

CHAPTER

An act to amend and renumber Section 38048 of, and to add Section 38047.5 to, the Education Code, and to repeal and add Section 27316 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 15, Gallegos. Schoolbuses: passenger restraint systems: seats.

(1) Existing law requires the State Board of Education to adopt regulations relating to the use of schoolbuses by school districts and others. This bill would require the board to adopt regulations to require a passenger in a schoolbus equipped with passenger restraint systems, as specified, to use a passenger restraint system so that the passenger is properly restrained.

(2) Existing law requires, at least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation to receive safety instruction, as specified. This bill would require safety instruction in the use of passenger restraint systems, as specified.

(3) Existing federal law requires seatbelts for schoolbuses that have a gross vehicle weight of 10,000 pounds or less and establishes other seating and crash protection standards, as specified. This bill would require that schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in California have a "passenger restraint system," as specified, at all designated seating positions, unless specifically prohibited by the National Highway Transportation Safety Administration. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program by creating a new crime. The bill would provide that no person, school district, or organization, with respect to a schoolbus equipped with passenger restraint systems pursuant to the above requirement, may be charged for a violation of the Vehicle Code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses that system. The bill would make a related statement of legislative intent.

(4) Existing law requires the department to complete a study by March 1, 1987, on the appropriateness of requiring that all type one schoolbuses or school pupil activity buses be equipped with a set of safety belts for each passenger. This bill would repeal that obsolete provision of law.

(5) This bill would incorporate additional changes in Section 38048 of the Education Code proposed by AB 1573, to become operative only if both bills are enacted and become operative on or before January 1, 2000, and this bill is enacted last.

(6) 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.

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

SECTION 1. Section 38047.5 is added to the Education Code, to read:

38047.5. The State Board of Education shall adopt regulations to require a passenger in a schoolbus equipped with passenger restraint systems in accordance with Section 27316 of the Vehicle Code to use a passenger restraint system so that the passenger is properly restrained by that system.

SEC. 2. Section 38048 of the Education Code is amended and renumbered to read:

39831.5. (a) All pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a schoolbus or school pupil activity bus shall receive instruction in schoolbus emergency procedures and passenger safety.

The county superintendent of schools, superintendent of the school district, or owner/operator of a private school, as applicable, shall ensure that the instruction is provided as follows:

(1) Upon registration, the parents or guardians of all pupils not previously transported in a schoolbus or school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on schoolbus safety. The information shall include, but not be limited to, all of the following:

- (A) A list of schoolbus stops near each pupil's home.
- (B) General rules of conduct at schoolbus loading zones.
- (C) Red light crossing instructions.
- (D) Schoolbus danger zone.
- (E) Walking to and from schoolbus stops.

(2) At least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, instruction on the use of passenger restraint systems, as described in paragraph

(3), proper passenger conduct, bus evacuation, and location of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the schoolbus through emergency exit doors.

(3) Instruction on the use of passenger restraint systems shall include, but not be limited to, all of the following:

- (A) Proper fastening and release of the passenger restraint system.
- (B) Acceptable placement of passenger restraint systems on pupils.
- (C) Times at which the passenger restraint systems should be fastened and released.
- (D) Acceptable placement of the passenger restraint systems when not in use.

(4) Prior to departure on a school activity trip, all pupils riding on a schoolbus or school pupil activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

(b) The following information shall be documented each time the instruction required by paragraph (2) of subdivision (a) is given:

- (1) Name of school district, county office of education, or private school.
- (2) Name and location of school.
- (3) Date of instruction.
- (4) Names of supervising adults.
- (5) Number of pupils participating.
- (6) Grade levels of pupils.
- (7) Subjects covered in instruction.
- (8) Amount of time taken for instruction.
- (9) Bus driver's name.
- (10) Bus number.
- (11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

SEC. 2.5. Section 38048 of the Education Code is amended and renumbered to read:

39831.5. (a) All pupils in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in public or private school who are transported in a schoolbus or school pupil activity bus shall receive instruction in schoolbus emergency procedures and passenger safety.

The county superintendent of schools, superintendent of the school district, or owner/operator of a private school, as applicable, shall ensure that the instruction is provided as follows:

(1) Upon registration, the parents or guardians of all pupils not previously transported in a schoolbus or school pupil activity bus and who are in prekindergarten, kindergarten, and grades 1 to 6, inclusive, shall be provided with written information on schoolbus safety. The information shall include, but not be limited to, all of the following:

- (A) A list of schoolbus stops near each pupil's home.
- (B) General rules of conduct at schoolbus loading zones.
- (C) Red light crossing instructions.
- (D) Schoolbus danger zone.
- (E) Walking to and from schoolbus stops.

(2) At least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, who receive home-to-school transportation shall receive safety instruction that includes, but is not limited to, proper loading and unloading procedures, including escorting by the driver, how to safely cross the street, highway, or private road, instruction on the use of passenger restraint systems, as described in paragraph

(3), proper passenger conduct, bus evacuation, and location of emergency equipment.

Instruction also may include responsibilities of passengers seated next to an emergency exit. As part of the instruction, pupils shall evacuate the schoolbus through emergency exit doors.

(3) Instruction on the use of passenger restraint systems shall include, but not be limited to, all of the following:

- (A) Proper fastening and release of the passenger restraint system.
- (B) Acceptable placement of passenger restraint systems on pupils.
- (C) Times at which the passenger restraint systems should be fastened and released.

(D) Acceptable placement of the passenger restraint systems when not in use.

(4) Prior to departure on a school activity trip, all pupils riding on a schoolbus or school pupil activity bus shall receive safety instruction that includes, but is not AB 15 limited to, location of emergency exits, and location and use of emergency equipment.

Instruction also may include responsibilities of passengers seated next to an emergency exit.

(b) The following information shall be documented each time the instruction required by paragraph (2) of subdivision (a) is given:

(1) Name of school district, county office of education, or private school.

(2) Name and location of school.

(3) Date of instruction.

(4) Names of supervising adults.

(5) Number of pupils participating.

(6) Grade levels of pupils.

(7) Subjects covered in instruction.

(8) Amount of time taken for instruction.

(9) Bus driver's name.

(10) Bus number.

(11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

SEC. 3. Section 27316 of the Vehicle Code is repealed.

SEC. 4. Section 27316 is added to the Vehicle Code, to read:

27316. (a) Unless specifically prohibited by the National Highway Transportation Safety Administration, all schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system.

(b) For purposes of this section, a "passenger restraint system" is a restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date the schoolbus was manufactured.

(c) No person, school district, or organization, with respect to a schoolbus equipped with passenger restraint systems pursuant to this section, may be charged for a violation of this code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system.

(d) It is the intent of the Legislature that, in implementing this section, school pupil transportation providers work to prioritize the allocation of schoolbuses purchased, leased, or contracted for after January 1, 2002, to ensure that elementary-level schoolbus passengers receive first priority for new schoolbuses whenever feasible.

SEC. 5. Section 2.5 of this bill incorporates amendments to Section 38048 of the Education Code proposed by both this bill and Assembly Bill 1573. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill either amends or amends and renumbers Section 38048 of the Education Code, and (3) this bill is enacted after Assembly Bill 1573, in which case Section 38048 of the Education Code, as amended by Assembly Bill 1573, shall remain operative only until the operative date of this bill, at which time Section 2.5 of this bill shall become operative and, Section 2 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.