

AMENDED IN ASSEMBLY FEBRUARY 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1634**

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**Introduced by Assembly ~~Member Ortiz~~ Members Ortiz,  
Escutia, Honda, Knox, Kuehl, Mazzoni, and Sweeney  
(Coauthor: Senator Solis)**

January 5, 1998

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An act to add Sections 462, 12517.5, 34501.17, and 34520.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Ortiz. Vehicles: paratransit vehicles.

(1) Existing law defines various terms for purposes of the Vehicle Code.

This bill would define a "paratransit vehicle" for those purposes as a passenger ~~motor~~ vehicle, other than a bus, schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or taxicab that is operated for hire by a business, ~~government agency, or~~ nonprofit organization, *the state, or a political subdivision of the state* and is regularly used to provide transportation services to handicapped persons, as defined, persons with a developmental disability, as defined, individuals with disabilities who are determined to be eligible for complementary paratransit services under Title II of the Americans with Disabilities Act of 1990, and persons who are 55 years of age or older.

(2) Existing law prohibits any person from operating a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, farm labor vehicle, or ambulance unless that person has in his or her immediate possession a driver's license, as specified, and a certificate to drive the vehicle.

This bill would prohibit a person who is employed as a driver of a paratransit vehicle from operating that vehicle unless the person (a) has in his or her immediate possession a valid driver's license of a class appropriate to the vehicle driven; ~~endorsed for the transportation of passengers, and a valid certificate, other than a farm labor vehicle certificate, issued for one of the vehicles specified above~~ and (b) successfully completes, on a yearly basis, 4 hours of training *administered by, or at the direction of, the person's employer or the employer's agent* on the safe operation of paratransit vehicles and 4 hours of training on the special transportation needs of persons ~~who regularly use paratransit vehicles~~ *he or she is employed to transport*.

The bill would require all paratransit vehicles to be regularly inspected and maintained, as specified, and would require all owners *or operators* of those vehicles to document the inspection and maintenance, as specified. The bill would require all paratransit vehicles to be equipped with a first aid kit, as specified.

The bill would require all drivers of paratransit vehicles, and the employers of those drivers, to comply with specified federal regulations and other provisions relating to controlled substances and alcohol use and testing. The bill would require the employers *or operators* of those drivers to participate in the pull notice system, as defined.

Because a violation of these provisions would be an infraction in some cases and a misdemeanor in other cases, the bill would impose a state-mandated local program by creating new crimes.

(3) 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 462 is added to the Vehicle Code,  
2 to read:

3 462. A “paratransit vehicle” is a passenger ~~motor~~  
4 vehicle, other than a bus, schoolbus, school pupil activity  
5 bus, youth bus, general public paratransit vehicle, or  
6 taxicab that is both of the following:

7 ~~(a) Operated for hire by a business, government~~  
8 ~~agency, or nonprofit organization.~~

9 *(a) (1) Operated for hire by a business, nonprofit*  
10 *organization, or the state, or a political subdivision of the*  
11 *state utilizing drivers who receive compensation for their*  
12 *services and who spend a majority of their workweek*  
13 *operating a passenger vehicle.*

14 *(2) For the purposes of this subdivision, compensation*  
15 *does not include reimbursement to volunteer drivers of*  
16 *the cost of providing transportation services at a rate not*  
17 *greater than that approved by the United States Internal*  
18 *Revenue Service for volunteers.*

19 *(3) For the purposes of this subdivision, “for hire”*  
20 *means that the entity providing transportation services is*  
21 *compensated for the transportation under contract or*  
22 *agreement.*

23 (b) Regularly used to provide transportation services  
24 to any of the following:

25 (1) Handicapped persons, as defined in Section  
26 99206.5 of the Public Utilities Code.

27 (2) Persons with a developmental disability, as defined  
28 in subdivision (a) of Section 4512 of the Welfare and  
29 Institutions Code.

30 (3) Individuals with disabilities who are determined to  
31 be eligible for complementary paratransit services under  
32 Title II of the Americans with Disabilities Act of 1990  
33 (P.L. 101-336).

34 (4) Persons who are 55 years of age or older.



1 SEC. 2. Section 12517.5 is added to the Vehicle Code,  
2 to read:

3 12517.5. A person who is employed as a driver of a  
4 paratransit vehicle shall not operate that vehicle unless  
5 the person meets both of the following requirements:

6 (a) Has in his or her immediate possession a valid  
7 driver's license of a class appropriate to the vehicle  
8 ~~driven, endorsed for the transportation of passengers, and~~  
9 ~~a valid certificate, other than a farm labor vehicle~~  
10 ~~certificate, issued under Section 12517.4 or 12527.~~ *driven.*

11 (b) Successfully completes, on a yearly basis, four  
12 hours of training *administered by, or at the direction of,*  
13 *his or her employer or the employer's agent* on the safe  
14 operation of paratransit vehicles and four hours of  
15 training on the special transportation needs of the  
16 ~~persons listed in subdivision (b) of Section 462.~~ *he or she*  
17 *is employed to transport.*

18 *This subdivision is satisfied if the driver receives*  
19 *transportation training or a certificate, or both, pursuant*  
20 *to Section 38157, 38158, 38161, 38162, or 38165 of the*  
21 *Education Code or pursuant to Section 4648 of the*  
22 *Welfare and Institutions Code.*

23 *The employer shall maintain a record of the current*  
24 *training received by each driver in his or her employ.*

25 SEC. 3. Section 34501.17 is added to the Vehicle Code,  
26 to read:

27 34501.17. (a) All paratransit vehicles shall be  
28 regularly and systematically inspected, maintained, and  
29 lubricated *by the owner or operator* in accordance with  
30 the manufacturer's recommendations, or more often if  
31 necessary to ensure the safe operating condition of the  
32 vehicle. The maintenance shall include, at a minimum,  
33 in-depth inspection of the ~~vehicles's~~ *vehicle's* brake  
34 system, steering components, lighting system, and wheels  
35 and tires, to be ~~performed at intervals of not more than~~  
36 ~~every six months or 6,000 miles, whichever occurs first.~~  
37 *performed at intervals in accordance with the*  
38 *manufacturer's recommendations.*

39 (b) All owners *or operators* of paratransit vehicles shall  
40 document each systematic inspection, maintenance, and



1 lubrication and repair performed for each vehicle ~~under~~  
2 *subject to* this section. Required records shall include  
3 service performed, the *name of the* person performing  
4 the service, the date *that the service was performed*, and  
5 the mileage on the vehicle at the time of the ~~repair~~  
6 *service*. The records shall be maintained with the vehicle  
7 for one year, and shall be presented *at the place of*  
8 *business of the owner or operator of the vehicle* upon  
9 demand to any authorized representative of the  
10 department.

11 (c) All paratransit vehicles shall be equipped with a  
12 first aid kit, conforming to the minimum requirements  
13 ~~for schoolbuses. First aid kits shall be readily visible,~~  
14 ~~accessible, and plainly marked "First Aid Kit." for~~  
15 ~~schoolbuses, as identified in regulations of the~~  
16 ~~department.~~

17 SEC. 4. Section 34520.5 is added to the Vehicle Code,  
18 to read:

19 34520.5. (a) All employers of drivers who operate  
20 paratransit vehicles, and the drivers of those vehicles,  
21 shall ~~comply with~~ *participate in a program consistent*  
22 *with* the controlled substances and alcohol use and testing  
23 requirements of the United States Secretary of  
24 Transportation as set forth in Part 382 (commencing with  
25 Section 382.101), *Part 653 (commencing with Section*  
26 *653.1), or Part 654 (commencing with Section 654.1)* of  
27 Title 49 of the Code of Federal Regulations.

28 (b) Section 34520 is applicable to any controlled  
29 substances or alcohol testing program undertaken under  
30 this section.

31 (c) The employer of a paratransit vehicle driver shall  
32 participate in the pull notice system defined in Section  
33 1808.1.

34 SEC. 5. No reimbursement is required by this act  
35 pursuant to Section 6 of Article XIII B of the California  
36 Constitution because the only costs that may be incurred  
37 by a local agency or school district will be incurred  
38 because this act creates a new crime or infraction,  
39 eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition  
2 of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government  
5 Code, unless otherwise specified, the provisions of this act  
6 shall become operative on the same date that the act  
7 takes effect pursuant to the California Constitution.

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