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SB-1072 Schoolbus safety: child safety alert system. (2015-2016)

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Senate Bill No. 1072

CHAPTER 721

An act to amend Sections 39831.3, 39860, and 40085 of, and to add Section 39843 to, the Education Code, and to amend Section 13370 of, and to add Article 18 (commencing with Section 28160) to Chapter 5 of Division 12 of, the Vehicle Code, relating to schoolbus safety.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1072, Mendoza. Schoolbus safety: child safety alert system.

Existing law requires 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.

This bill would require that plan to include procedures to ensure that a pupil is not left unattended on a schoolbus, school pupil activity bus, or youth bus, and procedures and standards for designating an adult chaperone, other than the driver, to accompany pupils on a school pupil activity bus. The bill would additionally require a charter school to prepare this plan.

Existing law authorizes the governing board of a school district to contract for the transportation of pupils attending schools within the district, as specified.

This bill would require the governing board of a school district to require that any contract for the transportation of pupils includes the requirement that a pupil shall not be left unattended on a schoolbus, school pupil activity bus, or youth bus, as provided.

Existing law requires applicants seeking to renew a certificate to drive a schoolbus or a school pupil activity bus to complete classroom instruction and training, as specified.

This bill would require that classroom instruction to also cover the inspection procedures to ensure pupils are not left unattended on a schoolbus or school pupil activity bus.

Existing law authorizes the Department of Motor Vehicles to refuse to issue or renew, and to revoke or suspend, a schoolbus, school pupil activity bus, or youth bus driver certificate under certain, listed conditions.

This bill would require certain school officials to notify the department when a driver of such a bus has left a pupil unattended onboard after a specified school entity or the driver's employer has ordered and upheld disciplinary action against the driver for the driver's actions and has made a finding that the driver's actions constituted gross negligence, as defined. The bill would authorize the department to refuse to issue or renew, and to revoke or suspend, a bus driver certificate on these grounds. The bill would permit a former applicant or holder of a certificate whose certificate was revoked pursuant to these provisions to reapply for a certificate if the certificate revocation is reversed or dismissed by the department.

Existing law requires all schoolbuses to be equipped with certain safety features, as specified.

This bill would require, on or before the beginning of the 2018–19 school year, schoolbuses, school pupil activity buses, except as provided, youth buses, and child care motor vehicles to be equipped with a “child safety alert system,” which is a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

Because a violation of the above requirement would be a Vehicle Code infraction, the bill would impose a state-mandated local program by creating new crimes.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Paul Lee School Bus Safety Law.

SEC. 2. Section 39831.3 of the Education Code is amended to read:

39831.3. (a) The county superintendent of schools, the superintendent of a school district, a charter school, 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 (1) of subdivision (d) 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, a charter school, 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.
- (4) Procedures to ensure that a pupil is not left unattended on a schoolbus, school pupil activity bus, or youth bus.
- (5) Procedures and standards for designating an adult chaperone, other than the driver, to accompany pupils on a school pupil activity bus.

(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 39843 is added to the Education Code, to read:

39843. (a) The county superintendent of schools, the superintendent of a school district, a charter school, or the owner or operator of a private school that provides transportation to or from a school or school activity shall notify the Department of Motor Vehicles, in a form and manner that the Department of Motor Vehicles specifies, within five calendar days after the county office of education, the governing board of a school district, the charter school, the owner or operator of the private school, or, in situations where the transportation services are contracted out, the driver's employer, has done both of the following:

- (1) Ordered and upheld disciplinary action, after completion of disciplinary procedures conducted in compliance with rights granted by law or a collective bargaining agreement, against a driver of a schoolbus, school pupil activity bus, or youth bus who was found to have left the immediate vicinity of the vehicle to which the driver had been assigned with an unsupervised pupil onboard.
- (2) Made a finding that the driver's actions constituted gross negligence.

(b) For purposes of this section, escorting pupils pursuant to paragraph (1) of subdivision (d) of Section 22112 of the Vehicle Code shall not be considered leaving the immediate vicinity of the vehicle.

(c) For purposes of this section, "gross negligence" means the want of even scant care or an extreme departure from the ordinary standard of conduct.

SEC. 4. Section 39860 of the Education Code is amended to read:

39860. (a) The governing board of a school district may contract for the transportation of pupils attending schools within the district to and from any exposition or fair, school activities, or other activities that the governing board of the school district determines to be for the benefit of the pupils, in this state, and may pay for the transportation out of any funds of the school district available for the purpose.

(b) The governing board of a school district shall require that any contract for the transportation of pupils under this section shall include the requirement that a pupil shall not be left unattended on a schoolbus, school pupil activity bus, or youth bus in accordance with paragraph (4) of subdivision (a) of Section 39831.3.

SEC. 5. Section 40085 of the Education Code is amended to read:

40085. Applicants seeking to renew a certificate to drive a schoolbus as defined in Section 545 of the Vehicle Code or a school pupil activity bus as defined in Section 546 of the Vehicle Code shall have successfully completed at least 10 hours of original or renewal classroom instruction, or behind-the-wheel or in-service training, during each 12 months of certificate validity. In-service training credit may be given by a state-certified driver instructor of the appropriate class to an applicant for attending or participating in appropriate driver training workshops, driver safety meetings, driver safety conferences, and other activities directly related to passenger safety and driver training. During the last 12 months of the special driver certificate validity, the 10 hours required shall consist of classroom instruction covering, but not limited to, current laws and regulations, defensive driving, accident prevention, emergency procedures, passenger loading and unloading, and the inspection procedures pursuant to paragraph (4) of subdivision (a) of Section 39831.3. Failure to successfully complete the required training during any 12-month period of certificate validity is cause for the Department of Motor Vehicles to cancel the bus driver certificate. All training required by Section 40089 may be accepted in lieu of the requirements of this section.

SEC. 6. Section 13370 of the Vehicle Code is amended to read:

13370. (a) The department shall refuse to issue or shall revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons, if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of a sex offense as defined in Section 44010 of the Education Code.

(2) Has been convicted, within two years, of an offense specified in Section 11361.5 of the Health and Safety Code.

(3) Has failed to meet prescribed training requirements for certificate issuance.

(4) Has failed to meet prescribed testing requirements for certificate issuance.

(5) Has been convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code, or a serious felony listed in subdivision (c) of Section 1192.7 of the Penal Code. This paragraph shall not be applied to revoke a license that was valid on January 1, 2005, unless the certificate holder is convicted for an offense that is committed on or after that date.

(b) The department may refuse to issue or renew, or may suspend or revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons, if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of a crime specified in Section 44424 of the Education Code within seven years. This paragraph does not apply if denial is mandatory.

(2) Has committed an act involving moral turpitude.

(3) Has been convicted of an offense, not specified in this section and other than a sex offense, that is punishable as a felony, within seven years.

(4) Has been dismissed as a driver for a cause relating to pupil transportation safety.

(5) Has been convicted, within seven years, of an offense relating to the use, sale, possession, or transportation of narcotics, habit-forming drugs, or dangerous drugs, except as provided in paragraph (3) of subdivision (a).

(6) Has been reported to the Department of Motor Vehicles, pursuant to Section 39843 of the Education Code, for leaving a pupil unattended on a schoolbus, school pupil activity bus, or youth bus.

(c) (1) Reapplication following refusal or revocation under paragraph (1), (2), or (3) of subdivision (a) or any paragraph of subdivision (b) may be made after a period of not less than one year after the effective date of refusal or revocation.

(2) Reapplication following refusal or revocation under paragraph (4) of subdivision (a) may be made after a period of not less than 45 days after the date of the applicant's third testing failure.

(3) An applicant or holder of a certificate may reapply for a certificate whenever a felony or misdemeanor conviction is reversed or dismissed. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code or a dismissal of charges pursuant to Section 1203.4a of the Penal Code is not a dismissal for purposes of this section.

(4) A former applicant or holder of a certificate whose certificate was revoked pursuant to paragraph (6) of subdivision (b) may reapply for a certificate if the certificate revocation is reversed or dismissed by the department.

SEC. 7. Article 18 (commencing with Section 28160) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 18. Child Safety Alert System

28160. (a) On or before January 1, 2018, the department shall adopt regulations governing the specifications, installation, and use of child safety alert systems.

(b) (1) On or before the beginning of the 2018–19 school year, each schoolbus, school pupil activity bus, except as provided in paragraph (2), youth bus, and child care motor vehicle shall be equipped with an operational child safety alert system.

(2) A school pupil activity bus is not required to be equipped with an operational child safety alert system if all of the following apply:

(A) The school pupil activity bus is not used exclusively to transport pupils.

(B) When the school pupil activity bus is used to transport pupils, the pupils are accompanied by at least one adult chaperone selected by a school official. If an adult chaperone is not a school employee, the chaperone shall meet the requirements for a school volunteer established by the policies of the school district, county office of education, charter school, or private school.

(C) One adult chaperone has a list of every pupil and adult chaperone, including a school employee, who is on the school pupil activity bus at the time of departure.

(D) The driver has reviewed all safety and emergency procedures before the initial departure and the driver and adult chaperone have signed a form with the time and date acknowledging that the safety plan and procedures were reviewed.

(E) Immediately before departure from any location, the adult chaperone shall account for each pupil on the list of pupils, verify the number of pupils to the driver, and sign a form indicating that all pupils are present or accounted for.

(F) After pupils have exited a school pupil activity bus, and before driving away, the driver shall check all areas of the bus, including, but not limited to, overhead compartments and bathrooms, to ensure that the bus is vacant.

(G) The driver shall sign a form with the time and date verifying that all required procedures have been followed.

(H) The information required to be recorded pursuant to subparagraphs (D), (E), and (G) may be recorded on a single form. These forms shall be retained by the school district, county office of education, charter school, or private school for a minimum of two years.

(c) A "child safety alert system" is a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

(d) For purposes of this section, the following definitions apply:

(1) "Child care motor vehicle" means a vehicle designed, used, or maintained for more than eight persons, including the driver, that is used by a child care provider to transport children.

(2) "Child care provider" has the same meaning as provided for "day care center" in Section 1596.76 of the Health and Safety Code.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.