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:

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

h. Notwithstanding the provisions of this subdivision, section one hundred three of the general municipal law, or any other provision of law to the contrary, the board of education shall be authorized to enter into a piggyback contract with another school district that transports students pursuant to a contract with a private single pupil transportation contractor, provided that the board finds that the contract cost is appropriate and entry into a piggyback contract will result in a cost savings to the school district, and provided further, the commissioner approves such private transportation contractor as meeting the requirements of the education law. For purposes of this paragraph, a "piggyback contract" means a contract for the transportation of students that: (1) provides transportation for students to or from school or school-related activities whether in New York state or otherwise, where another school district is already being provided transportation through an existing contract with a private transportation contractor, including a cooperatively bid contract; (2) is either at the commencement of the contract, or at any point during the contract term, entered into by the private transportation contractor and each school district involved; and (3) provides for transportation in accordance with the terms and conditions of such existing transportation contract.

§ 2. Section 509-a of the vehicle and traffic law, as amended by chapter 675 of the laws of 1985, subdivision 1 as amended by chapter 853 of the laws of 1992, subdivision 3 as amended by chapter 360 of the laws of 1986 and subdivision 7 as added by chapter 599 of the laws of 1993, is 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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§ 509-a. Definitions. As used in this article~~,~~ the [~~term~~] following terms shall have the following meanings:

(1) [~~bus~~] "Bus" shall mean every motor vehicle, owned, leased, rented or otherwise controlled by a motor carrier, which (a) is a school bus as defined in section one hundred forty-two of this chapter or has a seating capacity of more than ten adult passengers in addition to the driver and which is used for the transportation of persons under the age of twenty-one or persons of any age who are mentally or physically disabled to a place of vocational, academic or religious instruction or religious service including nursery schools, day care centers and camps, (b) is required to obtain approval to operate in the state as a common or contract carrier of passengers by motor vehicle from the commissioner of transportation, or the interstate commerce commission, (c) is regulated as a bus line by a city that has adopted an ordinance, local law or charter to regulate or franchise bus line operations pursuant to subdivision four of section eighty of the transportation law, (d) is regulated as a van service or other common carrier of passengers by motor vehicle covered under article seven of the transportation law by a city with a population of over one million pursuant to an ordinance or local law adopted pursuant to subdivision five of section eighty of the transportation law or (e) is operated by a transit authority or municipality and is used to transport persons for hire. Provided, however, that bus shall not mean an authorized emergency vehicle operated in the course of an emergency, or a motor vehicle used in the transportation of agricultural workers to and from their place of employment;

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

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

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

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

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

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

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

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

(10) "School transportation logistics coordinator" shall mean a logistics company contracted by a local educational agency or contracted by any entity with funding from a local educational agency, providing school-related pupil transportation for compensation in a school transportation logistics vehicle.

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

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

(2) Each school transportation logistics coordinator shall, at least once every twelve months, review the driving record of each school transportation logistics vehicle driver it contracts with to determine whether that driver meets minimum requirements for safe driving and is qualified to drive such vehicle pursuant to section five hundred nine-bbb of this article. In reviewing a driving record, the logistics coordinator shall consider any evidence that the driver has violated applicable provisions of this chapter. The logistics coordinator shall also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. In addition, each school transportation logistics coordinator shall conduct pre-service, random and post-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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