pursuant to section  
32 five hundred nine-c or any other provision of this article.

33 § 6. This act shall take effect on the one hundred eightieth day after  
34 it shall have become a law.