

AMENDED IN SENATE APRIL 7, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1072

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 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, 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. This act shall be known, and may be cited, as
- 2 the Paul Lee School Bus Safety Law.

1 SECTION 1.

2 SEC. 2. Section 39831.3 of the Education Code is amended to
3 read:

4 39831.3. (a) The county superintendent of schools, the
5 superintendent of a school district, or the owner or operator of a
6 private school that provides transportation to or from a school or
7 school activity shall prepare a transportation safety plan containing
8 procedures for school personnel to follow to ensure the safe
9 transport of pupils. The plan shall be revised as required. The plan
10 shall address all of the following:

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

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

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

22 (3) Boarding and exiting a schoolbus at a school or other trip
23 destination.

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

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

30 ~~SEC. 2.~~

31 SEC. 3. Section 39843 is added to the Education Code, to read:

32 39843. The county superintendent of schools, the
33 superintendent of a school district, or the owner or operator of a
34 private school that provides transportation to or from a school or
35 school activity shall notify the Department of Motor ~~Vehicles~~
36 *Vehicles, in a form and manner that the department specifies,*
37 within five calendar days of discovery that a driver of a schoolbus,
38 school pupil activity bus, or youth bus has left the immediate
39 vicinity of the vehicle to which the driver has been assigned with
40 an unsupervised pupil onboard. For purposes of this section,

1 escorting pupils pursuant to paragraph (1) of subdivision (d) of
2 Section 22112 of the Vehicle Code shall not be considered leaving
3 the immediate vicinity of the vehicle.

4 ~~SEC. 3.~~

5 *SEC. 4.* Section 39860 of the Education Code is amended to
6 read:

7 39860. (a) The governing board of a school district may
8 contract for the transportation of pupils attending schools within
9 the district to and from any exposition or fair, school activities, or
10 other activities that the governing board of the school district
11 determines to be for the benefit of the pupils, in this state, and may
12 pay for the transportation out of any funds of the school district
13 available for the purpose.

14 (b) The governing board of a school district shall require that
15 any contract for the transportation of pupils under this section shall
16 include the requirement that a pupil shall not be left unattended
17 on a schoolbus, school pupil activity bus, or youth bus in
18 accordance with paragraph (4) of subdivision (a) of Section
19 39831.3.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 40085 of the Education Code is amended to
22 read:

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

1 for the Department of Motor Vehicles to cancel the busdriver
2 certificate. All training required by Section 40089 may be accepted
3 in lieu of the requirements of this section.

4 ~~SEC. 5.~~

5 *SEC. 6.* Section 13370 of the Vehicle Code is amended to read:

6 13370. (a) The department shall refuse to issue or shall revoke
7 a schoolbus, school pupil activity bus, general public paratransit
8 vehicle, or youth bus driver certificate, or a certificate for a vehicle
9 used for the transportation of developmentally disabled persons,
10 if any of the following causes apply to the applicant or certificate
11 holder:

12 (1) Has been convicted of a sex offense as defined in Section
13 44010 of the Education Code.

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

16 (3) Has failed to meet prescribed training requirements for
17 certificate issuance.

18 (4) Has failed to meet prescribed testing requirements for
19 certificate issuance.

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

26 (b) The department may refuse to issue or renew, or may
27 suspend or revoke a schoolbus, school pupil activity bus, general
28 public paratransit vehicle, or youth bus driver certificate, or a
29 certificate for a vehicle used for the transportation of
30 developmentally disabled persons, if any of the following causes
31 apply to the applicant or certificate holder:

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

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

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

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

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

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

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

13 (2) Reapplication following refusal or revocation under
14 paragraph (4) of subdivision (a) may be made after a period of not
15 less than 45 days after the date of the applicant's third testing
16 failure.

17 (3) An applicant or holder of a certificate may reapply for a
18 certificate whenever a felony or misdemeanor conviction is
19 reversed or dismissed. A termination of probation and dismissal
20 of charges pursuant to Section 1203.4 of the Penal Code or a
21 dismissal of charges pursuant to Section 1203.4a of the Penal Code
22 is not a dismissal for purposes of this section.

23 ~~SEC. 6.~~

24 *SEC. 7.* Article 18 (commencing with Section 28160) is added
25 to Chapter 5 of Division 12 of the Vehicle Code, to read:

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Article 18. Child Safety Alarm System

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29 28160. (a) On or before January 1, 2018, the department shall
30 adopt regulations governing the specifications, installation, and
31 use of child safety alarm systems.

32 (b) On or before the beginning of the 2018–19 school year, each
33 schoolbus, school pupil activity bus, and youth bus shall be
34 equipped with an operational child safety alarm system.

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

1 ~~SEC. 7.~~

2 *SEC. 8.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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