

# School bus, paratransit, and bus driver conviction barriers

## Next Door Project

[www.cssny.org/  
programs/entry/  
the-next-door-project](http://www.cssny.org/programs/entry/the-next-door-project)  
**212-614-5441**  
[legal@cssny.org](mailto:legal@cssny.org)

Article 19-A of the Vehicle and Traffic Law (“VTL”) contains special, and separate, requirements for individuals who want to drive buses versus school buses and paratransit vehicles. Among these requirements are conviction history bars: certain convictions that automatically disqualify someone from driving a bus or a school bus. VTL § 506-c contains disqualifications for bus drivers; VTL § 506-cc contains disqualifications for school bus and paratransit drivers. Both treat someone with a Certificate of Relief from Disabilities (“COR”) differently.

Unless a person was licensed before the laws’ effective date—September 15, 1985—ignore subdivision one of both laws. The conviction history bars for people licensed after September 15, 1985 are in subdivision two: §§ 506-c(2) and 506-cc(2).

### **Bus barriers**

Individuals are disqualified from driving a bus if they are convicted of crimes—or the attempt to commit crimes—enumerated in §§ 509-c(2)(a),(b), and (c). The permanence of disqualification—and the steps necessary to become qualified—differ for each subsection.

Individuals are permanently disqualified from driving a bus if they are convicted of crimes in § 509-c(2)(a)—Rape 1 & 2, Criminal Sexual Act 1 & 2 and Sexual Abuse 1 & 2—though they “may” become qualified if they have a COR and five years have passed since their release from imprisonment for the disqualifying conviction. *Id.* This is the only subsection where having a COR matters for bus drivers.

Individuals are disqualified for five years from driving a bus after being convicted of crimes enumerated in § 509-c(2)(b) and (c), which are:

1. DWI within the last five years or two DWIs within ten years of each other;
2. Leaving an accident that resulted in injury or death;
3. Vehicular Assault 1; Aggravated Vehicular Assault; Vehicular Manslaughter 1; and Obscenity 1; and
4. Aggravated Unlicensed Operation of a Motor Vehicle 1.

### **School bus & paratransit barriers**

Individuals are disqualified from driving a “school bus,” a term defined to include paratransit vehicles, when convicted of crimes—or the attempt to commit crimes—enumerated in §§ 509-cc(4)(a),(b), and (c). Just like § 506-c, the period of disqualification—and the process to become qualified—differs for each subsection.

Each subsection requires that the applicant have a COR, which must contain this specific language: “The bearing, if any, of the applicant’s fitness or ability to operate a school bus transporting children has been considered.” §§ 509-cc(2)(a),(b), (c)(i). Additionally, the law requires the certificate to “only” be issued by the court having jurisdiction over the conviction, which might be interpreted to render ineligible anyone with a DOCCS-issued COR. This requirement just applies to school bus and paratransit drivers, not to bus drivers. Below are the convictions which pose a barrier in each subsection, along with the length of disqualification and the effect of a COR.

Individuals convicted of crimes or the attempt to commit these crimes listed in § 509-cc(4)(a) are permanently disqualified, though they “may” become qualified if they have a special COR and five years have passed since their sentence or release from imprisonment for the disqualifying crime. § 509-cc(2)(a).

125.12	Vehicular Manslaughter 2	130.90	Facilitating a Sex Offense w/a Drug
125.13	Vehicular Manslaughter 1	130.95	Predatory Sexual Assault
125.14	Aggravated Vehicular Homicide	130.96	Predatory Sexual Assault: Child
125.15	Manslaughter 2	135.25	Kidnapping 1
125.20	Manslaughter 1	150.20	Arson 1
125.21	Aggravated Manslaughter 2	230.30	Promoting Prostitution 2
125.22	Aggravated Manslaughter 1	230.32	Promoting Prostitution 1
125.25	Murder 2	230.34	Sex Trafficking
125.26	Aggravated Murder	230.34-a	Sex Trafficking of a Child
125.27	Murder 1	235.22	Disseminating Indecent Material to Minors 2
130.30	Rape 2		
130.35	Rape 1	263.05	Using Child in a Sexual Performance
130.45	Criminal Sexual Act 2	263.10	Promoting an Obscene Sexual Performance by a Child
130.50	Criminal Sexual Act 1		
130.65	Sexual Abuse 1	263.11	Possessing an Obscene Sexual Performance by a Child
130.66	Aggravated Sexual Abuse 3		
130.67	Aggravated Sexual Abuse 2	263.15	Promoting a Sexual Performance by a Child
130.70	Aggravated Sexual Abuse 1		
130.75	Course of Sexual Conduct: Child 1	263.16	Possessing a Sexual Performance by a Child
130.80	Course of Sexual Conduct: Child 2		

Individuals convicted of crimes or the attempt to commit crimes listed in § 509-cc(4)(b) are also permanently disqualified, though they “shall” become qualified if they have a special COR and five years have passed since their sentence to incarceration (not their release) for the disqualifying crime. § 509-cc(2)(b). Alternatively, the DMV Commissioner may waive the five-year requirement and qualify a person at any time if they have a special COR. *Id.*

100.13	Criminal Solicitation 1	135.20	Kidnapping 2
105.15	Conspiracy 2	160.15	Robbery 1
105.17	Conspiracy 1	220.18	Drug Possession 2
115.08	Criminal Facilitation 1	220.21	Drug Possession 1
120.12	Aggravated Assault on Child <11	220.39	Drug Sale 3
120.70	Luring a Child	220.41	Drug Sale 2
125.10	Criminally Negligent Homicide	220.43	Drug Sale 1
125.11	Aggravated Negligent Homicide	220.44	Drug Sale to a Child
130.40	Criminal Sexual Act 3	230.25	Promoting Prostitution 3
130.53	Persistent Sexual Abuse	260.00	Abandonment of a Child
130.60	Sexual Abuse 2	265.04	Criminal Possession of a Weapon 1
130.65-a	Aggravated Sexual Abuse 4		

Individuals convicted of crimes or the attempt to commit crimes listed in § 509-cc(4)(c) are temporarily disqualified for five years after their conviction of a disqualifying crime. § 509-cc(2)(c)(i). This five-year requirement does not apply if the individual has a special CRD. *Id.*

This subsection also contains the same disqualifications for bus drivers in Point 2 above regarding DWI; Leaving the Scene of an Accident; Vehicular Assault 1, Vehicular Manslaughter 1, and Obscenity 1; and Aggravated Unlicensed Operation of a Motor Vehicle, § 509-cc(4)(c)(ii)-(v).

100.10	Solicitation 2	220.60	Possession of Drug Precursors
105.13	Conspiracy 3	220.65	Sale of Drug Precursors
115.05	Facilitation 2	222.50(2)	Marijuana sale/transfer to person
120.03	Vehicular Assault 2	222.55(2)	under 21 by person more than
120.04	Vehicular Assault 1		three years older
120.04-a	Aggravated Vehicular Assault	230.00	Prostitution
120.05	Assault 2	230.05	Patronizing a Prostitute 2
120.10	Assault 1	230.06	Patronizing a Prostitute 1
120.25	Reckless Endangerment 1	230.11	Aggravated Patronizing a Minor 3
121.12	Strangulation 2	230.12	Aggravated Patronizing a Minor 2
121.13	Strangulation 1	230.13	Aggravated Patronizing a Minor 1
125.40	Abortion 2	230.19	Promoting Prostitution: School Zone
125.45	Abortion 1	230.20	Promoting Prostitution 4
130.20	Sexual Misconduct	235.05	Obscenity 3
130.25	Rape 3	235.06	Obscenity 2
130.52	Forcible Touching	235.07	Obscenity 1
130.55	Sexual Abuse 3	235.21	Disseminating Indecent Materials to
135.10	Unlawful Imprisonment 1		Minors 2
135.55	Substitution of Children	240.06	Riot 1
140.17	Trespass 1	245.00	Public Lewdness
140.25	Burglary 2	260.10	Endangering the Welfare of a Child
140.30	Burglary 1	260.20(2)	Giving/Selling Alcohol to a Child
145.12	Mischief 1	260.25	Endangering the Welfare of a
150.10	Arson 3		Incompetent/Disabled Person
150.15	Arson 2	265.02	Weapon Possession 3
160.05	Robbery 3	265.03	Weapon Possession 2
160.10	Robbery 2	265.08	Criminal Use of a Firearm 2
220.06	Drug Possession 5	265.09	Criminal Use of a Firearm 1
220.09	Drug Possession 4	265.10	Arms Dealing
220.16	Drug Possession 3	265.12	Criminal Sale of a Firearm 2
220.31	Drug Sale 5	265.35	Prohibited Use of Weapons
220.34	Drug Sale 4		

Lastly, people are disqualified for one year for these non-criminal moving violations:

- Accumulating nine or more points during an 18-month period, unless the points have been reduced to fewer than nine by successfully completing an accident prevention course;
- Getting in two or more “accidents” within an 18-month period after completing a road test occasioned by, in a prior 18-month period, being in three “accidents.” To be an accident, a person has to be killed or injured or the amount of property damage must total at least \$1,500 or, to a bus, \$2,500; and
- Failing to pass the road test described in the previous bullet point.