

Introduced by Senator Mendoza
(Coauthor: Assembly Member Calderon)

February 16, 2016

An act to amend Sections 39831.3, 39860, and 40085 of, and to add Section 39843 to, the Education Code, and to amend Section 13370 of, and to add Article 18 (commencing with Section 28160) to Chapter 5 of Division 12 of, the Vehicle Code, relating to schoolbus safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1072, as introduced, Mendoza. Schoolbus safety: child safety alarm system.

Existing law requires the county superintendent of schools, the superintendent of a school district, or the owner or operator of a private school that provides transportation to or from a school or school activity to prepare a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of pupils, as prescribed.

This bill would require that procedures to ensure that a pupil is not left unattended on a schoolbus, school pupil activity bus, or youth bus be included in that plan.

Existing law authorizes the governing board of a school district to contract for the transportation of pupils attending schools within the district, as specified.

This bill would require the governing board of a school district to require that any contract for the transportation of pupils includes the requirement that a pupil shall not be left unattended on a schoolbus, school pupil activity bus, or youth bus, as provided.

Existing law requires applicants seeking to renew a certificate to drive a schoolbus or a school pupil activity bus to complete classroom instruction and training, as specified.

This bill would require that classroom instruction to also cover the inspection procedures to ensure pupils are not left unattended on a schoolbus or school pupil activity bus.

Existing law authorizes the Department of Motor Vehicles to refuse to issue or renew, and to revoke or suspend, a schoolbus, school pupil activity bus, or youth bus driver certificate under certain, listed conditions.

This bill would require certain school officials to notify the department when a driver of such a bus has left a pupil unattended onboard, and authorize the department to refuse to issue or renew, and to revoke or suspend, a bus driver certificate on these grounds.

Existing law requires all schoolbuses to be equipped with certain safety features, as specified.

This bill would require schoolbuses, school pupil activity buses, and youth buses to be equipped with a “child safety alarm system,” which is a device located at the interior rear of a vehicle that requires the driver to manually contact the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

Because a violation of the above requirement would be a Vehicle Code infraction, the bill would impose a state-mandated local program by creating new crimes.

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 no reimbursement is required by this act for a specified reason.

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 39831.3 of the Education Code is
- 2 amended to read:
- 3 39831.3. (a) The county superintendent of schools, the
- 4 superintendent of a school district, or the owner or operator of a
- 5 private school that provides transportation to or from a school or
- 6 school activity shall prepare a transportation safety plan containing
- 7 procedures for school personnel to follow to ensure the safe

1 transport of pupils. The plan shall be revised as required. The plan
2 shall address all of the following:

3 (1) Determining if pupils require escort pursuant to paragraph
4 ~~(3)~~ (1) of subdivision ~~(e)~~ (d) of Section 22112 of the Vehicle Code.

5 (2) (A) Procedures for all pupils in prekindergarten,
6 kindergarten, and grades 1 to 8, inclusive, to follow as they board
7 and exit the appropriate schoolbus at each pupil's schoolbus stop.

8 (B) Nothing in this paragraph requires a county superintendent
9 of schools, the superintendent of a school district, or the owner or
10 operator of a private school that provides transportation to or from
11 a school or school activity, to use the services of an onboard
12 schoolbus monitor, in addition to the driver, to carry out the
13 purposes of this paragraph.

14 (3) Boarding and exiting a schoolbus at a school or other trip
15 destination.

16 (4) *Procedures to ensure that a pupil is not left unattended on*
17 *a schoolbus, school pupil activity bus, or youth bus.*

18 (b) A current copy of a plan prepared pursuant to subdivision
19 (a) shall be retained by each school subject to the plan and made
20 available upon request to an officer of the Department of the
21 California Highway Patrol.

22 SEC. 2. Section 39843 is added to the Education Code, to read:

23 39843. The county superintendent of schools, the
24 superintendent of a school district, or the owner or operator of a
25 private school that provides transportation to or from a school or
26 school activity shall notify the Department of Motor Vehicles
27 within five calendar days of discovery that a driver of a schoolbus,
28 school pupil activity bus, or youth bus has left the immediate
29 vicinity of the vehicle to which they have been assigned with an
30 unsupervised pupil onboard. For purposes of this section, escorting
31 pupils pursuant to paragraph (1) of subdivision (d) of Section
32 22112 of the Vehicle Code shall not be considered leaving the
33 immediate vicinity of the vehicle.

34 SEC. 3. Section 39860 of the Education Code is amended to
35 read:

36 39860. (a) The governing board of ~~any~~ a school district may
37 contract for the transportation of pupils attending schools within
38 the district to and from any exposition or fair, school activities, or
39 other activities ~~which~~ that the governing board of the school district
40 determines to be for the benefit of the pupils, in this state, and may

1 pay for the transportation out of any funds of the *school* district
2 available for the purpose.

3 *(b) The governing board of a school district shall require that*
4 *any contract for the transportation of pupils under this section*
5 *shall include the requirement that a pupil shall not be left*
6 *unattended on a schoolbus, school pupil activity bus, or youth bus*
7 *in accordance with paragraph (4) of subdivision (a) of Section*
8 *39831.3.*

9 SEC. 4. Section 40085 of the Education Code is amended to
10 read:

11 40085. Applicants seeking to renew a certificate to drive a
12 schoolbus as defined in Section 545 of the Vehicle Code or a school
13 pupil activity bus as defined in Section 546 of the Vehicle Code
14 shall have successfully completed at least 10 hours of original or
15 renewal classroom instruction, or behind-the-wheel or in-service
16 ~~training~~ *training*, during each 12 months of certificate validity.
17 In-service training credit may be given by a state-certified driver
18 instructor of the appropriate class to an applicant for attending or
19 participating in appropriate driver training workshops, driver safety
20 meetings, driver safety conferences, and other activities directly
21 related to passenger safety and driver training. During the last 12
22 months of the special driver certificate validity, the 10 hours
23 required shall consist of classroom instruction covering, but not
24 limited to, current laws and regulations, defensive driving, accident
25 prevention, emergency procedures, ~~and~~ passenger loading and
26 ~~unloading~~. *unloading, and the inspection procedures pursuant to*
27 *paragraph (4) of subdivision (a) of Section 39831.3.* Failure to
28 successfully complete the required training during any 12-month
29 period of certificate validity is cause for the Department of Motor
30 Vehicles to cancel the busdriver certificate. All training required
31 by Section 40089 may be accepted in lieu of the requirements of
32 this section.

33 SEC. 5. Section 13370 of the Vehicle Code is amended to read:

34 13370. (a) The department shall refuse to issue or shall revoke
35 a schoolbus, school pupil activity bus, general public paratransit
36 vehicle, or youth bus driver certificate, or a certificate for a vehicle
37 used for the transportation of developmentally disabled persons,
38 if any of the following causes apply to the applicant or certificate
39 holder:

1 (1) Has been convicted of a sex offense as defined in Section
2 44010 of the Education Code.

3 (2) Has been convicted, within two years, of an offense specified
4 in Section 11361.5 of the Health and Safety Code.

5 (3) Has failed to meet prescribed training requirements for
6 certificate issuance.

7 (4) Has failed to meet prescribed testing requirements for
8 certificate issuance.

9 (5) Has been convicted of a violent felony listed in subdivision
10 (c) of Section 667.5 of the Penal Code, or a serious felony listed
11 in subdivision (c) of Section 1192.7 of the Penal Code. This
12 paragraph shall not be applied to revoke a license that was valid
13 on January 1, 2005, unless the certificate holder is convicted for
14 an offense that is committed on or after that date.

15 (b) The department may refuse to issue or renew, or may
16 suspend or revoke a schoolbus, school pupil activity bus, general
17 public paratransit vehicle, or youth bus driver certificate, or a
18 certificate for a vehicle used for the transportation of
19 developmentally disabled ~~persons~~ *persons*, if any of the following
20 causes apply to the applicant or certificate holder:

21 (1) Has been convicted of a crime specified in Section 44424
22 of the Education Code within seven years. This paragraph does
23 not apply if denial is mandatory.

24 (2) Has committed an act involving moral turpitude.

25 (3) Has been convicted of an offense, not specified in this section
26 and other than a sex offense, that is punishable as a felony, within
27 seven years.

28 (4) Has been dismissed as a driver for a cause relating to pupil
29 transportation safety.

30 (5) Has been convicted, within seven years, of an offense
31 relating to the use, sale, possession, or transportation of narcotics,
32 habit-forming drugs, or dangerous drugs, except as provided in
33 paragraph (3) of subdivision (a).

34 (6) *Has been reported to the Department of Motor Vehicles,*
35 *pursuant to Section 39843 of the Education Code, for leaving a*
36 *pupil unattended on a schoolbus, school pupil activity bus, or*
37 *youth bus.*

38 (c) (1) Reapplication following refusal or revocation under
39 paragraph (1), (2), or (3) of subdivision (a) or *any paragraph of*

1 *subdivision* (b) may be made after a period of not less than one
2 year after the effective date of refusal or revocation.

3 (2) Reapplication following refusal or revocation under
4 paragraph (4) of subdivision (a) may be made after a period of not
5 less than 45 days after the date of the applicant’s third testing
6 failure.

7 (3) An applicant or holder of a certificate may reapply for a
8 certificate whenever a felony or misdemeanor conviction is
9 reversed or dismissed. A termination of probation and dismissal
10 of charges pursuant to Section 1203.4 of the Penal Code or a
11 dismissal of charges pursuant to Section 1203.4a of the Penal Code
12 is not a dismissal for purposes of this section.

13 SEC. 6. Article 18 (commencing with Section 28160) is added
14 to Chapter 5 of Division 12 of the Vehicle Code, to read:

15
16 Article 18. Child Safety Alarm System

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18 28160. (a) On or before ____, the department shall adopt
19 regulations governing the specifications, installation, and use of
20 child safety alarm systems.

21 (b) On or before ____, each schoolbus, school pupil activity
22 bus, and youth bus shall be equipped with an operational child
23 safety alarm system.

24 (c) A “child safety alarm system” is a device located at the
25 interior rear of a vehicle that requires the driver to manually contact
26 the device before exiting the vehicle, thereby prompting the driver
27 to inspect the entirety of the interior of the vehicle before exiting.

28 SEC. 7. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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