

“Road tractor” means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

“Safety zone” means the area of space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

“School bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for the transportation of children to or from school for secular or religious education, which complies with the regulations of the New Jersey Motor Vehicle Commission affecting school buses, including “School Vehicle Type I” and “School Vehicle Type II” as defined below:

“School Vehicle Type I” means any vehicle designed to transport 16 or more passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

*(Eff. 9/30/05, Ch. 147 & Eff. 7/19/05, Ch. 158, L. 2005)*

“School Vehicle Type II” means any vehicle designed to transport less than 16 passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar place of education. Such vehicle shall comply with the regulations of the commission and either the Department of Education or the Department of Human Services whichever is the appropriate supervising agency. *(Eff. 9/30/05, Ch. 147 & Eff. 7/19/05, Ch. 158, L. 2005)*

“School zone” means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate “school signs” in accordance with specifications adopted by the chief administrator and in accordance with law. *(Eff. 9/30/05, Ch. 147, L. 2005)*

“School crossing” means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

“Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

“Shipper” means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, “shipper” shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

“Shoulder” means that portion of the highway, exclusive of and bordering



with the New Jersey Transit Corporation pursuant to P.L. 1979, c. 150 (C. 27:25-1 et seq.), shall pay \$10.00 per annum for the registration of each vehicle used as an omnibus for the transportation of passengers for hire in lieu of the annual fees hereinbefore prescribed and without regard to the aforementioned 75% requirement.

Applicants seeking to register a vehicle for the reduced fee shall first obtain a letter from the Department of Transportation certifying that the number of regular route passengers carried by the applicant in the previous calendar year represents 75% or more of the combined number of passengers carried on regular route, casino, special and charter bus operations during that year, or in the case of applicants operating under contract with the New Jersey Transit Corporation pursuant to P.L. 1979, c. 150 (C. 27:25-1 et seq.) shall obtain a letter from the corporation certifying that they are under such a contract. Applicants shall present the appropriate letters of certification with their applications for omnibus registration to the Director of the Division of Motor Vehicles.

The director shall provide identification marks of the general style and kind provided for motor vehicle registrations, assigning a number to each identification mark, and before each number the letter "O" shall be placed.

Every applicant for omnibus registration shall make application, setting forth the fact that he is in the business of transporting passengers for hire; and the director, if satisfied of the correctness of the statements made in such application, may issue a registration certificate for omnibus license.

Nothing in this section shall prohibit the use by an omnibus operator of an automobile duly licensed by him as owner.

#### **39:3-19.1. Penalty for violation of section 39:3-19.**

Any person owning or operating a motor vehicle who shall use his motor vehicle for transportation of passengers for hire, without having an omnibus registration as provided for in section 39:3-19 of this title, shall be subject to a fine of not exceeding twenty-five dollars or to imprisonment for a period of not exceeding thirty days. Any offender who shall be convicted of a second or any subsequent offense of the same violation shall be fined one hundred dollars or be imprisoned for a period of not exceeding ninety days.

#### **39:3-19.2. School vehicles.**

The director of motor vehicles shall have the authority to issue upon application therefor a license plate for school vehicles marked "School Vehicle Type I" or "School Vehicle Type II" as the application may indicate is warranted in accordance with the definition of these vehicles contained in R.S. 39:1-1. Except as otherwise provided in this section, every registration for a school vehicle shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

School vehicles for which school vehicle registrations had been issued prior to the effective date of this act and which expire June 30, 1982 shall be issued registrations which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than 4 months nor later than 16 months following the date of issuance of the registration. The fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this section.

No fee shall be charged the United States government, the state of New Jersey, a local school district, a regional school district, or a county vocational or



technical school upon application for a Type I or Type II school vehicle license plate.

All other applicants for license plates herein authorized of the "School Vehicle Type I" kind shall pay an annual registration fee of \$140.00. All other applicants for license plates herein authorized of the "School Vehicle Type II" shall pay an annual registration fee of \$40.00.

### **39:3-19.3. Inapplicability.**

The provisions of this act shall not apply to buses used in common carrier line service and school transportation service whose owner meets the qualifications prescribed in R.S. 39:3-19 or to any vehicle with a seating capacity of 16 or less which is solely used to transport children to or from summer day camps or summer residence camps from May 15 to September 15 of any year.

### **39:3-19.4. Registration of vehicles used for summer day or residence camps.**

Notwithstanding the provisions of section 2 of P.L. 1974, c.162 (C. 39:3-19.2) or of any other law, any vehicle with a seating capacity of 16 or less which is used to transport children to and from summer day camps or summer residence camps from May 15 to September 15 shall be inspected by the Division of Motor Vehicles prior to May 15 of any year in which the vehicle is to be used for those purposes for compliance with the minimum standards for small vehicles which have been adopted by the Department of Education and shall be covered by motor vehicle liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury or death sustained by any person arising out of the ownership, maintenance, operation or use of said vehicle wherein such coverage shall be least in: a. an amount or limit of \$300,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and b. an amount or limit, subject to such limit for any one person so injured or killed, of \$500,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident.

### **39:3-19.5. Special registration plates; autocab, limousine or livery service.**

a. Upon the application of any person who owns a limousine service, the Director of the Division of Motor Vehicles shall issue special registration plates bearing the word "limousine" in addition to the registration and other markings or identification otherwise prescribed by law.

b. The special registration plates authorized by this act shall be issued upon proof, satisfactory to the director, that the applicant has complied with the provisions of article 2 of chapter 16 of Title 48 of the Revised Statutes.

c. The fee for such special registration plates shall be \$10.00 in addition to the fees otherwise prescribed by law for the registration of such motor vehicles.

### **39:3-19.6. Fee imposed on limousine services.**

a. On or before October 1, 2003 and on or before each October 1 thereafter, or in the case of persons commencing transporting passengers after that date at least 10 business days before the commencement of transporting, a fee shall be due and payable pursuant to this section for the operating period from October 1 through September 30 for each limousine, as that term is defined pursuant to R.S.48:16-13, and any other vehicle for hire that is used to transport passengers, from or to a location in New Jersey if such vehicle is not registered



**39:3-76.8. Motorcycle operator to wear goggles or face shield.**

No person shall operate a motorcycle unless he wears goggles or a face shield of a type approved by the director. The director is authorized and empowered to adopt rules and regulations governing types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder. For the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

**39:3-76.9. Exceptions.**

The provisions of section 7 (39:3-76.8) of this act with respect to goggles and face shields shall not apply to the operator of a motorcycle equipped with a wind screen meeting specifications established by the director.

**39:3-76.10. Sale of helmets, goggles or face shields.**

No person shall sell, offer for sale or distribute any protective helmets, goggles or face shields for use by the operators of motorcycles, or protective helmets for the use of passengers thereon, unless they are of a type and specifications approved by the director and appear on the list of approved devices maintained by the director.

**39:3-77. Selling or using unapproved device or equipment.**

No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle any unapproved device or equipment of a type which is required to be approved by the commissioner.

No person shall have for sale, sell, offer for sale or use any device, part or accessory which changes or is intended to change the design or designed performance of any device or equipment required to be approved.

No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of any motor vehicle or motor-drawn vehicle any device or equipment of a type required to be approved unless such device or equipment bears thereon the trade-mark or name under which it is approved so as to be plainly visible when installed.

**39:3-77.1. National School Bus Chrome.**

No motor vehicle with a capacity of more than 16 passengers shall be painted National School Bus Chrome, unless that vehicle is used to transport children to or from school, or a summer day camp, or any school connected activity.

Whenever any motor vehicle with a capacity of more than 16 passengers, which has been used for the transportation of children to or from school, or a summer day camp, or any school connected activity, is no longer used for these purposes, it shall be repainted a color distinctively different from National School Bus Chrome.

**39:3-77.2. Properly marked doors.**

Every motor vehicle, including any van or trailer, to which persons are admitted for the purpose of purchasing merchandise, including books, or for the purpose of viewing any exhibit, shall in addition to an entrance door be equipped with a separate exit door. Such exit shall be plainly identified as an exit and shall be kept unobstructed at all times.



**39:3A-2. Punishment for violations.**

A person violating the provisions of this act shall, for each violation, be subject to a fine of not more than fifty dollars (\$50.00), or imprisonment for a period not exceeding ten days or both.

## CHAPTER 3B SCHOOL BUSES, EQUIPMENT AND REGULATIONS

- 39:3B-1. Electric identification and warning lamps.
- 39:3B-1.1. New school buses, crossing control arms.
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- 39:3B-23. Removal from service upon failure of inspection.
- 39:3B-24. Rules; regulations.
- 39:3B-25. Use of cell phone prohibited while driving school bus, exception; fines.

**39:3B-1. Electric identification and warning lamps.**

Every bus when being used to transport children to and from school pursuant to sections 18:14-8 to 18:14.12\*, inclusive, of the Revised Statutes shall be equipped with electric identification and warning lamps which, when such bus has stopped for the purpose of receiving or discharging any school child, will exhibit a flashing red light plainly visible at such a distance as will enable the driver of a vehicle approaching or overtaking the bus to see the red light in sufficient time to bring the same to a stop within 10 feet of the bus. Such lamps shall meet the requirements prescribed by the State Board of Education, which requirements shall not be inconsistent with the provisions of this Title or any rule or regulation made pursuant thereto.

Nothing contained herein shall be construed to apply to any motorbus when carrying passengers for hire over any street or road and accepting and discharging indiscriminately such persons as may offer themselves for transportation either at the termini or points along the route on which it is being operated.

*\*(Repealed. Now see 18A:39-1 to 18A:39-21)*



**39:3B-1.1. New school buses, crossing control arms.**

Every school bus as defined under R.S.39:1-1, which was originally designed to carry 10 or more passengers and which is in operation on August 6, 1996 transporting public and nonpublic school pupils and every new or used such school bus purchased on or after that date to transport public and nonpublic school pupils shall be equipped with a crossing control arm at the right front corner of the bus. In each year subsequent to August 6, 1996, 50 percent of all school bus fleets in operation on that date owned by any agency, a board of education, a nonpublic school or a school bus contractor not already equipped with a crossing control arm shall be so equipped, provided that each vehicle used to transport elementary school students shall be given priority to be equipped with a crossing control arm in the first year following August 6, 1996. The arm shall open and extend out from the front of the bus at least 5 1/2 feet each time the bus door is opened.

*(Eff. 8/14/98, Ch. 80, L. 1998)*

**39:3B-1.2. School buses, retrofitting with crossing control arms.**

Each agency, school district and nonpublic school that owns and operates its own school buses and each school bus contractor that operates school buses, as defined in section 1 of P.L.1996, c.96 (C.39:3B-1.1), shall receive reimbursement from the Department of Education in an amount up to, but not to exceed, \$300 per bus for retrofitting those school buses in operation on August 6, 1996, and an amount up to, but not to exceed, \$200 per bus for buses put into operation after that date for the cost of including the crossing control arm on those buses. If any agency, school district, nonpublic school or school bus contractor chooses to equip more than 50 percent of its school buses in any one year, it shall receive a maximum reimbursement for 50 percent of its school buses for that year. Reimbursement for retrofitting more than 50 percent of its school buses will be paid in the subsequent year based on a schedule to be determined by the Commissioner, not to exceed two years.

*(Eff. 8/14/98, Ch. 80, L. 1998)*

**39:3B-1.3. Commissioner of Education to monitor vehicles equipped with crossing control arms.**

No later than 60 days after the effective date of P.L.1998, c.80 (C.39:3B-1.1 et seq.), each agency, board of education, nonpublic school and school bus contractor shall submit to the Commissioner of Education a list of all vehicles, as defined in section 1 of P.L.1996, c.96 (C.39:3B-1.1), that are used to transport students on August 6, 1996, including: the vehicle serial number; the year, make and license plate number as noted on the vehicle registration; and an indication as to whether the vehicle is currently equipped with a crossing control arm.

The owners of such vehicles may apply for reimbursement through the Department of Education in accordance with section 2 of P.L.1996, c.96 (C.39:3B-1.2) on an application form as the Commissioner of Education shall prescribe. The application shall be accompanied by a receipt for the purchase of the crossing control arm through an authorized dealer. *(Eff. 8/14/98, Ch. 80, L. 1998)*

**39:3B-1.4. Rules and regulations to effectuate act concerning crossing control arms.**

*(Repealed Eff. 8/14/98, Ch. 80, L. 1998)*



**39:3B-2. Signs or legends; displayed.**

There shall be displayed on every bus subject to the provisions of section 1 (39:3B-1) of this act signs or legends which will, insofar as practicable, inform the driver of any vehicle concerning the duty imposed upon him by law with respect to passing such bus, while it is loading or unloading. Such signs or legends shall be in such color, form and design as will meet the requirements prescribed by the State Board of Education, which requirements shall not be inconsistent with the provisions of this Title or any rule or regulation made pursuant thereto.

**39:3B-3. Certificates of approval.**

The Director of the Division of Motor Vehicles shall, at such times as in his discretion he shall determine, cause to be displayed upon the back of each certificate of approval designed for pasting upon the windshield of any motor vehicle, pursuant to chapter 8 of this Title, such information as he may deem practicable and advisable, concerning the duty imposed by law upon the driver of any vehicle with respect to passing any bus referred to in section 1 of this act while it is loading or unloading.

**39:3B-4. Convex mirrors or other observation devices.**

Every bus subject to the provisions of section 1 (39:3B-1) of this act shall be equipped with a mirror of the convex type, or such other comparable device as the State Board of Education may authorize or prescribe, which is affixed to the bus in such a manner that the seated driver may observe or otherwise ascertain through its use the condition of the road from the front bumper forward to the point where direct observation is possible. Such mirror or other comparable device, and its location on the bus, shall meet the requirements specified by the State Board of Education which requirements shall not be inconsistent with the provisions of this Title or any rule or regulation made pursuant thereto.

**39:3B-5. Rules and regulations.**

The State Board of Education is hereby authorized to make rules and regulations not inconsistent with the provisions of this Title or any rule or regulation made pursuant thereto, concerning the construction, design, equipment, maintenance, operation and inspection of any bus subject to the provisions of section 1 (39:3B-1) of this act. Such rules and regulations shall be filed with the Director of the Division of Motor Vehicles and, upon such filing, shall be enforced by the Director in the same manner as all other rules and regulations made pursuant to this Title.

Nothing contained in this section shall be deemed to limit the existing authority of the State Board of Education to make rules and regulations governing the transportation of school pupils, pursuant to Title 18 of the Revised Statutes.

**39:3B-5.1. School buses, duration of use.**

School buses, under the jurisdiction of the public schools and manufacturer prior to April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for public transportation purposes beyond the end of the tenth year from the date of manufacture, as noted on the vehicle registration, or at the end



of the school year in which that date falls, whichever is later. School buses manufactured on or after April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the twelfth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

**39:3B-5.2. School buses; duration of use; gross weight over 25,000 pounds.**

School buses of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds shall not be used for pupil transportation purposes beyond the end of the twentieth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

**39:3B-5.3. Inspection of school vehicles.**

School buses manufactured on or after April 1, 1977, when used beyond the tenth year, other than the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall have an annual in-depth inspection by the Division of Motor Vehicles prior to the beginning of the school year.

**39:3B-5.4. Motor vehicle retired from use as a school bus.**

A motor vehicle retired from use as a school bus as defined in R.S. 39:1-1 which is used to transport children or senior citizens to entertainment programs, recreational areas, sporting events, or camping activities shall not be used for those purposes unless the motor vehicle has met the safety regulations for school buses dealing with mechanical condition and body integrity adopted in accordance with the "Administrative Procedure Act," P.L.1968, c. 410, (C. 52:14B-1 et seq.) by the Department of Education, with the exception of school bus chrome yellow color and amber and red warning lamp system regulations. No motor vehicle retired from use as a school bus shall be required to meet the safety regulations for school buses adopted by the Department of Education other than those in effect for the class of vehicle of which the bus was a member on the date upon which the vehicle was last inspected prior to its retirement as a school bus.

**39:3B-6. Violations.**

Any person who willfully violates any provision of this act, or any rule or regulation promulgated pursuant thereto, shall be subject to a fine of not more than \$50.00 or imprisonment for a term not exceeding 30 days, or both.

**39:3B-7. Repealer.**

"An act concerning public school buses, and supplementing chapter 14 of Title 18 of the Revised Statutes," approved June 12, 1948 (P.L.1948, c. 133) is hereby repealed.

**39:3B-8. Van type II school vehicles.**

As used herein "van type II school vehicle" is a vehicle transporting pupils, under the jurisdiction of a local board of education, manufactured



after April 1, 1977, and having a pupil capacity of not less than 10 nor more than 16.

**39:3B-9. Lettering on van type II school vehicles.**

In addition to owner identification, lettering shall be permitted on van type II school vehicles to identify the vehicles as school vehicles and all such vehicles shall be painted school bus yellow and equipped with warning lights.

With respect to any such vehicle transporting handicapped pupils, the national symbol for the handicapped may also be imprinted on the lower right side of the rear door.

**39:3B-10. School bus equipment, seating standards.**

In addition to the requirements in Federal Motor Vehicle Safety Standard No. 222 (49 CFR §571,222) concerning school bus passenger seating and crash protection, each school bus as defined in R.S.39:1-1 shall be equipped with seats of a minimum seat back height of 28 inches, or 24 inches as measured from the seating reference point, and seat belts of the lap belt type for each seating position on the bus or other child restraint systems that are in conformity with applicable federal standards. The design and installation of seat belts or other child restraint systems that are in conformity with applicable federal standards shall conform to the regulations promulgated by the State Board of Education, in consultation with the Director of the Division of Motor Vehicles in the Department of Law and Public Safety. The State board shall promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), for the design and installation of seat belts or other child restraint systems that are in conformity with applicable federal standards.

As used in this section, "seating reference point" shall be defined as the term is defined in 49 CFR §571.3.

*(Eff.9/8/92,Ch.92,L.1992, shall apply only to school buses with a chassis manufacture date of October, 1992 or thereafter, Eff.12/23/93,Ch.307,L.1993)*

**39:3B-11. School buses, mandatory use of seat belts.**

Beginning on September 1 of the second year next following the year of enactment of P.L.1992, c. 92 (C. 39:3B-10), each passenger on a school bus which is equipped with seat belts shall wear a properly adjusted and fastened seat belt or other child restraint system that is in conformity with applicable federal standards at all times while the bus is in operation. Nothing in this section shall make the owner or operator of a school bus liable for failure to properly adjust and fasten a seat belt or other child restraint system that is in conformity with applicable federal standards for a passenger who sustains injury as a direct result of the passenger's failure to comply with the requirement established by this section.

**39:3B-12. School buses, minimum emergency exit requirements.**

A type I school bus when used to transport children to and from school, or to and from school-related activities, shall be equipped with emergency exits to conform with emergency evacuation standards to be prescribed by rule or regulation of the State Board of Education. The emergency exits shall at a minimum consist of a rear emergency door and two roof hatches.



**39:3B-13. \*School buses fueled by liquefied petroleum gas; definitions.**

As used in this act:

“Conventional fuel” means gasoline or diesel fuel;

“Governmental entity” means the State, any agency, authority, or employee thereof, or any political subdivision of the State, including but not limited to any county, municipality, or school district, or any agency, authority, or employee thereof;

“Liquefied petroleum gas” means LPG, butane, butylene, propane, or propylene, or other related or similar compounds commonly regarded to be liquefied petroleum gases as prescribed by rule or regulation adopted by the Department of Environmental Protection pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.); and

“School bus” means a school bus as defined pursuant to R.S.39:1-1.

*(Eff. 1/19/98, Ch. 367, L. 1997)*

**39:3B-14. \*School buses may use liquefied petroleum gas.**

a. Liquefied petroleum gas may be used as an alternative fuel for a school bus instead of, in addition to, or in combination with a conventional fuel.

b. A school bus may be equipped or converted to operate with liquefied petroleum gas as the sole fuel or in addition to or in combination with a conventional fuel.

*(Eff. 1/19/98, Ch. 367, L. 1997)*

**39:3B-15. \*School buses conditions for use of liquefied petroleum gas.**

No school bus may be operated using liquefied petroleum gas as the sole fuel, or in addition to or in combination with a conventional fuel, unless the school bus has been equipped or converted for such use and is operated in accordance with (1) all applicable federal and State laws, rules, regulations, codes, standards, and guidelines pertaining thereto, including but not limited to any such rules, regulations, codes, standards, and guidelines that may be adopted by the National Highway Traffic Safety Administration, and (2) all applicable codes, standards, and guidelines established by the National Fire Protection Association for the storage, handling, and use of liquefied petroleum gas.

*(Eff. 1/19/98, Ch. 367, L. 1997)*

**39:3B-16. \*School buses use of liquefied petroleum gas; actions brought for injury or damages.**

a. In any action brought for any injury or damages caused either directly or indirectly by the use of liquefied petroleum gas as the sole fuel, or in addition to or in combination with a conventional fuel, to operate a school bus, or the equipping or converting of a school bus to operate using liquefied petroleum gas as the sole fuel or in addition to or in combination with a conventional fuel, neither the owner or operator of the school bus nor any governmental entity may be found negligent in connection therewith if the school bus was equipped or converted, and operated, as required by section 39:3B-15.

b. The immunity provided by subsection a. of this section: (1) shall be in addition to any other immunity that may apply under the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., or any other law, rule, or regulation; and (2) shall not apply if it is established that the act or omission causing the

*\*(Title provided by publisher.)*



injury or damages constitutes gross negligence, recklessness, actual fraud, actual malice, willful misconduct, or criminal conduct.

**39:3B-17. \* School buses use of liquefied petroleum gas; rules and regulations to be adopted.**

The Department of Environmental Protection, in consultation with the Department of Transportation, the Division of Motor Vehicles in the Department of Transportation, and the Department of Education, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations necessary to implement this act.

**39:3B-18. \* "School Bus Enhanced Safety Inspection Act."**

This act shall be known and may be cited as the "School Bus Enhanced Safety Inspection Act."

*(Eff. 1/21/99, Ch. 5, L. 1999)*

**39:3B-19. \*Legislative findings, School Bus Enhanced Safety Inspection Act.**

The Legislature finds and declares that school bus safety is of paramount importance to the health and welfare of the school children of this State. The Legislature further finds that school buses are cited for safety violations during scheduled and random inspections at an unacceptably high level and that recent random school bus inspections conducted by the Division of State Police and the Division of Motor Vehicles found a high percentage of school buses operating with significant violations that warranted the removal of these vehicles from service.

The Legislature concurs with the findings of the Governor's School Bus Safety Task Force that it is appropriate and necessary to revise the existing system of in-lane inspections to a system of in-terminal inspections conducted by motor vehicle inspectors at the facility of the school bus operator. Such a system would provide insight into the carrier's overall operation and commitment to maintenance; allow interaction with the carrier's mechanics and operational personnel to facilitate the immediate repair of vehicles; provide a mechanism for the audit of a carrier's maintenance records, including daily defect slips, vehicle history records, and driver history and credential records; and, insure the timely inspection of all school buses.

*(Eff. 1/21/99, Ch. 5, L. 1999)*

**39:3B-20. \*Definitions, School Bus Enhanced Safety Inspection Act.**

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation;

"Division" means the Division of Motor Vehicles in the Department of Transportation;

"In-terminal inspection" means an inspection conducted by the Division of Motor Vehicles at the operator's terminal of any motor vehicle required to meet the safety regulations for school buses adopted by the Department of Transportation pursuant to R.S.39:3B-5 and P.L. 1986, c.92 (C.18A:3B-5.4) and vehicle emissions standards established for engine type pursuant to R.S.39:8-2 and section 3 of P.L. 1995, c.157 (C.39:8-61);

"Operator" means the owner or person responsible for the day to day operation and maintenance of school buses;

*\*(Title provided by publisher.)*



“School bus” means all Type I and Type II school buses as defined in R.S.39:1-1 and school buses retired pursuant to sections 1 and 2 of P.L. 1986, c.92 (C.18A:39-5.1 and 5.2), under the jurisdiction of the division.

*(Eff. 1/21/99, Ch. 5, L. 1999)*

**39:3B-21. \*Elements of School Bus Enhanced Safety Inspection.**

a. The director shall establish a school bus enhanced safety inspection program which shall include, but not be limited to, the following elements:

(1) an in-terminal school bus inspection program which provides for the semi-annual or annual inspection of school buses by division inspection teams;

(2) standards and requirements pertaining to the equipment, maintenance, and repair of school buses subject to inspection pursuant to this act; all in-terminal inspections, including those involving diesel vehicles, shall include an emission inspection to determine whether that vehicle meets the State’s emission specifications and standards;

(3) standards and requirements pertaining to the establishment and maintenance of school bus maintenance, repair, and inspection records for all school buses in the operator’s fleet; and,

(4) standards and requirements pertaining to the establishment and maintenance of driver employment records, including records which demonstrate a driver’s compliance with all statutory and regulatory requirements for authorization to operate a school bus, and any other records and credentials deemed necessary by the director for school bus drivers employed by the operator. The records shall be made available to division inspectors during each in-terminal inspection.

b. If an operator does not have adequate terminal facilities to allow for a proper and thorough in-terminal inspection, the director shall designate an in-lieu-of terminal site and direct the operator to present his buses and records to that site for inspection on such terms and conditions as determined by the director.

c. The time and location of any inspection or reinspection conducted pursuant to this section shall be determined by the director. Unless an owner agrees to a different time schedule, the director shall schedule a reinspection within three days of the date of the inspection that necessitated the reinspection.

*(Eff. 1/21/99, Ch. 5, L. 1999)*

**39:3B-22. \*Penalties for violation of School Bus Enhanced Safety Inspection Act.**

a. Any operator who violates the standards for driver employment records established pursuant to subsection a. of section 4 of this act (39:3B-21), or who fails to retain proper records for inspection as required, or who fails to make available any record or document required at the time of inspection, or who falsifies any record, or who fails to present or otherwise make available any school bus or buses due for inspection, as requested by an examiner, unless notification of the intent to withhold a bus or buses from an examiner is made in writing at least 24 hours prior to the scheduled inspection, shall be fined

*\*(Title provided by publisher.)*



not less than \$50 and not more than \$500 per violation, in accordance with a schedule of fines to be established by the director. The director shall waive the requirement of notice upon a showing of good cause by an operator. A bus withheld from an examiner pursuant to this section shall be inspected within 30 days of the date of the originally scheduled inspection, unless otherwise agreed by the operator and the director. The operator shall be responsible for all fines.

Nothing in this subsection shall be deemed to preclude any other enforcement actions provided by law.

b. Any fine imposed pursuant to the provisions of this section may be collected, with costs, in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq. The Superior Court or municipal court of the county or municipality in which the violation occurs or in which the operator resides or has a place of business or principal office in this State, shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with any violation of this act.

The director or any duly authorized representative of the director may issue a summons and complaint returnable in any court of competent jurisdiction for a violation of this act or any rule or regulation adopted pursuant to this act. A municipal, county, or State prosecutor is authorized to assist the director in the enforcement of this act. The director may institute an action in the Superior Court for injunctive relief to prevent or restrain any violation of this act, or any rule or regulation adopted, or any administrative or judicial order issued, pursuant to this act.

c. Any officer charged with the enforcement of State and municipal laws is authorized to assist the director or any duly authorized representative of the director in the enforcement of the provisions of this act, or any rule or regulation adopted, or any administrative or judicial order issued, pursuant to this act.

### **39:3B-23. Removal from service upon failure of inspection.**

Any school bus that fails an inspection based on out-of-service criteria as established by the director shall be immediately removed from service.

### **39:3B-24. Rules, regulations.**

The director shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), rules and regulations to implement the provisions of this act, including the schedule of fines required pursuant to section 5 of this act (39:3B-22) and the out of service criteria required pursuant to section 6 of this act (39:3B-23).

### **39:3B-25. Use of cell phone prohibited while driving school bus, exception; fines.**

a. It shall be unlawful for the driver of a school bus, as defined in R.S.39:1-1, to use a cellular or other wireless telephone while operating the school bus.

b. The prohibition contained in subsection a. of this section shall not apply:

- (1) when the school bus is parked in a safe area off of a highway; or
- (2) in an emergency situation.

c. A person who violates this section shall be fined not less than \$250 or more than \$500.

d. No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense.

*(Eff. 12/12/02), Ch. 120, L. 2002)*