

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1072**

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**Introduced by Senator Mendoza**  
(Coauthor: Assembly Member Calderon)

February 16, 2016

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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 amended, 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~~ *require, on or before the beginning of the 2018–19 school year*, 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

1 private school that provides transportation to or from a school or  
2 school activity shall prepare a transportation safety plan containing  
3 procedures for school personnel to follow to ensure the safe  
4 transport of pupils. The plan shall be revised as required. The plan  
5 shall address all of the following:

6 (1) Determining if pupils require escort pursuant to paragraph  
7 (1) of subdivision (d) of Section 22112 of the Vehicle Code.

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

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

17 (3) Boarding and exiting a schoolbus at a school or other trip  
18 destination.

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

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

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

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

37 SEC. 3. Section 39860 of the Education Code is amended to  
38 read:

39 39860. (a) The governing board of a school district may  
40 contract for the transportation of pupils attending schools within

1 the district to and from any exposition or fair, school activities, or  
2 other activities that the governing board of the school district  
3 determines to be for the benefit of the pupils, in this state, and may  
4 pay for the transportation out of any funds of the school district  
5 available for the purpose.

6 (b) The governing board of a school district shall require that  
7 any contract for the transportation of pupils under this section shall  
8 include the requirement that a pupil shall not be left unattended  
9 on a schoolbus, school pupil activity bus, or youth bus in  
10 accordance with paragraph (4) of subdivision (a) of Section  
11 39831.3.

12 SEC. 4. Section 40085 of the Education Code is amended to  
13 read:

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

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

36 13370. (a) The department shall refuse to issue or shall revoke  
37 a schoolbus, school pupil activity bus, general public paratransit  
38 vehicle, or youth bus driver certificate, or a certificate for a vehicle  
39 used for the transportation of developmentally disabled persons,

1 if any of the following causes apply to the applicant or certificate  
2 holder:

3 (1) Has been convicted of a sex offense as defined in Section  
4 44010 of the Education Code.

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

7 (3) Has failed to meet prescribed training requirements for  
8 certificate issuance.

9 (4) Has failed to meet prescribed testing requirements for  
10 certificate issuance.

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

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

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

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

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

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

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

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

1 (c) (1) Reapplication following refusal or revocation under  
2 paragraph (1), (2), or (3) of subdivision (a) or any paragraph of  
3 subdivision (b) may be made after a period of not less than one  
4 year after the effective date of refusal or revocation.

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

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

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

17  
18 Article 18. Child Safety Alarm System  
19

20 28160. (a) On or before \_\_\_\_\_, *January 1, 2018*, the department  
21 shall adopt regulations governing the specifications, installation,  
22 and use of child safety alarm systems.

23 (b) On or before \_\_\_\_\_, *the beginning of the 2018–19 school*  
24 *year*, each schoolbus, school pupil activity bus, and youth bus shall  
25 be equipped with an operational child safety alarm system.

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

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

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