

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY JUNE 29, 2016

AMENDED IN SENATE APRIL 7, 2016

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 alert 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 plan to include procedures to ensure that a pupil is not left unattended on a schoolbus, school pupil activity bus, or youth bus, and procedures and standards for designating an adult chaperone, other than the driver, to accompany pupils on a school pupil activity bus. The bill would additionally require a charter school to prepare this 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 after a specified school entity or the driver's employer has ordered and upheld disciplinary action against the driver for the driver's actions and has made a finding that the driver's actions constituted ~~gross negligence~~ *negligence, as defined*. The bill would authorize the department to refuse to issue or renew, and to revoke or suspend, a bus driver certificate on these grounds. The bill would permit a former applicant or holder of a certificate whose certificate was revoked pursuant to these provisions to reapply for a certificate if the certificate revocation is reversed or dismissed by the department.

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, except as provided, youth buses, and child care motor vehicles to be equipped with a “child safety alert system,” which is a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan 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.

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

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

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

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

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

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

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

27 (5) Procedures and standards for designating an adult chaperone,  
28 other than the driver, to accompany pupils on a school pupil activity  
29 bus.

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

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

6 39843. (a) The county superintendent of schools, the  
7 superintendent of a school district, a charter school, or the owner  
8 or operator of a private school that provides transportation to or  
9 from a school or school activity shall notify the Department of  
10 Motor Vehicles, in a form and manner that the Department of  
11 Motor Vehicles specifies, within five calendar days after the county  
12 office of education, the governing board of a school district, the  
13 charter school, the owner or operator of the private school, or, in  
14 situations where the transportation services are contracted out, the  
15 driver's employer, ~~has ordered~~ *done both of the following*:

16 (1) *Ordered* and upheld disciplinary action, after completion of  
17 disciplinary procedures conducted in compliance with rights  
18 granted by law or a collective bargaining agreement, against a  
19 driver of a schoolbus, school pupil activity bus, or youth bus who  
20 was found to have left the immediate vicinity of the vehicle to  
21 which the driver had been assigned with an unsupervised pupil  
22 onboard, ~~and the county office of education, the governing board~~  
23 ~~of the school district, the charter school, the owner or operator of~~  
24 ~~the private school, or, in situations where the transportation services~~  
25 ~~are contracted out, the driver's employer, has made~~ *onboard*.

26 (2) *Made* a finding that the driver's actions constituted gross  
27 negligence. ~~For~~

28 (b) For purposes of this section, escorting pupils pursuant to  
29 paragraph (1) of subdivision (d) of Section 22112 of the Vehicle  
30 Code shall not be considered leaving the immediate vicinity of the  
31 vehicle.

32 (c) For purposes of this section, "gross negligence" means the  
33 want of even scant care or an extreme departure from the ordinary  
34 standard of conduct.

35 SEC. 4. Section 39860 of the Education Code is amended to  
36 read:

37 39860. (a) The governing board of a school district may  
38 contract for the transportation of pupils attending schools within  
39 the district to and from any exposition or fair, school activities, or  
40 other activities that the governing board of the school district

1 determines to be for the benefit of the pupils, in this state, and may  
2 pay for the transportation out of any funds of the school district  
3 available for the purpose.

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

10 SEC. 5. Section 40085 of the Education Code is amended to  
11 read:

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

33 SEC. 6. 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, if any of the following causes  
20 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 youth  
37 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 (4) A former applicant or holder of a certificate whose certificate  
14 was revoked pursuant to paragraph (6) of subdivision (b) may  
15 reapply for a certificate if the certificate revocation is reversed or  
16 dismissed by the department.

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

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20 Article 18. Child Safety Alert System

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22 28160. (a) On or before January 1, 2018, the department shall  
23 adopt regulations governing the specifications, installation, and  
24 use of child safety alert systems.

25 (b) (1) On or before the beginning of the 2018–19 school year,  
26 each schoolbus, school pupil activity bus, except as provided in  
27 paragraph (2), youth bus, and child care motor-~~vehicle~~, *vehicle*  
28 shall be equipped with an operational child safety alert system.

29 (2) A school pupil activity bus is not required to be equipped  
30 with an operational child safety alert system if all of the following  
31 apply:

32 (A) The school pupil activity bus is not used exclusively to  
33 transport pupils.

34 (B) When the school pupil activity bus is used to transport  
35 pupils, the pupils are accompanied by at least one adult chaperone  
36 selected by a school official. If an adult chaperone is not a school  
37 employee, the chaperone shall meet the requirements for a school  
38 volunteer established by the policies of the school district, county  
39 office of education, charter school, or private school.

1 (C) One adult chaperone has a list of every pupil and adult  
2 chaperone, including a school employee, ~~that~~ *who* is on the school  
3 pupil activity bus at the time of departure.

4 (D) The driver has reviewed all safety and emergency  
5 procedures before the initial departure and the driver and adult  
6 chaperone have signed a form with the time and date  
7 acknowledging that the safety plan and procedures were reviewed.

8 (E) Immediately before departure from any location, the adult  
9 chaperone shall account for each pupil on the list of pupils, verify  
10 the number of pupils to the driver, and sign a form indicating that  
11 all pupils are present or accounted for.

12 (F) After pupils have exited a school pupil activity bus, and  
13 before driving away, the driver shall check all areas of the bus,  
14 including, but not limited to, overhead compartments and  
15 bathrooms, to ensure that the bus is vacant.

16 (G) The driver shall sign a form with the time and date verifying  
17 that all required procedures have been followed.

18 (H) The information required to be recorded pursuant to  
19 subparagraphs (D), (E), and (G) may be recorded on a single form.  
20 These forms shall be retained by the school district, county office  
21 of education, charter school, or private school for a minimum of  
22 two years.

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

28 (d) For purposes of this section, the following definitions apply:

29 (1) “Child care motor vehicle” means a vehicle designed, used,  
30 or maintained for more than eight persons, including the driver,  
31 that is used by a child care provider to transport children.

32 (2) “Child care provider” has the same meaning as provided for  
33 “day care center” in Section 1596.76 of the Health and Safety  
34 Code.

35 SEC. 8. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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