

AMENDED IN ASSEMBLY MARCH 12, 1998  
AMENDED IN ASSEMBLY FEBRUARY 25, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1634**

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**Introduced by Assembly 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 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, 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 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 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 vehicle,  
4 other than a bus, schoolbus, school pupil activity bus,  
5 youth bus, general public paratransit vehicle, or taxicab  
6 that is both of the following:

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

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

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

21 (b) Regularly used to provide transportation services  
22 to any of the following:

23 (1) Handicapped persons, as defined in Section  
24 99206.5 of the Public Utilities Code.

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

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

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

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



1 12517.5. A person who is employed as a driver of a  
2 paratransit vehicle shall not operate that vehicle unless  
3 the person meets both of the following requirements:

4 (a) Has in his or her immediate possession a valid  
5 driver's license of a class appropriate to the vehicle  
6 driven.

7 (b) Successfully completes, on a yearly basis, four  
8 hours of training administered by, or at the direction of,  
9 his or her employer or the employer's agent on the safe  
10 operation of paratransit vehicles and four hours of  
11 training on the special transportation needs of the  
12 persons he or she is employed to transport.

13 This subdivision ~~is~~ *may be* satisfied if the driver receives  
14 transportation training or a certificate, or both, pursuant  
15 to Section 38157, 38158, 38161, 38162, or 38165 of the  
16 Education Code or pursuant to Section 4648 of the  
17 Welfare and Institutions Code.

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

20 SEC. 3. Section 34501.17 is added to the Vehicle Code,  
21 to read:

22 34501.17. (a) All paratransit vehicles shall be  
23 regularly and systematically inspected, maintained, and  
24 lubricated by the owner or operator in accordance with  
25 the manufacturer's recommendations, or more often if  
26 necessary to ensure the safe operating condition of the  
27 vehicle. The maintenance shall include, at a minimum,  
28 in-depth inspection of the vehicle's brake system,  
29 steering components, lighting system, and wheels and  
30 tires, to be performed at intervals in accordance with the  
31 manufacturer's recommendations.

32 (b) All owners or operators of paratransit vehicles shall  
33 document each systematic inspection, maintenance, and  
34 lubrication and repair performed for each vehicle subject  
35 to this section. Required records shall include service  
36 performed, the name of the person performing the  
37 service, the date that the service was performed, and the  
38 mileage on the vehicle at the time of the service. The  
39 records shall be maintained ~~with the vehicle for one year,~~  
40 ~~and shall be presented at the place of business of the~~



1 ~~owner or operator of the vehicle upon~~ *for the period that*  
2 *the vehicle is in service at the place of business of the*  
3 *owner or operator of the vehicle, and shall be presented*  
4 *upon demand to any authorized representative of the*  
5 *department.*

6 (c) All paratransit vehicles shall be equipped with a  
7 first aid kit, conforming to the minimum requirements  
8 for schoolbuses, as identified in regulations of the  
9 department.

10 SEC. 4. Section 34520.5 is added to the Vehicle Code,  
11 to read:

12 34520.5. (a) All employers of drivers who operate  
13 paratransit vehicles, and the drivers of those vehicles,  
14 shall participate in a program consistent with the  
15 controlled substances and alcohol use and testing  
16 requirements of the United States Secretary of  
17 Transportation as set forth in Part 382 (commencing with  
18 Section 382.101), Part 653 (commencing with Section  
19 653.1), or Part 654 (commencing with Section 654.1) of  
20 Title 49 of the Code of Federal Regulations.

21 (b) Section 34520 is applicable to any controlled  
22 substances or alcohol testing program undertaken under  
23 this section.

24 (c) The employer of a paratransit vehicle driver shall  
25 participate in the pull notice system defined in Section  
26 1808.1.

27 SEC. 5. No reimbursement is required by this act  
28 pursuant to Section 6 of Article XIII B of the California  
29 Constitution because the only costs that may be incurred  
30 by a local agency or school district will be incurred  
31 because this act creates a new crime or infraction,  
32 eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section  
34 17556 of the Government Code, or changes the definition  
35 of a crime within the meaning of Section 6 of Article  
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government  
38 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act  
2 takes effect pursuant to the California Constitution.

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