§ 509-a. Definitions. As used in this article the term: (1) 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 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 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 shall mean and include, alcohol, spirits, liquor, wine, beer and cider having alcoholic content;

(5) 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 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 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.