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SB-20 Vehicles: buses: seatbelts. (2017-2018)

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Senate Bill No. 20

CHAPTER 593

An act to amend Sections 12810.2 and 34505.8 of, and to add Sections 27318 and 27319 to, the Vehicle Code, relating to vehicles.

[Approved by Governor October 08, 2017. Filed with Secretary of State October 08, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 20, Hill. Vehicles: buses: seatbelts.

Existing law prohibits a person from operating a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. Existing law makes the violation of this provision an infraction.

This bill would also require a passenger who is 16 years of age or older in a bus that is equipped with safety belts to be properly restrained by a safety belt and would require a motor carrier to maintain those safety belts in good working order for the use of the passengers. The bill would prohibit a parent, legal guardian, or chartering party from transporting on a bus that is equipped with safety belts, or permitting to be transported on a bus that is equipped with safety belts, a child, ward, or passenger who is 8 years of age or older, but under 16 years of age, unless he or she is properly restrained by a safety belt. The bill would also prohibit a parent, legal guardian, or chartering party from transporting on a bus that is equipped with safety belts, or permitting to be transported on a bus that is equipped with safety belts, a child, ward, or passenger who is under 8 years of age and under 4 feet 9 inches in height, unless he or she is acceptably restrained by a safety belt, except as specified. The bill would exempt a passenger leaving his or her seat to use an onboard bathroom from the seatbelt requirement. The bill would also require a motor carrier operating a bus equipped with safety belts to either: (1) require the bus driver to inform passengers of the requirement to wear a seatbelt or (2) post, or allow to be posted, signs or placards informing passengers of the requirement to wear a seatbelt, as specified. The bill would make a violation of the provisions requiring a passenger to wear a safety belt, an infraction punishable by a fine of not more than \$20 for a first offense and a fine of not more than \$50 for each subsequent offense. By creating a new crime, the bill would impose a state-mandated local program. The bill would specify that these provisions do not apply to a schoolbus or a school pupil activity bus, as defined.

This bill, if the bus is equipped with a driver safety belt, would require the driver to be properly restrained by the safety belt and would require the motor carrier to maintain the driver safety belt. The bill would make violation of these provisions an infraction punishable by a fine of up to \$20 for the first violation and of up to \$50 for subsequent violations. By creating a new crime, this bill would impose a state-mandated local program.

Existing law requires a charter-party carrier of passengers engaged in charter bus transportation to ensure that drivers of certain vehicles provide each passenger with written or video instructions that include, among other things, the importance of wearing a seatbelt, if available. A violation of this provision is an infraction.

This bill would instead require those written or video instructions to include, among other things, instructions on the requirement to wear a seatbelt, if available, and the penalties for violating that requirement. By changing the definition of a crime, the bill would impose a state-mandated local program.

This bill would also make a technical correction and other conforming changes. The provisions of this bill would become operative on July 1, 2018.

This bill would incorporate additional changes to Section 12810.2 of the Vehicle Code proposed by SB 810 and would make these changes operative only if this bill and SB 810 are enacted and this bill is enacted last.

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. Section 12810.2 of the Vehicle Code is amended to read:

12810.2. (a) Notwithstanding subdivision (f) of Section 12810, no violation point count shall be given for a conviction of a violation of Section 27315, 27318, or 27319.

(b) The amendments to this section as added by the act that added this subdivision shall be operative on July 1, 2018.

SEC. 1.5. Section 12810.2 of the Vehicle Code is amended to read:

12810.2. (a) Notwithstanding subdivision (f) of Section 12810, a violation point count shall not be given for a conviction of a violation of Section 27315, 27318, or 27319.

(b) The amendments to this section as added by the act that added this subdivision shall be operative on July 1, 2018.

SEC. 2. Section 27318 is added to the Vehicle Code, to read:

27318. (a) A passenger who is 16 years of age or older in a bus shall be properly restrained by a safety belt.

(b) A parent, legal guardian, or chartering party shall not transport on a bus, or permit to be transported on a bus, a child, ward, or passenger who is eight years of age or older, but under 16 years of age, unless he or she is properly restrained by a safety belt.

(c) Except as provided in subdivision (d), a parent, legal guardian, or chartering party shall not transport on a bus, or permit to be transported on a bus, a child, ward, or passenger who is under eight years of age and under four feet nine inches in height, unless he or she is acceptably restrained by a safety belt.

(d) If it is not possible to ensure a child, ward, or passenger who is under eight years of age and under four feet nine inches in height is acceptably restrained by a safety belt because of his or her size, a parent, legal guardian, or chartering party shall either secure him or her in an appropriate child passenger restraint system that meets applicable federal motor vehicle safety standards, or if the child, ward, or passenger is under two years of age, may authorize a parent, legal guardian, or chartering party to hold him or her.

(e) (1) For purposes of this section, "acceptably restrained by a safety belt" means all of the following:

(A) The latch plate is securely fastened in the buckle.

(B) The lap belt shall be adjusted to fit low and tight across the hips or upper thighs, not the stomach area.

(C) The shoulder belt shall be adjusted snugly across the chest and the middle of the shoulder, away from the neck.

(D) The shoulder belt shall not be placed behind the back or under the arm.

(2) For purposes of this section, "properly restrained by a safety belt" means that the lap belt crosses the hips or upper thighs of the occupant and the shoulder belt, if present, crosses the chest in front of the occupant.

(3) For purposes of this section, "bus" means a bus that is equipped with safety belts, including a bus that is required to be equipped with a seatbelt assembly pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208).

(f) Subdivisions (a), (b), (c), and (d) do not apply to a passenger that is leaving, has left, or is returning from his or her seat to use an onboard bathroom.

(g) If the bus is equipped with safety belts, the motor carrier shall maintain safety belts in good working order for the use of passengers of the vehicle.

(h) A motor carrier operating a bus equipped with safety belts shall do one of the following:

(1) Require the bus driver, before departure of a bus carrying passengers, to inform passengers of the requirement to wear the seatbelt under California law and inform passengers that not wearing a seatbelt is punishable by a fine.

(2) Post, or allow to be posted, signs or placards that inform passengers of the requirement to wear a seatbelt under California law and that not wearing a seatbelt is punishable by a fine. The signs or placards shall be in a font type and font size that is reasonably easy to read and shall be affixed to a bus in multiple, conspicuous locations.

(i) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision (a), (b), (c), or (d) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense.

(j) This section does not apply to a schoolbus described in Section 27316 or a school pupil activity bus described in Section 27316.5.

(k) This section shall be operative July 1, 2018.

SEC. 3. Section 27319 is added to the Vehicle Code, to read:

27319. (a) If a bus is equipped with a driver safety belt, the driver of the bus shall not operate the vehicle unless he or she is properly restrained by the safety belt.

(b) If a bus is equipped with a driver safety belt, the motor carrier shall maintain the safety belt in good working order for the use of the driver.

(c) Notwithstanding subdivision (a) of Section 42001, a violation of this section is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense and a fine of not more than fifty dollars (\$50) for each subsequent offense.

(d) The requirements of this section are intended to satisfy the requirements of Section 392.16 of Title 49 of the Code of Federal Regulations, or any similar federal law or regulation, but shall remain in effect in the absence of those laws.

(e) This section shall be operative July 1, 2018.

SEC. 4. Section 34505.8 of the Vehicle Code is amended to read:

34505.8. (a) A charter-party carrier of passengers engaged in charter bus transportation shall ensure that the driver of a vehicle as described in paragraph (1) of subdivision (b) of Section 5363 of the Public Utilities Code that is designed to carry 39 or more passengers shall instruct or play a video for all passengers on the safety equipment and emergency exits on the vehicle prior to the beginning of any trip and provide each passenger with written or video instructions that include, at a minimum, a demonstration of the location and operation of all exits, including emergency exits, the requirement to wear a seatbelt, if available, and that not wearing a seatbelt is punishable by a fine.

(b) Notwithstanding any other law, no later than July 1, 2018, the department shall adopt standards and criteria for the implementation of the safety requirements specified in this section.

(c) This section does not alter or affect the requirements of the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

(d) The amendments to this section as added by the act that added this subdivision shall be operative on July 1, 2018.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 12810.2 of the Vehicle Code proposed by this bill and Senate Bill 810. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 12810.2 of the Vehicle Code, and (3) this bill is enacted after Senate Bill 810, in which case Section 12810.2 of the Vehicle Code, as amended by Senate Bill 810, shall remain operative only until July 1, 2018, at which time Section 1.5 of this bill shall become operative, and Section 1 of this bill shall not become operative.

SEC. 6. 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.