§ 509-n. Exempt carriers; reporting requirements. 1. A motor carrier subject to the motor carrier regulations of the United States department of transportation will be exempt from all of the annual and biennial requirements of this article, except the annual requirement which mandates that an affidavit of compliance be filed with the commissioner, provided that (i) such motor carrier does not operate in this state a school bus as defined in section one hundred forty-two of this chapter or a bus used for the transportation of persons under the age of twenty-one or persons of any age who are mentally disabled to a place of vocational, academic or religious instruction or religious service including nursery schools, day care centers and camps or (ii) such motor carrier did not operate in the state during the previous calendar year more than one hundred days or more than ten thousand bus vehicle miles. Provided, however, for the purpose of this subdivision a school bus shall not mean a bus operated by a motor carrier subject to the motor carrier regulations of the United States department of transportation, that occasionally transports pupils or persons of any age who are mentally disabled and who are not residents of this state on chaperoned chartered trips in New York state.

2. A motor carrier subject to the motor carrier regulations of the United States department of transportation who is not exempt pursuant to the provisions of subdivision one of this section may apply to the commissioner for a waiver for those bus drivers, other than those drivers who operate a school bus as defined in section one hundred forty-two of this chapter or a bus used for the transportation of persons under the age of twenty-one to a place of vocational, academic or religious instruction or service including schools and camps, who operate a bus in this state less than thirty days each year. Such application shall include a description of a training and qualifying program which has demonstrated the motor carrier's procedures for qualifying bus drivers. Such program shall include an appropriate health and driving record review and such other information as shall be required by the commissioner to satisfy the intent of this article in an effective manner.

3. The annual affidavit of compliance required under subdivision one

shall certify to the commissioner that the motor carrier does not employ a bus driver who would operate a bus in New York state and who is disqualified under section five hundred nine-c of this article, and also shall certify the number of days and vehicle miles of bus service that the carrier provided in the state during the previous calendar year. A motor carrier exempted by this section shall furnish to the commissioner upon request any records concerning drivers required to be kept by the motor carrier regulations of the United States department of transportation within ten days of receipt of such request. Failure of a motor carrier to furnish such records requested within the ten day period shall be a violation of this article.