



NEW YORK STATE SENATOR

Jack M. Martins

## Senate Passes Bill Requiring Criminal Background Checks for Bus Drivers

JACK M. MARTINS June 2, 2011

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The New York State Senate today passed legislation, sponsored by Senator Charles Fuschillo (R, Merrick), that would help ensure bus safety and crack down on so-called “terror” bus drivers. The bill requires bus drivers to submit to a criminal history check. The legislation aims to improve safety for bus passengers following a string of bus crashes caused by dangerous bus drivers with a history of criminal driving convictions.

“Bus drivers literally hold their passengers’ lives and safety in their hands; those passengers should be able to trust that the driver is qualified to handle that responsibility. Bus companies deserve to have all the relevant information about a driver’s background when they decide to make that driver responsible for passengers’ safety. Helping to weed out drivers who don’t belong behind the wheel of a bus will help improve safety for bus passengers and everyone else on the roads,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

Senator Fuschillo’s legislation (S5171B) would address a recent rash of fatal bus accidents involving bus drivers who were later found to have obtained commercial licenses despite having suspended drivers’ licenses and long histories of criminal activity, including driving

while intoxicated. The most notable incident occurred on March 12th, when a tour bus returning to New York City from a Connecticut casino crashed in the Bronx, killing 15 people. According to reports, the driver of the bus, Ophadell Williams, had prior convictions for manslaughter, grand larceny, and driving without a license. His driver's license was suspended following the crash after evidence surfaced that he made false statements on his application form.

"Sadly, the horrific bus crash in the Bronx nearly three months ago was not an isolated incident; it was the first of many incidents which showed that more needs to be done to protect bus passengers," Senator Fuschillo said. "Since then, we've seen additional accidents and more deaths caused by bus drivers who have no business being behind the wheel."

The legislation would require all new bus drivers to submit to a criminal background check when they are hired. Drivers would be subjected to a 90 day conditional period while the background check is being undertaken. All current bus drivers would submit to a criminal background check the next time they renew their commercial driver's license. Currently, this requirement applies only to school bus drivers.

"This legislation makes sense since it is another measure to enhance the safety of those who ride the bus. We want to do all we can to ensure that our residents are in capable hands when they use public transportation," said Senator Jack M. Martins, who supported the legislation.

Requiring criminal background checks would help keep bus drivers who have a history of criminal driving convictions, such as DWI and license revocations, from getting behind the wheel. The current lack of a background check requirement is enabling many of these drivers to stay on the roads, often with deadly consequences.

On May 7th, a New York City tour bus driver who allegedly struck and killed a Philadelphia man in Manhattan was charged with vehicular manslaughter after police found a travel cup with vodka in his bus' cup holder. Timothy White was killed as he crossed Ninth Avenue with the walk signal. The driver, Steve Drappel, was arrested and charged with vehicular manslaughter, criminally negligent homicide, and driving while intoxicated. Drappel has a history of DWI arrests.

On May 8th, an out-of-control tour bus driver almost ran over a New York City Police Officer at the Midtown Tunnel. The driver, Anthony Judd, was charged with reckless endangerment, fleeing a police officer, running a stop sign and driving with a revoked license. Judd's driver's license had been revoked 14 times, most recently in December 2009.

Following the March 12th bus crash, the state worked with local law enforcement to scrutinize the tour bus industry in New York.

The state Department of Transportation has made 1,960 surprise roadside inspections since March 17. State police issued 197 tickets and 173 bus drivers and 143 buses were sidelined. Nearly 100 buses and more than 100 bus drivers were removed from the road in surprise inspections this past April.

On May 9th, a statewide investigation resulted in the arrest of 46 commercial drivers, including bus drivers, in and around New York City for fraudulently obtaining multiple driver licenses using an alias.

The legislation has been sent to the Assembly for consideration.