

Assembly Bill No. 1840

SEC. 34. Section 28160 of the Vehicle Code is amended to read:

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) (A) Except as provided in subparagraphs (B) and (C), on or before March 1, 2019, each schoolbus, school pupil activity bus, except school pupil activity buses described in paragraph (2), youth bus, and child care motor vehicle shall be equipped with an operational child safety alert system.

(B) If a school district, county office of education, or charter school with an average daily attendance of 4,000 pupils or fewer, or a private school with 4,000 pupils or fewer in attendance, cannot meet the requirements of this section on or before March 1, 2019, the school district, county office of education, charter school, or private school shall submit to the department, on or before March 1, 2019, documentation that demonstrates that it has, before March 1, 2019, ordered or purchased the child safety alert system or child safety alert systems, and includes an estimate of repairs or installation, the total number of vehicles described in subparagraph (A) in the fleet and the number of vehicles described in subparagraph (A) that do not have an installed child safety alert system, the proposed date of installation, and the name of the vendor or individual who will install the child safety alert system or child safety alert systems. Upon providing this documentation, the school district, county office of education, charter school, or private school shall have an additional six months, not to extend beyond September 1, 2019, to meet the requirements of this section.

(C) Any entity other than a school district, county office of education, charter school, or private school that operates a schoolbus, school pupil activity bus, except school pupil activity buses described in paragraph (2), youth bus, or child care motor vehicle that is subject to the requirements of this section may submit documentation as specified in subparagraph (B) to the department. Upon providing this documentation, the entity shall have an additional six months, not to extend beyond September 1, 2019, to meet the requirements of this section.

(D) This section shall apply to all school districts, county offices of education, charter schools, and private schools, including those that began the 2018–19 school year before September 1, 2018.

(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) The department shall consult with the State Department of Education to develop frequently asked questions related to the implementation of this section and of Section 1294 of Title 13 of the California Code of Regulations. The department shall also consult with, at a minimum, the California Association of School Transportation Officials when developing the frequently asked questions. The department and the State Department of Education shall each post the frequently asked questions on their respective Internet Web sites.

(d) 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.

(e) 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.