§ 509-d. Qualification procedures for bus drivers, maintenance of files and availability to subsequent employers. (1) Before employing a new bus driver a motor carrier shall:

(i) require such person to pass a medical examination to drive a bus as provided in section five hundred nine-g of this article;

(ii) obtain a driving record from the appropriate agency in every state in which the person resided or worked and/or held a driver's license or learner's permit during the preceding three years in a manner prescribed by the commissioner;

(iii) investigate the person's employment record during the preceding three years in a manner prescribed by the commissioner.

(2) Investigations and inquiries of drivers of school buses; maintenance of file; availability to subsequent employer. (a) A motor carrier shall request the department to initiate a criminal history check for persons employed as drivers of school buses, as defined in paragraph (a) of subdivision one of section five hundred nine-a of this chapter, on September fourteenth, nineteen hundred eighty-five by such motor carrier, in accordance with regulations of the commissioner by requiring such school bus drivers to submit to the mandated fingerprinting procedure. The department of motor vehicles at the request of the motor carrier shall initiate a criminal history check of all current school bus drivers of such motor carrier as well as those hired on or after September fifteenth, nineteen hundred eighty-five by requiring such drivers and applicants to submit to the mandated fingerprinting procedure as part of the school bus driver qualification procedure. Such fingerprinting procedure and the related fee as well as a procedure for the return of such fingerprints upon application of a person who has terminated employment as a school bus driver shall be established in accordance with regulations of the commissioner in consultation with the commissioner of the division of criminal justice services. The fee to be paid by or on behalf of the school bus driver or applicant shall be no more than five dollars over the cost to the commissioner for the criminal history check. No cause of action against the department, the division of criminal justice services, a motor carrier or political subdivision for damages related to the dissemination of criminal history records pursuant to this section shall exist when such department, division, motor carrier or political

subdivision has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to it by qualified agencies. Fingerprints submitted to the division of criminal justice services pursuant to this subdivision may also be submitted to the federal bureau of investigation for a national criminal history record check.

(b) After a motor carrier has completed the procedures set forth in paragraph (a) this of subdivision, it shall designate each new school bus driver as a conditional school bus driver as defined in section five hundred nine-h of this article, until the carrier is in receipt of information of the new school bus driver's qualification from the department and the required driving records from each appropriate state agency. If the information received indicates that there is a pending criminal offense or driving violation that would require disqualification of a school bus driver under this article, the motor carrier shall require the applicant to provide documentation evidencing the disposition of such offense or violation in accordance with regulations established by the commissioner. The department, upon notice of disqualification to an applicant, shall include in such notice information regarding the applicant's right to appeal and contest any claimed ground for disqualification. Such notice shall also advise the applicant of his or her right to obtain, examine, inspect and copy any information used by the department in support of its determination of disqualification. In the event the applicant contests the existence of a criminal conviction in his or her name, such applicant may provide documentation evidencing the disposition of such offense or violation in accordance with regulations established by the commissioner.

(3) Each motor carrier shall retain the following records in each driver's file for a period of three years, in accordance with regulations established by the commissioner:

(i) a driver abstract of operating record provided by the department and the written information provided by the appropriate agency of another state for each twelve month period;

(ii) replies from the department regarding the driver's qualifications, as well as, any subsequent information concerning any pending criminal charges against such driver;

(iii) the initial qualifying medical examination form and the biennial

medical examination form completed by the carrier's physician or nurse practitioner;

(iv) the annual defensive driving review forms completed pursuant to section five hundred nine-g of this article; and

(v) the completed biennial behind-the-wheel examination forms as required under section five hundred nine-g of this article.

(4) Each motor carrier shall notify the commissioner on the form and in the manner established by regulation of the commissioner, within ten days, of the date on which a bus driver commences employment, leaves the carrier's employ or is disqualified. Such notification shall be provided in accordance with regulations established by the commissioner and shall include any information the motor carrier has relative to the bus driver's disqualification, including any information regarding criminal charges pending against the driver for violations which would disqualify the driver if a conviction resulted.

(5) Each motor carrier shall furnish the department, by October fifteenth, nineteen hundred eighty-five, a list of all bus drivers employed on September fourteenth, nineteen hundred eighty-five in accordance with regulations established by the commissioner.

(5-a) Every motor carrier shall furnish the department, beginning no later than July first, two thousand twenty-one and annually thereafter, a list of each altered motor vehicle commonly referred to as a "stretch limousine", if any, designed to carry nine or more passengers including the driver that such motor carrier operates pursuant to operating authority issued by the commissioner of transportation, including the vehicle identification number and registration number of each such altered motor vehicle, and a list of all drivers such motor carrier employs who drive such altered motor vehicles and whether such driver is qualified or has been disqualified to operate such altered motor vehicle pursuant to this article.

(6) Each motor carrier shall furnish the department within ten days of receipt, with a copy of each bus driver's out-of-state driving record it has obtained, if such driver resides in another state, or has been employed in such other state within the past three years.

(7) Each motor carrier shall prepare a report setting forth: (a) the number of miles travelled by buses operated by such motor carrier in the preceding twelve months; (b) the number of convictions and accidents

involving any driver employed by such motor carrier during the preceding twelve months, as reported to such carrier pursuant to section five hundred nine-f of this chapter; and (c) the number of convictions and accidents per ten thousand miles travelled. Such report shall be filed with the department as an attachment to the affidavit of compliance required by subdivision (c) of section five hundred nine-j of this chapter, and a copy of such report shall be made available by the carrier to any person upon request.