

AMENDED IN SENATE JUNE 15, 2012

AMENDED IN ASSEMBLY MAY 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1334

Introduced by Assembly Member Feuer

February 18, 2011

An act to ~~add Section 1366.5 to amend Sections 22112, 22500.5, and 22504 of the Health and Safety Vehicle Code, and to add Section 10112.58 to the Insurance Code, relating to health care coverage schoolbus transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Feuer. ~~Health care coverage. Schoolbus transportation: schoolbus stops.~~

(1) Existing law requires the driver of a schoolbus to activate a flashing amber light warning system on the approach to a schoolbus stop where pupils are loading or unloading from the schoolbus 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. Existing law also requires a schoolbus driver 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.

This bill would also authorize the director, head, or principal of a private school to designate schoolbus stops for loading or unloading pupils or for school activity trips.

Existing law prohibits a schoolbus driver from activating the amber warning light system or the flashing red signal lights and stop signal

arm at a location determined by a school district, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

This bill would also make this prohibition applicable to locations determined by private schools to present a traffic or safety hazard.

(2) Existing law prohibits any person from stopping, parking, or leaving a vehicle standing, among other places, on a crosswalk, except for a bus engaged as a common carrier or a taxicab stopped for the purpose of loading or unloading passengers, pursuant to a city ordinance. Existing law authorizes a transit system and a school district to enter into an agreement, by ordinance, for the loading or unloading of passengers alongside curb spaces designated for the loading or unloading of passengers of the transit system buses.

This bill would authorize a transit system to enter into an agreement with a private school for the same purposes. The bill would also prohibit a schoolbus stop at a location otherwise prohibited by law, and other specified locations, without the approval of, and authorization by, the Department of the California Highway Patrol.

(3) Existing law authorizes the governing board of a school district to designate a schoolbus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along a highway, if it is necessary for the safety of pupils being transported to and from schools, and the stop is authorized and approved by the Department of the California Highway Patrol.

This bill would require, where there is not a clear view of a schoolbus stop from a distance of 200 feet in each direction along a highway, or where there is not a clear view of a schoolbus stop from 500 feet in each direction along the main portion of a highway and the speed limit is more than 25 miles per hour, that the stop may only be authorized annually by the Department of the California Highway Patrol upon the request of a school district superintendent or the director, head, or principal of a private school.

~~Existing law, the federal Patient Protection and Affordable Care Act, on and after January 1, 2014, requires a health insurance issuer offering health insurance coverage in the individual or group market to accept every employer and individual in the state that applies for that coverage, as specified, and requires issuers in the individual and small group markets to ensure that the coverage includes a specified essential benefits package. The act requires an essential health benefits package to provide coverage in one of 5 levels based on actuarial value, as specified.~~

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance.~~

~~Existing law imposes various requirements with respect to individual contracts and policies issued by health care service plans and health insurers.~~

~~This bill would require plans and insurers to categorize all products offered in the individual market into 5 tiers according to actuarial value, as specified, and would require plans and insurers to disclose this value and other information in certain disclosure forms. These requirements would become operative 30 days after the issuance of federal guidance on minimum essential benefits.~~

~~Because a willful violation of the bill's requirements with respect to health care service plans would be a crime, the bill would impose a state-mandated local program.~~

~~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~~*no*.

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

1 SECTION 1. Section 22112 of the Vehicle Code is amended to
2 read:
3 22112. (a) On approach to a schoolbus stop where pupils are
4 loading or unloading from a schoolbus, the schoolbus driver shall
5 activate an approved amber warning light system, if the schoolbus
6 is so equipped, beginning 200 feet before the schoolbus stop. The
7 schoolbus driver shall deactivate the amber warning light system
8 after reaching the schoolbus stop. The schoolbus driver shall
9 operate the flashing red light signal system and stop signal arm,
10 as required on the schoolbus, at all times when the schoolbus is
11 stopped for the purpose of loading or unloading pupils. The
12 flashing red light signal system, amber warning lights system, and
13 stop signal arm shall not be operated at any place where traffic is

1 controlled by a traffic officer or at any location identified in
2 subdivision (e) of this section. The schoolbus flashing red light
3 signal system, amber warning lights system, and stop signal arm
4 shall not be operated at any other time.

5 (b) The schoolbus driver shall stop to load or unload pupils only
6 at a schoolbus stop designated for pupils by the school district
7 superintendent *or the director, head, or principal of a private*
8 *school*, or authorized by ~~the superintendent~~ *any of those individuals*
9 for school activity trips.

10 (c) When a schoolbus is stopped on a highway or private road
11 for the purpose of loading or unloading pupils, at a location where
12 traffic is not controlled by a traffic officer, the driver shall, before
13 opening the door, ensure that the flashing red light signal system
14 and stop signal arm are activated, and that it is safe to enter or exit
15 the schoolbus.

16 (d) When a schoolbus is stopped on a highway or private road
17 for the purpose of loading or unloading pupils, at a location where
18 traffic is not controlled by a traffic officer or official traffic control
19 signal, the schoolbus driver shall do all of the following:

20 (1) Escort all pupils in prekindergarten, kindergarten, or any of
21 grades 1 to 8, inclusive, who need to cross the highway or private
22 road upon which the schoolbus is stopped. The driver shall use an
23 approved hand-held “STOP” sign while escorting all pupils.

24 (2) Require all pupils who need to cross the highway or private
25 road upon which the schoolbus is stopped to walk in front of the
26 bus as they cross.

27 (3) Ensure that all pupils who need to cross the highway or
28 private road upon which the schoolbus is stopped have crossed
29 safely, and that all other pupils and pedestrians are a safe distance
30 from the schoolbus before setting the schoolbus in motion.

31 (e) Except at a location where pupils are loading or unloading
32 from a schoolbus and must cross a highway or private road upon
33 which the schoolbus is stopped, the schoolbus driver may not
34 activate the amber warning light system, the flashing red light
35 signal system and stop signal arm at any of the following locations:

36 (1) Schoolbus loading zones on or adjacent to school grounds
37 or during an activity trip, if the schoolbus is lawfully stopped or
38 parked.

39 (2) Where the schoolbus is disabled due to mechanical
40 breakdown. The driver of a relief bus that arrives at the scene to

transport pupils from the disabled schoolbus shall not activate the amber warning light system, the flashing red light system, and stop signal arm.

(3) Where a pupil requires physical assistance from the driver or authorized attendant to board or leave the schoolbus and providing the assistance extends the length of time the schoolbus is stopped beyond the time required to load or unload a pupil that does not require physical assistance.

(4) Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard as determined by the schoolbus motor carrier.

(5) On a state highway with a posted speed limit of 55 miles per hour or higher where the schoolbus is completely off the main traveled portion of the highway.

(6) Any location determined by a school district *or a private school*, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

(f) Notwithstanding subdivisions (a) to (d), inclusive, the Department of the California Highway Patrol may require the activation of an approved flashing amber warning light system, if the schoolbus is so equipped, or the flashing red light signal system and stop signal arm, as required on the schoolbus, at any location where the department determines that the activation is necessary for the safety of school pupils loading or unloading from a schoolbus.

SEC. 2. Section 22500.5 of the Vehicle Code is amended to read:

22500.5. Upon agreement between a transit system operating buses engaged as common carriers in local transportation and a public school district *or private school*, local authorities may, by ordinance, permit schoolbuses owned by, or operated under contract for, that public school district *or private school* to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system buses. *A schoolbus stop, permitted pursuant to this section, shall be designated by a school district superintendent or principal, head, or director of a private school and is subject to Section 22112 and subdivision (c) of Section 22504. A permitted schoolbus stop shall not be designated at a*

1 *location otherwise prohibited by law, or at a location as specified*
2 *in subdivision (c) of Section 22504 without the approval of, and*
3 *authorization by, the Department of the California Highway Patrol.*

4 *SEC. 3. Section 22504 of the Vehicle Code is amended to read:*

5 22504. (a) Upon any highway in unincorporated areas no
6 person shall stop, park, or leave standing any vehicle, whether
7 attended or unattended, upon the roadway when it is practicable
8 to stop, park, or leave the vehicle off such portion of the highway,
9 but in every event an unobstructed width of the highway opposite
10 a standing vehicle shall be left for the free passage of other vehicles
11 and a clear view of the stopped vehicle shall be available from a
12 distance of 200 feet in each direction upon the highway. This
13 section shall not apply upon a highway where the roadway is
14 bounded by adjacent curbs.

15 (b) This section shall not apply to the driver of any vehicle
16 which is disabled in such a manner and to such extent that it is
17 impossible to avoid stopping and temporarily leaving the disabled
18 vehicle on the roadway.

19 ~~(c) When, in the judgment of the governing board of a school~~
20 ~~district, it is necessary for the safety of pupils being transported~~
21 ~~to and from schools to authorize a schoolbus stop at a place where~~
22 ~~there is not a clear view of the stop from a distance of 200 feet in~~
23 ~~each direction along the highway, such~~ *Where there is not a clear*
24 *view of a proposed or existing schoolbus stop from a distance of*
25 *200 feet in each direction along a highway, or upon the main*
26 *traveled portion of a highway where there is not a clear view of*
27 *the stop from 500 feet in each direction along the highway and the*
28 *speed limit is more than 25 miles per hour, the stop may only be*
29 *authorized on an annual basis by, and with the approval of, the*
30 *Department of the California Highway Patrol upon the request of*
31 *the school district superintendent or the director, head, or principal*
32 *of a private school.* ~~The~~ *If the schoolbus stop is approved by the*
33 *Department of the California Highway Patrol, the Department of*
34 *Transportation, in respect to state highways, and local authorities,*
35 *in respect to highways under their jurisdiction, shall place sufficient*
36 *signs along the highway to give adequate notice to motorists that*
37 *they are approaching such bus stops.*

38 ~~SECTION 1. Section 1366.5 is added to the Health and Safety~~
39 ~~Code, to read:~~

1 ~~1366.5.—(a) From July 1, 2012, to December 31, 2013,~~
2 ~~inclusive, for each product offered or renewed in the individual~~
3 ~~market, a health care service plan shall disclose whether or not it~~
4 ~~offers minimum essential benefits, as defined in the federal Patient~~
5 ~~Protection and Affordable Care Act (Public Law 111-148) and~~
6 ~~whether or not it offers an actuarial value of at least 70 percent.~~

7 ~~(b) On and after January 1, 2014, a health care service plan~~
8 ~~shall categorize each product offered or renewed in the individual~~
9 ~~market on the basis of actuarial value into one of the following~~
10 ~~tiers:~~

11 ~~(1) Bronze level for products with an actuarial value equal to~~
12 ~~60 percent.~~

13 ~~(2) Silver level for products with an actuarial value equal to 70~~
14 ~~percent.~~

15 ~~(3) Gold level for products with an actuarial value equal to 80~~
16 ~~percent.~~

17 ~~(4) Platinum level for products with an actuarial value equal to~~
18 ~~90 percent.~~

19 ~~(5) Catastrophic coverage for products with an actuarial value~~
20 ~~less than 60 percent.~~

21 ~~(c) In categorizing the actuarial value of products for purposes~~
22 ~~of subdivision (c), a health care service plan may have a de minimis~~
23 ~~variation from the actuarial values set forth in that subdivision.~~

24 ~~(d) On and after January 1, 2014, an actuarial value shall be~~
25 ~~calculated using the method contained in subdivision (d) of Section~~
26 ~~1302 of the federal Patient Protection and Affordable Care Act~~
27 ~~and the regulations adopted thereunder.~~

28 ~~(e) A plan shall use a qualified actuary to certify the accuracy~~
29 ~~of its calculations under this section.~~

30 ~~(f) (1) The department may review the categorization of any~~
31 ~~product under this section for accuracy, including, but not limited~~
32 ~~to, the methodology used by the plan to establish an actuarial value.~~

33 ~~(2) The department may require the submission of any~~
34 ~~information needed to categorize products pursuant to this section.~~

35 ~~(g) As part of the disclosure form required by Section 1363 for~~
36 ~~an individual plan contract, a health care service plan shall include~~
37 ~~the actuarial value of the particular product reflected in the contract,~~
38 ~~as determined under this section, along with an explanation of the~~
39 ~~actuarial value in easily understood language expressed as a~~
40 ~~percentage of expenses paid by the plan versus out of pocket. In~~

1 addition, the disclosure shall include an estimate of the annual
2 out-of-pocket expenses of an individual in average health who is
3 enrolled in the product, and the total annual cost (the sum of the
4 premium plus out-of-pocket costs) of an individual of average
5 health who is enrolled in the product. The disclosure shall also
6 state that an individual's share of cost may be more or less
7 depending on his or her age, illness, or health condition. The
8 disclosure shall also include the following statement:

9 "Please examine the other features of this product carefully,
10 including prescription drug coverage, exclusion of specific
11 conditions, and other costs such as copayments and deductibles."

12 (h) This section shall not apply to Medicare supplement
13 contracts or to specialized health care service plan contracts.

14 (i) For purposes of this section, "qualified actuary" means an
15 actuary who is a member of the American Academy of Actuaries,
16 who is qualified to perform such work, and who meets the
17 Qualification Standards for Actuaries Issuing Statements of
18 Actuarial Opinion in the United States as promulgated by the
19 American Academy of Actuaries.

20 (j) This section shall become operative 30 days after initial
21 federal guidance on minimum essential benefits is issued.

22 SEC. 2. Section 10112.58 is added to the Insurance Code, to
23 read:

24 10112.58. (a) From July 1, 2012, to December 31, 2013,
25 inclusive, for each product offered or renewed in the individual
26 market, a health insurer shall disclose whether or not it offers
27 minimum essential benefits, as defined in the federal Patient
28 Protection and Affordable Care Act (Public Law 111-148) and
29 whether or not it offers an actuarial value of at least 70 percent.

30 (b) On and after January 1, 2014, a health insurer shall
31 categorize each product offered or renewed in the individual market
32 on the basis of actuarial value into one of the following tiers:

33 (1) Bronze level for products with an actuarial value equal to
34 60 percent.

35 (2) Silver level for products with an actuarial value equal to 70
36 percent.

37 (3) Gold level for products with an actuarial value equal to 80
38 percent.

39 (4) Platinum level for products with an actuarial value equal to
40 90 percent.

1 ~~(5) Catastrophic coverage for products with an actuarial value~~
2 ~~less than 60 percent.~~

3 ~~(c) In categorizing the actuarial value of products for purposes~~
4 ~~of subdivision (c), a health insurer may have a de minimis variation~~
5 ~~from the actuarial values set forth in that subdivision.~~

6 ~~(d) On and after January 1, 2014, an actuarial value shall be~~
7 ~~calculated using the method contained in subdivision (d) of Section~~
8 ~~1302 of the federal Patient Protection and Affordable Care Act~~
9 ~~and the regulations adopted thereunder.~~

10 ~~(e) An insurer shall use a qualified actuary to certify the~~
11 ~~accuracy of its calculations under this section.~~

12 ~~(f) (1) The department may review the categorization of any~~
13 ~~product under this section for accuracy, including, but not limited~~
14 ~~to, the methodology used by the insurer to establish an actuarial~~
15 ~~value.~~

16 ~~(2) The department may require the submission of any~~
17 ~~information needed to categorize products pursuant to this section.~~

18 ~~(g) As part of the disclosure form required by Section 10603~~
19 ~~for an individual health insurance policy, a health insurer shall~~
20 ~~include the actuarial value of the particular product reflected in~~
21 ~~the policy, as determined under this section, along with an~~
22 ~~explanation of the actuarial value in easily understood language~~
23 ~~expressed as a percentage of expenses paid by insurance versus~~
24 ~~out of pocket. In addition, the disclosure shall include an estimate~~
25 ~~of the annual out-of-pocket expenses of an individual in average~~
26 ~~health who is enrolled in the product, and the total annual cost (the~~
27 ~~sum of the premium plus out-of-pocket costs) of an individual of~~
28 ~~average health who is enrolled in the product. The disclosure shall~~
29 ~~also state that an individual's share of cost may be more or less~~
30 ~~depending on his or her age, illness, or health condition. The~~
31 ~~disclosure shall also include the following statement:~~

32 ~~"Please examine the other features of this product carefully,~~
33 ~~including prescription drug coverage, exclusion of specific~~
34 ~~conditions, and other costs such as copayments and deductibles."~~

35 ~~(h) This section shall not apply to Medicare supplement,~~
36 ~~CHAMPUS supplement, specified disease, TRICARE supplement,~~
37 ~~or accident-only insurance policies, to specialized health insurance~~
38 ~~policies, or to insurance policies excluded from the definition of~~
39 ~~"health insurance" under subdivision (b) of Section 106.~~

1 (i) ~~For purposes of this section, “qualified actuary” means an~~
2 ~~actuary who is a member of the American Academy of Actuaries,~~
3 ~~who is qualified to perform such work, and who meets the~~
4 ~~Qualification Standards for Actuaries Issuing Statements of~~
5 ~~Actuarial Opinion in the United States as promulgated by the~~
6 ~~American Academy of Actuaries.~~

7 (j) ~~This section shall become operative 30 days after initial~~
8 ~~federal guidance on minimum essential benefits is issued.~~

9 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution because~~
11 ~~the only costs that may be incurred by a local agency or school~~
12 ~~district will be incurred because this act creates a new crime or~~
13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
14 ~~for a crime or infraction, within the meaning of Section 17556 of~~
15 ~~the Government Code, or changes the definition of a crime within~~
16 ~~the meaning of Section 6 of Article XIII B of the California~~
17 ~~Constitution.~~