

Introduced by Senator Johannessen

December 16, 1994

An act to amend Sections 76361 and 82322 of the Education Code, and to amend Section 545.1 of the Vehicle Code, relating to schoolbuses, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 40, as introduced, Johannessen. Education: Shasta-Tehama-Trinity Joint Community College District: transportation service fees: schoolbus: definition.

(1) Existing law generally authorizes the governing board of a community college district to charge fees for transportation services to all students and all employees of a campus of the district upon a favorable vote of a majority of the students and a majority of the employees of that campus. Existing law limits the imposition of that fee to a 2-year period following the election.

However, existing law, with respect to Butte Community College only, permits the imposition of the fee for the period of time determined by the governing board of the district following the election. Existing law also requires the governing board of the district to provide every voter, at the time of the election, with notice that the approved fee shall continue in effect until terminated by the governing board.

This bill would include the Shasta-Tehama-Trinity Joint Community College District in the latter provisions.

(2) Existing law defines a schoolbus as any motor vehicle designed, used, or maintained for the transportation of any



school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, with specified exceptions.

Existing law exempts from that definition a motor vehicle operated for the purpose of transporting any pupil to or from Butte Community College or to or from activities at that college, irrespective of the age of the pupil or the grade level completed by the pupil, if the pupil is currently an enrollee in classes of the college. Existing law requires a driver of the exempt vehicle to comply with a specified provision of existing law regarding escorting pupils across highways or private roads.

This bill would include the Shasta-Tehama-Trinity Joint Community College District in the latter provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 76361 of the Education Code is
2 amended to read:

3 76361. (a) Notwithstanding subdivisions (d), (e),
4 (f), (g), and (h) of Section 76360, the governing board of
5 the Butte Community College District *or the governing*
6 *board of the Shasta-Tehama-Trinity Joint Community*
7 *College District* may require students in attendance and
8 employees at a campus of the district to pay a fee for
9 purposes of partially or fully recovering transportation
10 costs incurred by the district or of reducing fares for
11 services provided by common carriers or municipally
12 owned transit systems to these students and employees,
13 as provided in subdivision (b).

14 (b) Fees authorized by subdivision (a) for
15 transportation services may be required to be paid only
16 by students and employees using the services, or, in the
17 alternative, by either of the following groups of people:

18 (1) Upon the favorable vote of a majority of the
19 students and a majority of the employees of a campus of



1 the district, who voted at an election on the question of
2 whether or not the governing board should require all
3 students and employees at the campus to pay a fee for
4 transportation services for a period of time to be
5 determined by the governing board of the district, the
6 fees may be required to be paid by all students and all
7 employees of the campus of the community college
8 district.

9 (2) Upon the favorable vote of a majority of the
10 students at a campus of the district, who voted at an
11 election on the question of whether or not the governing
12 board should require all students to pay a fee for
13 transportation services for a period of time to be
14 determined by the governing board of the district, the
15 fees may be required to be paid by all students at the
16 campus of the community college district. However, the
17 employees shall not be entitled to use the services.

18 (3) When an election is held pursuant to either
19 paragraph (1) or (2), the governing board shall, at the
20 time of the election, provide every voter with notice that,
21 if approved, the fee shall continue in effect until
22 terminated by the governing board.

23 (c) If fees are required to be paid by all students and
24 employees or all students as provided in paragraphs (1)
25 and (2) of subdivision (b) for a period of time to be
26 determined by the governing board of the district, those
27 fees may be continued for additional periods by the
28 governing board maintaining the campus.

29 (d) If a fee is required to be paid by students for
30 transportation services, the governing board may adopt
31 rules and regulations governing the exemption of
32 low-income students from required fees, and may adopt
33 rules and regulations that provide for the exemption of
34 other persons from the fee.

35 (e) The total fees to be fixed periodically by the
36 governing board pursuant to this section shall not exceed
37 the amount necessary to reimburse the district for
38 transportation costs incurred by the district in providing
39 the transportation service. The sum of the fee authorized
40 pursuant to this section for transportation services and



1 the fee authorized pursuant to Section 76360 for
2 transportation services and parking services shall not
3 exceed sixty dollars (\$60) per semester or thirty dollars
4 (\$30) per intersession, or the proportionate equivalent
5 for part-time enrollment.

6 (f) This section applies only to the Butte Community
7 College District *and the Shasta-Tehama-Trinity Joint*
8 *Community College District.*

9 SEC. 2. Section 82322 of the Education Code is
10 amended to read:

11 82322. (a) Notwithstanding Section 82321, a motor
12 vehicle is not a schoolbus if it is operated for the purpose
13 of transporting any pupil to or from a community college
14 or to or from activities at that college, irrespective of the
15 age of the pupil or the grade level of the pupil, if the pupil
16 is a current enrollee in classes of the college providing the
17 transportation.

18 (b) A driver of a motor vehicle that meets the criteria
19 established by subdivision (a) shall escort pupils as
20 required by paragraph (3) of subdivision (c) of Section
21 22112 of the Vehicle Code.

22 (c) This section applies only to the Butte Community
23 College District *and the Shasta-Tehama-Trinity Joint*
24 *Community College District.*

25 SEC. 3. Section 545.1 of the Vehicle Code is amended
26 to read:

27 545.1. (a) Notwithstanding Section 545, a motor
28 vehicle is not a schoolbus if it is operated for the purpose
29 of transporting any pupil to or from a community college
30 or to or from activities at that college, irrespective of the
31 age of the pupil or the grade level of the pupil, if the pupil
32 is a current enrollee in classes of the college providing the
33 transportation.

34 (b) A driver of a motor vehicle that meets the criteria
35 established by subdivision (a) shall escort pupils as
36 required by paragraph (3) of subdivision (c) of Section
37 22112 of the Vehicle Code.

38 (c) This section applies only to the Butte Community
39 College District *and the Shasta-Tehama-Trinity Joint*
40 *Community College District.*



1 SEC. 4. Due to the unique circumstances concerning
2 the transportation of students by the
3 Shasta-Tehama-Trinity Joint Community College
4 District, the Legislature finds and declares that a general
5 statute cannot be made applicable within the meaning of
6 Section 16 of Article IV of the California Constitution.

7 SEC. 5. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or
9 safety within the meaning of Article IV of the
10 Constitution and shall go into immediate effect. The facts
11 constituting the necessity are:

12 In order to avoid any delay or disruption with respect
13 to the education programs that require transportation of
14 students by the Shasta-Tehama-Trinity Joint Community
15 College District, it is necessary that this act take effect
16 immediately.

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