



Miranda's Law of 2019

Congressman Josh Gottheimer (NJ-05)

The bipartisan Miranda Vargas School Bus Driver Red Flag Act – or “Miranda’s Law” – will require automatic notifications of driver violations to school districts and school bus companies within 24 hours, so they can take immediate action to keep unsafe drivers off the road and away from our children.

- A CBS News investigation found that, on average, at least once a week a school bus driver is arrested for charges including driving under the influence. Every day, 60 school bus drivers get into accidents—that's roughly 22,000 bus crashes per year. The National Highway Traffic Safety Administration recently reported that 301 school-age children were killed in school transportation-related crashes over the prior ten-year period; countless more were injured.
- Last year's Paramus East Brook Middle School bus crash, which tragically killed ten-year-old Miranda Vargas and teacher Jennifer Williamson-Kennedy, shined a spotlight on flaws in our system of school bus driver oversight. This is not only a New Jersey problem. The National Transportation Safety Board also found a lack of driver oversight caused fatal school bus crashes in Maryland and Tennessee.
- Miranda's Law, co-sponsored by Representatives Tom Reed (NY-23), Elise Stefanik (NY-21), Elijah Cummings (MD-07), Steve Cohen (TN-09), Dan Kildee (MI-05), Albio Sires (NJ-08), and Tom Suozzi (NY-03), will implement the best practices for recognizing and reporting red flags in real time if a school bus driver operates a motor vehicle unsafely.

Miranda's Law requires the Department of Transportation's FMCSA agency to implement a nationwide employer notification service (ENS) for buses.

- Under current federal regulations, employers of school bus drivers are required to check their employees' driving history records annually. So, if a driver fails to self-report a traffic violation or license suspension, it could be up to 364 days before a school district or school bus company receives that information.
- Research has shown that only 50 to 80 percent of commercial drivers actually self-report violations. That's a serious safety risk, because across all vehicle types, suspended drivers have a crash rate 14 times higher than other drivers.
- An employer notification service gives employers real-time, automatic notifications when a bus driver's license status changes because of a moving violation conviction, crash, license suspension, or other triggering event.

Miranda's Law builds off a Department of Transportation (DOT) pilot program to implement a robust nationwide employer notification service, with each state required to use the service. It's cost-effective.

- Following a feasibility study demonstrating that ENS would pay back at 15:1 and pay for itself in less than a year, DOT ran a pilot program in Colorado and Minnesota, which demonstrated that “a nationwide employer notification service was needed and could have significant safety and monetary benefits for motor carriers.”
- Miranda's Law would require states to use the ENS to qualify for federal-aid highway funds.

Miranda's Law makes the employer notification service mandatory for all school bus drivers across the nation. Once ENS is implemented, this bill would require any employer of school bus drivers to participate in the service.