

Assembly Bill No. 1297

CHAPTER 739

An act to add Section 39831.3 to the Education Code, and to amend Section 22112 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 6, 1997. Filed
with Secretary of State October 7, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1297, Morrow. Vehicles: schoolbuses.

(1) Existing law requires the State Board of Education to adopt reasonable regulations relating to the use of schoolbuses by school districts and others and requires the Department of the California Highway Patrol to adopt regulations relating to the safe operation of schoolbuses, as specified.

This bill would require 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. The bill would require a copy of that plan to be retained by each school subject to the plan and made available upon request to an officer of the department.

(2) Existing law requires the driver of a schoolbus to operate a flashing amber light warning system on the approach to a schoolbus stop where pupils are loading or unloading from the bus and must cross a highway or private road and to operate flashing red signal lights and a stop signal arm at all times when the schoolbus is stopped for the purpose of loading or unloading pupils who must cross a highway or private road upon which the schoolbus is stopped. Existing law authorizes a school district to designate selected schoolbus stops as stops that may require the activation of the flashing red signal lights even though there are no pupils crossing the roadway, as prescribed.

This bill would repeal that schoolbus stop designation authority of a school district, and, except as specified, require the driver of a schoolbus to operate the specified warning lights and signs on the approach to the above described schoolbus stop and at all times when the schoolbus is stopped for the purpose of loading or unloading pupils, regardless of whether the pupils must cross the highway or private road.

(3) The provisions of this bill would be known as the Thomas Edward Lanni Schoolbus Safety Act of 1997.

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

SECTION 1. This act shall be known and may be cited as the “Thomas Edward Lanni Schoolbus Safety Act of 1997.”

SEC. 2. Section 39831.3 is added to the Education Code, to read:

39831.3. (a) 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 shall prepare a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of pupils. The plan shall be revised as required. The plan shall address all of the following:

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

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

(B) Nothing in this paragraph requires a 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 use the services of an onboard schoolbus monitor, in addition to the driver, to carry out the purposes of this paragraph.

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

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

SEC. 3. Section 22112 of the Vehicle Code is amended to read:

22112. (a) On approach to a schoolbus stop where pupils are loading or unloading from a schoolbus, the driver of the schoolbus shall activate an approved flashing amber light warning system, if the bus is so equipped, beginning 200 feet before the bus stop. The driver shall operate the flashing red signal lights and stop signal arm, as required on the schoolbus, at all times when the schoolbus is stopped for the purpose of loading or unloading pupils. The flashing red signal lights, amber warning lights, and stop signal arm system shall not be operated at any place where traffic is controlled by a traffic officer. The schoolbus flashing red signal lights, amber warning lights, and stop signal arm system shall not be operated at any other time.

(b) The driver shall stop to load or unload pupils only at a schoolbus stop designated for pupils by the school district superintendent or authorized by the superintendent for school activity trips.

(c) When a schoolbus is stopped on a highway or private road for the purpose of loading or unloading pupils, at a location where traffic



is not controlled by a traffic officer or official traffic control signal, the driver shall do all of the following:

(1) Check for approaching traffic in all directions and activate the flashing red light signal system and stop signal arm, as defined in Section 25257, if equipped with a stop signal arm.

(2) Before opening the door, ensure that the flashing red signal lights and stop signal arm are activated, and that it is safe to exit the schoolbus.

(3) Escort all pupils in prekindergarten, kindergarten, or any of grades 1 to 8, inclusive, who need to cross the highway or private road. The driver shall use an approved hand-held "STOP" sign while escorting all pupils.

(4) Require all pupils to walk in front of the bus as they cross the highway or private road.

(5) Ensure that all pupils who need to cross the highway or private road have crossed safely, and that all other unloaded pupils and pedestrians are a safe distance from the bus and it is safe to move before setting the bus in motion.

(d) The flashing red signal lights and stop signal arm requirements imposed by subdivision (a) do not apply to locations identified by a school district, in consultation with the Department of the California Highway Patrol, that are determined to present a unique traffic hazard due to roadway design or proximity to an intersection, or where special education pupils are boarding or pupils may require assistance to board or unload the schoolbus or school pupil activity bus.

