



**Motor Carrier Attachment**

**Article 19-A Information Packet published by NYSDMV**

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### **Reason for special requirements**

A tragic school bus and train accident near Congers, NY on March 24, 1972, was the impetus for legislation passed in 1974. This legislation amended the New York State Vehicle and Traffic Law by creating Article 19-A (19-A), Special Requirements for Bus Drivers. <sup>1</sup>

### **Requirements for motor carriers who employ bus drivers**

Bus drivers are not allowed to operate a bus for a motor carrier unless they are qualified according to Article 19-A and Part 6 of the Commissioner's Rules and Regulations. Therefore, motor carriers must verify that drivers comply with 19-A requirements including

- completion of pre-employment and biennial medical examinations and any required follow-ups
- submission of pre-employment and annual driver license abstracts
- submission of fingerprints of school bus drivers for a DCJS & FBI criminal history review
- completion of annual defensive driving observations
- completion of biennial road tests
- completion of biennial oral/written tests <sup>2</sup>

Motor carriers must review the driving records of their 19-A drivers annually and file an affidavit of 19-A compliance with the DMV no later than July 1 each year. Motor carriers must attest to compliance with the requirements.

### **Pre-employment and random drug and alcohol testing for school bus drivers**

Effective December 22, 2018, Chapter 207 of the Laws of 2018 amends the Vehicle and Traffic Law and Education Law regarding pre-employment and random drug and alcohol testing of school bus drivers.

The amendments are as follows:

- Section 509-g of the Vehicle and Traffic Law is amended to add a new subdivision 6 to read:

6.(a) All motor carriers shall be required to conduct pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of Part 382 of Title 49 of the Code of Federal Regulations on all drivers of a school bus, as defined by section one hundred forty-two of this chapter, regardless of commercial driver's license endorsement. Every such school bus driver shall be included in the random testing pool from which drivers are randomly selected for testing, and every such driver shall submit to such testing when selected, as required in Part 382 of Title 49 of the Code of Federal Regulations. For the purposes of this section "motor carriers" shall mean a school or municipality that transports children to and from school or any person, corporation or entity in contract with a municipality or school district for the purposes of transporting children to and from school.

(b) Drug testing administered pursuant to this section shall, at a minimum, be in conformance with drug testing procedures as set forth in Part 382 or title 49 of the Code of Federal Regulations.
- Section 509-1, subdivision 2(b) is amended to read (amendments in bold):

509.1. Drugs, controlled **substances** and intoxicating liquor.

2. No motor carrier shall require or permit a driver to:

(b) be on duty or operate a bus if, by such person's general appearance or by such person's conduct or by other substantiating evidence, such person appears to have consumed a drug, controlled substance or an intoxicating liquor within the preceding six hours, **or eight hours when such driver operates a school bus as defined by section one hundred forty-two of this chapter.**
- Subparagraph 6 of paragraph e of subdivision 1 of section 3623-a of the Education Law is amended to read (amendment in bold):

(6) costs incurred by the employer for qualifying criminal history, driver's license, or other required testing attributable to special requirements for drivers of school uses pursuant to state or federal law **including pre-employment and random drug and alcohol testing as required under subdivision six of section five hundred nine-g of the vehicle and traffic law.**

Further guidance on this law change is at [Guidance on Article 19-a drug and alcohol testing of school bus drivers](#) [2].

[Chapter 207 of the Laws of 2018](#) [3]

## **DMV review**

DMV will review your 19-A driver records periodically and record any violations.

## **19-A records are not complete**

DMV may require you to attend an administrative hearing. You may be suspended and you may be required to pay civil penalties of \$500 - \$2,500 per violation. A repeat offender may be subject to civil penalties of up to \$5,000 per violation.

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1. The corresponding Commissioner's Regulations for 19-A can be found in Part 6. Article 19-A has furthered highway safety by creating standards for the qualification of bus drivers. While not all bus carriers are subject to 19-A, some of the most common carriers that are regulated are those that have New York State Department of Transportation authority and those that transport school-aged children for academic purposes.
  2. Individuals who have been certified by the Department of Motor Vehicles (DMV) administer the examinations for the last three items on this list. These individuals are called Certified Examiners and are qualified through the Bus Driver Unit (BDU). They are required to keep a good driving record and take periodic refresher courses to maintain their certification.