

AMENDED IN ASSEMBLY APRIL 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2360

Introduced by Assembly Member Alejo

February 18, 2016

An act to amend Section 22454 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2360, as amended, Alejo. School buses: passing violations: automated video enforcement.

Existing law requires the driver of any vehicle, upon meeting or overtaking any schoolbus equipped with required signs that is stopped for the purpose of loading or unloading any schoolchildren and displaying a flashing red light signal and stop signal arm, if equipped with a stop signal arm, to bring the vehicle to a stop immediately before passing the schoolbus and to not proceed past the schoolbus until the flashing red light signal and stop signal arm cease operation. A violation of these provisions is a crime.

This bill would authorize a school district to install and operate an automated schoolbus video enforcement system, as defined, for the purpose of enforcing the violation described above. The bill would require the county to transfer to the school district, on a monthly basis, the base fines paid for violations of the provisions described above when the violation was captured by the automated schoolbus video enforcement system and the image or video was used to convict the offender. *The bill would also authorize a school district to assess a \$150 civil penalty for the conduct described above if (1) the conduct was captured by an automated schoolbus video enforcement system*

installed and operated by the school district and (2) the driver of the vehicle was not criminally prosecuted for the violation described above based on the same instance. The bill would require a school district that establishes a civil penalty program to issue nonbinding warning letters to drivers for the first 6 months and to establish administrative hearing procedures in accordance with due process. The bill would require additional signage on schoolbuses relative to the video enforcement system. The bill would prohibit a school district from using automated schoolbus video enforcement systems or information gathered from those systems for any purpose other than those authorized by these provisions. The bill would require the Legislative Analyst's Office to prepare and submit a report to the Legislature regarding the effect and efficacy of the various automated schoolbus video enforcement systems used by school districts on or before January 1, 2019, and every 2 years thereafter, as specified.

By imposing additional duties on local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22454 of the Vehicle Code is amended
2 to read:
3 22454. (a) The driver of any vehicle, upon meeting or
4 overtaking, from either direction, any schoolbus equipped with
5 signs as required in this code, that is stopped for the purpose of
6 loading or unloading any schoolchildren and displays a flashing
7 red light signal and stop signal arm, as defined in paragraph (4) of
8 subdivision (b) of Section 25257, if equipped with a stop signal
9 arm, visible from front or rear, shall bring the vehicle to a stop
10 immediately before passing the schoolbus and shall not proceed

1 past the schoolbus until the flashing red light signal and stop signal
2 arm, if equipped with a stop signal arm, cease operation.

3 (b) (1) The driver of a vehicle upon a divided highway or
4 multiple-lane highway need not stop upon meeting or passing a
5 schoolbus that is upon the other roadway.

6 (2) For the purposes of this subdivision, a multiple-lane highway
7 is any highway that has two or more lanes of travel in each
8 direction.

9 (c) (1) If a vehicle was observed overtaking a schoolbus in
10 violation of subdivision (a), and the driver of the schoolbus
11 witnessed the violation, the driver may, within 24 hours, report
12 the violation and furnish the vehicle license plate number and
13 description and the time and place of the violation to the local law
14 enforcement agency having jurisdiction of the offense. That law
15 enforcement agency shall issue a letter of warning prepared in
16 accordance with paragraph (2) with respect to the alleged violation
17 to the registered owner of the vehicle. The issuance of a warning
18 letter under this paragraph shall not be entered on the driving record
19 of the person to whom it is issued, but does not preclude the
20 imposition of any other applicable penalty.

21 (2) The Attorney General shall prepare and furnish to every law
22 enforcement agency in the state a form letter for purposes of
23 paragraph (1), and the law enforcement agency may issue those
24 letters in the exact form prepared by the Attorney General. The
25 Attorney General may charge a fee to any law enforcement agency
26 that requests a copy of the form letter to recover the costs of
27 preparing and providing that copy.

28 (d) (1) Notwithstanding subdivision (c), in addition to any other
29 monitoring devices lawfully authorized to be installed in or on a
30 schoolbus, a school district is authorized to install and operate an
31 automated schoolbus video enforcement system for the purpose
32 of enforcing violations of subdivision (a).

33 (2) For purposes of this section, an “automated schoolbus video
34 enforcement system” means a camera system that monitors and
35 records motor vehicles overtaking or passing a schoolbus when
36 the schoolbus is stopped and displaying a flashing red signal system
37 and a stop signal arm, if equipped with a stop signal arm.

38 (e) The county shall transfer, monthly, to the school district
39 whose schoolbus was involved in the violation, any base fine paid
40 for a violation of subdivision (a) when the violation was captured

1 by an automated schoolbus video enforcement system and the
2 image or video was used to convict the offender.

3 (f) A school district may assess a civil penalty of one hundred
4 fifty dollars (\$150) for conduct described in subdivision (a) if both
5 of the following apply:

6 (1) The conduct was captured by an automated schoolbus video
7 enforcement system installed and operated by the school district.

8 (2) The driver was not prosecuted for a criminal violation of
9 this section based on the same instance.

10 (g) A school district that chooses to establish a civil penalty
11 program pursuant to subdivision (f) shall issue nonbinding warning
12 letters to drivers for a violation of subdivision (a) for the first six
13 months of the program.

14 (h) (1) A school district that assesses civil penalties pursuant
15 to this section shall provide an administrative appeal process that
16 includes, at a minimum, notice provisions, a neutral hearing
17 officer, an opportunity to appeal a hearing officer’s decision to
18 the superior court, and any other procedures necessary for due
19 process.

20 (2) A contract described in paragraph (3) of subdivision (i)
21 shall contain provisions requiring the vendor to fund the costs of
22 the hearing officer for the procedures required by this subdivision.

23 (3) A person challenging the assessment of a civil penalty
24 pursuant to this section shall be provided access to the images or
25 data evidencing the person’s violation without charge.

26 (i) (1) A schoolbus equipped with an automated schoolbus video
27 enforcement system shall also be equipped with highly visible
28 signage on the rear of the schoolbus that reads as follows:

29
30 “STOP WHEN LIGHTS ARE FLASHING - IT’S THE LAW”

31
32 “VIDEO ENFORCED STOP”

33
34 (2) The automated schoolbus video enforcement system shall
35 not activate until at least six seconds after the stop arm is deployed,
36 or if not equipped with a stop arm, at least six seconds after the
37 schoolbus has stopped and its red lights are flashing.

38 (3) A contract between the school district and a vendor to
39 provide administrative or other services for the automated
40 schoolbus video enforcement system, including, but not limited to,

1 *processing or storing data collected by the system, providing notice*
2 *to persons subject to the civil penalty of the assessment, or*
3 *collecting payments for civil assessments, shall contain provisions*
4 *requiring the vendor to provide and install the signage required*
5 *by this subdivision at the vendor's expense.*

6 (j) *Notwithstanding any other law, any information, image, or*
7 *other data captured or generated by the automated schoolbus*
8 *video enforcement system that is transmitted wirelessly is*
9 *confidential and shall be encrypted and, unless demanded by*
10 *subpoena, shall be available only to the school district, contractor,*
11 *law enforcement, or offender for purposes of appeal and enforcing*
12 *subdivisions (a) and (f). A school district shall not use an*
13 *automated schoolbus video enforcement system or use any*
14 *information, image, or other data captured or generated by the*
15 *automated schoolbus video enforcement system for any purpose*
16 *other than the purposes authorized by this section.*

17 (k) (1) *Notwithstanding Section 10231.5 of the Government*
18 *Code, the Legislative Analyst's Office shall prepare and submit a*
19 *report to the Legislature on or before January 1, 2019, and every*
20 *two years thereafter, regarding the effect and efficacy of the*
21 *various schoolbus video enforcement systems used by school*
22 *districts in the state.*

23 (2) *A report submitted pursuant to paragraph (1) shall be*
24 *submitted in compliance with Section 9795 of the Government*
25 *Code.*

26 (f)

27 (l) *This section also applies to a roadway upon private property.*

28 *SEC. 2. The Legislature finds and declares that Section 1 of*
29 *this act furthers, within the meaning of paragraph (7) of*
30 *subdivision (b) of Section 3 of Article I of the California*
31 *Constitution, the purposes of that constitutional section as it relates*
32 *to the right of public access to the meetings of local public bodies*
33 *or the writings of local public officials and local agencies.*
34 *Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article*
35 *I of the California Constitution, the Legislature makes the following*
36 *findings:*

37 *Protecting the privacy of a person whose image is captured by*
38 *a schoolbus video enforcement system enhances public safety and*
39 *the protection of individual rights, thereby furthering the purposes*
40 *of Section 3 of Article I of the California Constitution.*

1 ~~SEC. 2.~~

2 *SEC. 3.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

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