

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 -- recommended 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:

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 FIFTEEN, AND EVERY SCHOOL BUS IN SERVICE FOR SUCH TRANSPORT
7 SHALL BE SO EQUIPPED NOT LATER THAN SEPTEMBER FIRST, TWO THOUSAND EIGH-
8 TEEN, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER
9 AFTER CONSULTATION WITH THE COMMISSIONERS OF TRANSPORTATION AND EDUCA-
10 TION. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "SCHOOL BUS ELEC-
11 TRONIC MONITORING SYSTEM" MEANS ONE OR MORE ELECTRONIC DEVICES CAPABLE
12 OF RECORDING THE SPEED, SOUND, CONDUCT AND MOVEMENT OF PERSONS WITHIN
13 THE DRIVER AND PASSENGER COMPARTMENTS OF THE BUS. SUCH SYSTEM MAY ALSO
14 INCLUDE ONE OR MORE DEVICES DESIGNED TO SIMULATE THE APPEARANCE OF AN
15 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

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

LBD05061-02-2

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

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

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

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

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

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

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

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

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

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

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

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

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