

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

Student Transportation

Insurance

N.J.A.C. 6A:27-1.7

Petitioner: James Shoop.

Take notice that on February 24, 2020, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting that the State Board amend N.J.A.C. 6A:27-1.7 to align the section regarding insurance for vehicles used to transport students with New Jersey Motor Vehicle Commission (NJMVC) rules at N.J.A.C. 13:20-52.1.

The petitioner specifically requested the State Board adopt new N.J.A.C. 6A:27-1.7(g) as follows: “New Jersey Motor Vehicle Commission and New Jersey Department of Education shall be named as certificate holders.” The petitioner stated that the proposed rule mirrors N.J.A.C. 13:20-52.1(h). The petitioner also states that there is no mention at N.J.A.C. 6A:27 of the requirement to have a bus contractor name the NJMVC and Department of Education (Department) as certificate holders on all insurance certificates furnished to a school district. The petitioner further states that school districts that rely heavily on Department guidance may be unfamiliar with the existence of N.J.A.C. 13:20-52.1(h).

NJMVC’s rule at N.J.A.C. 13:20-52.1(h) provides that “New Jersey Motor Vehicle Commission and New Jersey Department of Education shall be named as certificate holders” for the liability insurance for contractors and district boards of education for pupil transportation to

and from school and school-related activities. When proposing this rule in 2011, NJMVC stated that it was “to coincide with the Department of Education's insurance requirements ... to list the New Jersey Motor Vehicle Commission and the New Jersey Department of Education as certificate holders” (See 43 N.J.R. 1831(a); 44 N.J.R. 287(b)). However, the Department’s rules did not contain this requirement at the time that NJMVC proposed or adopted its rule. Since then, the Department has not amended its rules to include the requirement.

As the NJMVC’s rule relied on a non-existent Department rule, the petition to align N.J.A.C. 6A:27-1.7 with NJMVC’s rule is hereby denied.