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

6993

2013-2014 Regular Sessions

I N A S S E M B L Y

April 29, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to screening of applicants for positions of school bus attendant

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

Section 1. Subdivision 2 of section 1229-d of the vehicle and traffic law, as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(2) Screening of applicants for position of school bus attendant (a) a school district[, pursuant to a policy statement or resolution adopted by such district, may] SHALL review the qualifications of every applicant for the position of school bus attendant on school buses operated by or under contract to the district and determine at its discretion whether the applicant is suitable for qualification. In such cases, applicants [may] SHALL be made the subject of a criminal history check. Upon receipt of the fingerprints forwarded to them by such school district, the division of criminal justice services shall forward to such school district the criminal history review. A fee not to exceed the cost for the criminal history review shall be charged by the division of criminal justice services. Such fingerprints also may be submitted to the federal bureau of investigation for a national criminal history record check.

(b) In determining the qualifications of school bus attendants, a school district [may] SHALL use the criteria listed in PARAGRAPHS (A) AND (B) OF subdivision two of section five hundred nine-cc of this chapter AND MAY USE THE OTHER PROVISIONS OF SUCH SUBDIVISION relative to criminal convictions.

(c) All inquiries made, and the use of any criminal record obtained, pursuant to this section shall be in accordance with section two hundred ninety-six of the executive law. In addition, the secondary dissem-

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

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ination of such information shall be limited to other authorized agencies, by express agreement between the school district and the division of criminal justice services, or as authorized pursuant to federal law, and rules and regulations. No cause of action against the school district or division of criminal justice services for damages related to the dissemination of criminal history records pursuant to this section shall exist when the school district or division of criminal justice services has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to it by qualified agencies.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.