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AB-1453 Schoolbuses: adult volunteer transportation. (2017-2018)

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Date Published: 08/07/2017 09:00 PM

Assembly Bill No. 1453

CHAPTER 173

An act to amend Section 39837.5 of the Education Code, and to amend Section 545 of the Vehicle Code, relating to schoolbuses.

[Approved by Governor August 07, 2017. Filed with Secretary of State August 07, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, Eduardo Garcia. Schoolbuses: adult volunteer transportation.

Existing law provides for the provision of transportation services by school districts, including by schoolbus, as defined, and requires the State Board of Education to adopt reasonable regulations relating to the use of schoolbuses by school districts and others. Existing law requires the Department of the California Highway Patrol to adopt regulations regarding the safe operation of schoolbuses, as prescribed.

Under existing law, the governing board of a school district is authorized to use and operate any bus owned or under lease to the school district to transport pupils to and from their places of employment during the summer in connection with a summer employment program for youth, and required to adequately insure against the liability of the school district, members of the governing board, and officers and employees of the school district in connection with furnishing the transportation. Existing law also authorizes the governing board of a school district to use schoolbuses to transport persons other than pupils for purposes of specified community recreation activities, and to transport school district employees and parents of pupils to and from educational activities authorized by the school district.

This bill would authorize the governing board of a school district to additionally provide for the transportation of adult volunteers to and from educational activities authorized by the school district.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 39837.5 of the Education Code is amended to read:

39837.5. The governing board of a school district may provide for the transportation on schoolbuses of employees of the school district, parents of pupils of the school district, and adult volunteers to and from educational activities authorized by the school district.

SEC. 2. Section 545 of the Vehicle Code is amended to read:

545. (a) A "schoolbus" is a motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, except the following:

(1) A motor vehicle of any type carrying only members of the household of the owner of the vehicle.

(2) A motortruck transporting pupils who are seated only in the passenger compartment, or a passenger vehicle designed for and carrying not more than 10 persons, including the driver, unless the vehicle or truck is transporting two or more disabled pupils confined to wheelchairs.

(3) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public, or on a run scheduled in response to a request from a disabled pupil confined to a wheelchair, or from a parent of the disabled pupil, for transportation to or from nonschool activities, and the motor vehicle is designed for and actually carries not more than 16 persons including the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service.

(4) A school pupil activity bus.

(5) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity entering or returning to the state from another state or country.

(6) A youth bus.

(7) Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, if it is primarily used for the transportation of community college students to or from a public community college or to or from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Department of the California Highway Patrol.

(8) A state-owned motor vehicle being operated by a state employee upon the driveways, paths, parking facilities, or grounds specified in Section 21113 that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour. The motor vehicle may also be operated for a distance of not more than one-quarter mile upon a public street or highway that runs through the grounds of a state hospital under the jurisdiction of the State Department of Developmental Services, if the posted speed limit on the public street or highway is not more than 25 miles per hour and if all traffic is regulated by posted stop signs or official traffic control signals at the points of entry and exit by the motor vehicle.

(9) A general public paratransit vehicle, if the general public paratransit vehicle does not duplicate existing schoolbus service, does not transport a public school pupil at or below the 12th grade level to a destination outside of that pupil's school district, and is not used to transport public school pupils in areas where schoolbus services were available during the 1986–87 school year. In areas where expanded school services require expanded transportation of public school pupils, as determined by the governing board of a school district, general public paratransit vehicles shall not be used to transport those pupils for a period of three years from the date that a need for expansion is identified. For purposes of this section, a pupil is defined as a student at or below the 12th grade level who is being transported to a mandated school activity.

(10) A schoolbus with the flashing red light signal system, the amber warning system, and the schoolbus signs covered, while being used for transportation of persons other than pupils, to or from school or school related activities.

(11) A motor vehicle, other than a motor vehicle described in paragraph (2), that is designed to carry not more than 25 persons including the driver, while being used for the transportation of pupils to or from school-related activities if the vehicle is operated by a passenger charter-party carrier certified and licensed by the Public Utilities Commission pursuant to Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code that is not under a contractual agreement with a school or school district, and the transportation does not duplicate schoolbus service or any other transportation services for pupils contracted, arranged, or otherwise provided by the school or school district.

(b) This section shall not be construed to prohibit the use of a schoolbus for any activity authorized by any other law, including Section 39837.5 of the Education Code.