

5996

2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. DIAZ, GREENE, DINOWITZ, ARROYO, P. RIVERA --
Multi-Sponsored by -- M. of A. ALFANO, BARRA, MILLER, PERALTA, PERRY,
J. RIVERA -- read once and referred to the Committee on Education

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 375 of the vehicle and traffic law is amended by
2 adding a new subdivision 21-j to read as follows:
3 21-J. EVERY NEW SCHOOL BUS USED TO TRANSPORT SEVEN OR MORE CHILDREN IN
4 A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE EQUIPPED WITH A
5 SCHOOL BUS ELECTRONIC MONITORING SYSTEM ON AND AFTER SEPTEMBER FIRST,
6 TWO THOUSAND TWELVE, AND EVERY SCHOOL BUS IN SERVICE FOR SUCH TRANSPORT
7 SHALL BE SO EQUIPPED NOT LATER THAN SEPTEMBER FIRST, TWO THOUSAND
8 FIFTEEN, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMIS-
9 SIONER AFTER CONSULTATION WITH THE COMMISSIONERS OF TRANSPORTATION AND
10 EDUCATION. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "SCHOOL BUS
11 ELECTRONIC MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CAPA-
12 BLE OF RECORDING THE SPEED, SOUND, CONDUCT AND MOVEMENT OF PERSONS WITH-
13 IN THE DRIVER AND PASSENGER COMPARTMENTS OF THE BUS. SUCH SYSTEM MAY
14 ALSO INCLUDE ONE OR MORE DEVICES DESIGNED TO SIMULATE THE APPEARANCE OF
15 AN OPERABLE VIDEO CAMERA OR OTHER DEVICE.
16 S 2. The education law is amended by adding a new section 3624-a to
17 read as follows:
18 S 3624-A. SCHOOL BUS ELECTRONIC MONITORING SYSTEMS. THE COMMISSIONER,
19 IN CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION AND THE COMMIS-
20 SIONER OF MOTOR VEHICLES, SHALL PROMULGATE REGULATIONS CONCERNING THE
21 EQUIPPING, PLACEMENT, INSTALLATION, AND USE OF SCHOOL BUS ELECTRONIC
22 MONITORING SYSTEMS IN SCHOOL BUSES AS REQUIRED PURSUANT TO SUBDIVISION
23 TWENTY-ONE-J OF SECTION THREE HUNDRED SEVENTY-FIVE OF THE VEHICLE AND

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

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1 TRAFFIC LAW. FOR THE PURPOSES OF THIS SECTION, THE TERM "SCHOOL BUS
2 ELECTRONIC MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CAPA-
3 BLE OF RECORDING THE SPEED, SOUND, CONDUCT AND MOVEMENT OF PERSONS WITH-
4 IN THE DRIVER AND PASSENGER COMPARTMENTS OF THE BUS. SUCH SYSTEM MAY
5 ALSO INCLUDE ONE OR MORE DEVICES DESIGNED TO SIMULATE THE APPEARANCE OF
6 AN OPERABLE VIDEO CAMERA OR OTHER DEVICE. SUCH REGULATIONS SHALL APPLY
7 TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND SHALL REQUIRE OR
8 BE CONSISTENT WITH THE FOLLOWING:

9 1. ALL SCHOOL BUSES SHALL BE EQUIPPED WITH SCHOOL BUS ELECTRONIC MONI-
10 TORING SYSTEMS, THAT WILL ACCOMPLISH THE PURPOSE AND INTENT OF THIS
11 SECTION IN THE MOST EFFECTIVE AND LEAST COSTLY MANNER, AS FOLLOWS: ALL
12 NEW SCHOOL BUSES SHALL BE SO EQUIPPED ON AND AFTER SEPTEMBER FIRST, TWO
13 THOUSAND TWELVE, AND ALL SCHOOL BUSES IN SERVICE FOR SUCH TRANSPORT
14 SHALL BE SO EQUIPPED NOT LATER THAN SEPTEMBER FIRST, TWO THOUSAND
15 FIFTEEN.

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

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

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

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

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

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

55 8. NOT LESS THAN TWICE EACH SCHOOL YEAR NOTIFICATIONS REGARDING ELEC-
56 TRONIC MONITORING MUST OCCUR, ADDRESSING THE PURPOSE AND USE OF ELEC-

1 TRONIC EQUIPMENT AND THE NEED FOR PERSONAL AWARENESS OF SAFETY ISSUES.
2 THE USE OF NEWSLETTERS, PUPIL HANDOUTS, AND NOTICES POSTED WITHIN THE
3 BUS MAY CONSTITUTE MEANS OF FULFILLING THIS REQUIREMENT.

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

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

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

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