

3518

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the drivers of certain school buses

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 509-dd to read as follows:
3 S 509-DD. APPLICATION OF ARTICLE TO DRIVERS OF CERTAIN SCHOOL BUSES.
4 1. (A) ANY INDIVIDUAL WHO OPERATES A VEHICLE OF ANY SIZE USED TO TRANS-
5 PORT PERSONS UNDER THE AGE OF TWENTY-ONE, OR PERSONS OF ANY AGE WHO ARE
6 MENTALLY OR PHYSICALLY DISABLED, TO A PLACE OF VOCATIONAL, ACADEMIC OR
7 RELIGIOUS INSTRUCTION OR RELIGIOUS SERVICE INCLUDING NURSERY SCHOOLS,
8 DAY CARE CENTERS AND CAMPS AND WHO IS EMPLOYED BY A MOTOR CARRIER WHICH
9 IS EXCLUSIVELY ENGAGED IN THE BUSINESS OF TRANSPORTING PASSENGERS FOR
10 HIRE AND WHICH DOES NOT PERFORM ANY OTHER FUNCTION THAT IS NOT RELATED
11 TO THE TRANSPORTATION OF PASSENGERS, AND WHO IS NOT OTHERWISE SUBJECT TO
12 THE PROVISIONS OF THIS ARTICLE, SHALL BE SUBJECT TO THE PROVISIONS OF
13 THIS ARTICLE, PROVIDED HOWEVER THAT SUCH INDIVIDUAL SHALL NOT BE
14 REQUIRED TO HOLD A COMMERCIAL DRIVER'S LICENSE IF SUCH LICENSE IS NOT
15 OTHERWISE REQUIRED TO OPERATE THE VEHICLE PURSUANT TO SECTIONS FIVE
16 HUNDRED ONE AND FIVE HUNDRED ONE-A OF THIS TITLE.
17 (B) ANY INDIVIDUAL WHO OPERATES A VEHICLE OF ANY SIZE USED TO TRANS-
18 PORT PERSONS UNDER THE AGE OF TWENTY-ONE, OR PERSONS OF ANY AGE WHO ARE
19 MENTALLY OR PHYSICALLY DISABLED, TO A PLACE OF VOCATIONAL, ACADEMIC OR
20 RELIGIOUS INSTRUCTION OR RELIGIOUS SERVICE INCLUDING NURSERY SCHOOLS,
21 DAY CARE CENTERS AND CAMPS AND WHO IS SELF-EMPLOYED AND IS EXCLUSIVELY
22 ENGAGED IN THE BUSINESS OF TRANSPORTING PASSENGERS FOR HIRE AND WHO DOES
23 NOT PERFORM ANY OTHER FUNCTION THAT IS NOT RELATED TO THE TRANSPORTATION
24 OF PASSENGERS, AND WHO IS NOT OTHERWISE SUBJECT TO THE PROVISIONS OF
25 THIS ARTICLE, SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS, PROVIDED

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

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1 HOWEVER THAT SUCH INDIVIDUAL SHALL NOT BE REQUIRED TO HOLD A COMMERCIAL
2 DRIVER'S LICENSE IF SUCH LICENSE IS NOT OTHERWISE REQUIRED TO OPERATE
3 THE VEHICLE PURSUANT TO SECTIONS FIVE HUNDRED ONE AND FIVE HUNDRED ONE-A
4 OF THIS TITLE. SUCH INDIVIDUAL SHALL BE:

5 (I) AT LEAST EIGHTEEN YEARS OF AGE;

6 (II) SUBJECT TO THE PROVISIONS OF SECTIONS FIVE HUNDRED NINE-CC, FIVE
7 HUNDRED NINE-K AND FIVE HUNDRED NINE-L OF THIS ARTICLE; AND

8 (III) SUBJECT TO THE PROVISIONS OF SECTION FIVE HUNDRED NINE-D OF THIS
9 ARTICLE REGARDING FINGERPRINTING AND CRIMINAL HISTORY CHECKS, PROVIDED
10 HOWEVER, THAT SUCH INDIVIDUAL SHALL BE REQUIRED TO SUBMIT TO FINGER-
11 PRINTING AND A CRIMINAL HISTORY CHECK AS DIRECTED BY REGULATIONS TO BE
12 ESTABLISHED BY THE COMMISSIONER AND PROVIDED FURTHER THAT SUCH INDIVID-
13 UAL SHALL NOT TRANSPORT CHILDREN TO AND FROM SCHOOL AND SCHOOL ACTIV-
14 ITIES UNTIL RECEIVING CLEARANCE FROM THE COMMISSIONER. ADDITIONALLY, THE
15 COMMISSIONER SHALL PROMULGATE ANY OTHER REGULATIONS HE OR SHE DEEMS
16 NECESSARY TO ENSURE COMPLIANCE WITH THIS SECTION.

17 2. FOR PURPOSES OF THIS SECTION, THE TERM "SCHOOL BUS" SHALL HAVE THE
18 SAME MEANING AS PROVIDED IN SECTION ONE HUNDRED FORTY-TWO OF THIS CHAP-
19 TER.

20 3. FOR PURPOSES OF THIS SECTION, THE TERM "MOTOR CARRIER" SHALL MEAN
21 ANY PERSON, CORPORATION, MUNICIPALITY, SCHOOL DISTRICT, OR ENTITY,
22 PUBLIC OR PRIVATE WHO DIRECTS ONE OR MORE SCHOOL BUS DRIVERS AND WHO
23 OPERATES A SCHOOL BUS WHOLLY WITHIN OR PARTLY WITHIN AND PARTLY WITHOUT
24 THIS STATE IN CONNECTION WITH THE BUSINESS OF TRANSPORTING CHILDREN FOR
25 HIRE, EXCEPT SUCH PUBLIC OR GOVERNMENTAL OPERATORS WHO MAY BE EXEMPTED
26 FROM THE PROVISIONS OF THIS SECTION BY THE COMMISSIONER THROUGH REGU-
27 LATION PROMULGATED BY THE COMMISSIONER.

28 4. FOR PURPOSES OF THIS SECTION, THE TERM "FOR HIRE" SHALL MEAN TRANS-
29 PORTATION OF PASSENGERS FOR WHICH MONIES ARE PAID TO THE MOTOR CARRIER
30 OR INDIVIDUAL FOR THE TRANSPORTATION PROVIDED EXCEPT THAT IT SHALL NOT
31 INCLUDE TRANSPORTATION OF PASSENGERS BY AN INDIVIDUAL OPERATING HIS OR
32 HER OWN VEHICLE WHERE THE ONLY PAYMENT MADE TO SUCH PERSON IS A MILEAGE
33 FEE INTENDED TO COVER THE ACTUAL COST OF SUCH OPERATION.

34 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO INDIVIDUALS WHO
35 ARE ENGAGED IN THE MAINTENANCE, REPAIR OR GARAGING OF SCHOOL BUSES AND
36 IN THE COURSE OF THEIR DUTIES SHALL INCIDENTALLY DRIVE A SCHOOL BUS
37 WITHOUT PASSENGERS, OR WHO, AS A VOLUNTEER, DRIVE A SCHOOL BUS WITH
38 PASSENGERS LESS THAN THIRTY DAYS EACH YEAR.

39 S 2. Subdivision 4 of section 509-cc of the vehicle and traffic law,
40 as added by chapter 675 of the laws of 1985, paragraph (a) as amended by
41 chapter 93 of the laws of 2006, paragraph (b) as amended by chapter 360
42 of the laws of 1986 and paragraph (c) as amended by chapter 405 of the
43 laws of 2010, is amended to read as follows:

44 (4) (a) The offenses referred to in subparagraph (ii) of paragraph (a)
45 of subdivision one and paragraph (a) of subdivision two of this section
46 that result in permanent disqualification shall include a conviction
47 under sections 125.12, 125.11, 125.13, 125.14, 125.15, 125.20, 125.25,
48 125.26, 125.27, 130.30, 130.35, 130.45, 130.50, 130.65, 130.66, 130.67,
49 130.70, 130.75, 130.80, 130.90, 130.95, 130.96, 135.25, 150.20, 230.30,
50 230.32, 230.34, 235.22, 263.05, 263.10, 263.11, 263.15, 263.16 of the
51 penal law or an attempt to commit any of the aforesaid offenses under
52 section 110.00 of the penal law, or any offenses committed under a
53 former section of the penal law which would constitute violations of the
54 aforesaid sections of the penal law, or any offenses committed outside
55 this state which would constitute violations of the aforesaid sections
56 of the penal law.

1 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
2 subdivision one and paragraph (b) of subdivision two of this section
3 that result in permanent disqualification shall include a conviction
4 under sections 100.13, 105.15, 105.17, 115.08, 120.12, 125.10, [125.15,]
5 130.40, 130.53, 130.60, [130.65,] 130.65-A, 135.20, 160.15, 220.18,
6 220.21, 220.39, 220.44, 220.41, 220.43, 230.25, 260.00, [263.05, 263.10,
7 263.15,] 265.04 of the penal law or an attempt to commit any of the
8 aforesaid offenses under section 110.00 of the penal law, or any
9 offenses committed under a former section of the penal law which would
10 constitute violations of the aforesaid sections of the penal law, or any
11 offenses committed outside this state which would constitute violations
12 of the aforesaid sections of the penal law.

13 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
14 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
15 of this section that result in disqualification for a period of five
16 years shall include a conviction under sections 100.10, 105.13, 115.05,
17 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
18 125.13, 125.14, 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10,
19 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10,
20 220.06, 220.09, 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50,
21 221.55, 230.00, 230.04, 230.05, 230.06, 230.20, [230.25, 230.30,
22 230.32,] 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdi-
23 vision two of section 260.20 and sections 260.25, 265.02, 265.03,
24 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to
25 commit any of the aforesaid offenses under section 110.00 of the penal
26 law, or any similar offenses committed under a former section of the
27 penal law, or any offenses committed under a former section of the penal
28 law which would constitute violations of the aforesaid sections of the
29 penal law, or any offenses committed outside this state which would
30 constitute violations of the aforesaid sections of the penal law.

31 S 3. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law, provided, however that the adoption of any
33 rules or regulations necessary for the timely implementation of the
34 provisions of this act are authorized and directed to be completed on or
35 before such effective date.