

Date of Hearing: June 22, 2016

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 1072 (Mendoza) – As Amended April 7, 2016

**[This bill was double referred to the Assembly Committee on Transportation and was heard by the committee as it related to issues under its jurisdiction.]**

**SENATE VOTE:** 35-0

**SUBJECT:** Schoolbus safety: child safety alarm system

**SUMMARY:** Requires, on or before the beginning of the 2018-19 school year, every schoolbus, school pupil activity bus (SPAB), and youth bus be equipped with a “child safety alarm system;” imposes additional requirements on school districts to ensure that a pupil is not left unattended on a bus. Specifically, **this bill:**

- 1) Requires a school district’s transportation plan to include procedures to ensure that a pupil is not left unattended on a schoolbus, SPAB, or youth bus.
- 2) 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 notify the Department of Motor Vehicles (DMV) within five calendar days of discovery that a driver of a schoolbus, SPAB, or youth bus has left the vehicle with an unsupervised pupil onboard.
- 3) Provides that being reported as leaving a pupil unsupervised onboard a schoolbus, SPAB, or youth bus is grounds for the refusal to issue or revocation of a schoolbus, SPAB, or youth bus driver certificate.
- 4) Requires the Department of the California Highway Patrol (CHP) to adopt, by January 1, 2018, regulations governing the specifications, installation, and use of child safety alarm systems.
- 5) Requires, on or before the beginning of the 2018-19 school year, each schoolbus, SPAB, and youth bus shall be equipped with an operational child safety alarm system.
- 6) Defines “child safety alarm system” as a device located at the interior rear of a vehicle that requires the driver to manually contact the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

**EXISTING LAW:**

- 1) Defines “schoolbus” as any motor vehicle, other than a SPAB, 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.
- 2) Defines “student pupil activity bus” as any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual

agreement between a school and carrier to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus.

- 3) Defines “charter-party carrier of passengers” (CPC) as a person engaged in the transportation of persons by motor vehicle for compensation over any public highway.
- 4) 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 specified.
- 5) Authorizes the governing board of a school district to 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 determines to be for the benefit of the pupils, in this state, and may pay for the transportation out of any funds of the district available for the purpose.
- 6) Prohibits a person from operating a schoolbus or SPAB without proper certification issued by DMV and requires any person seeking to renew a certificate to drive a schoolbus or SPAB to have successfully completed at least 10 hours of original or renewal classroom instruction or behind-the-wheel or in-service training every 12 months.
- 7) Authorizes DMV to refuse to issue or to revoke a schoolbus, SPAB, or youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons, for specified causes.
- 8) Requires specialized equipment in schoolbuses such as seat belts and external lighting systems.

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to the author, there have been at least eight instances of children being left alone and unsupervised on schoolbuses for hours at a time in California. In one particular incident in 2015, a 19 year-old special-needs pupil passed away after being left alone on a hot schoolbus for several hours at the end of a home-to-school trip in Whittier.

The author states that SB 1072 would protect children getting to and from school by establishing safe pupil transportation procedures to help prevent children from being left on school buses unattended. These procedures include the installation of child safety alarm systems on vehicles that transport children.

These systems tie directly into a vehicle's electrical and computer systems to trigger the alarm system of the vehicle when the ignition is disengaged. The driver of the vehicle must then walk to the back of the bus to manually disarm the alarm, prompting the driver to check the vehicle for children. According to the author, the Los Angeles Unified School District installed these systems on its fleet of 1,300 schoolbuses at a cost of \$194,000, or approximately \$150 per bus. The costs of these systems vary based on the vendor and the complexity of the system and the

electrical and computer systems of the vehicles in which they are installed. Similar alarm systems are required in Arkansas, Louisiana, Texas, and Wisconsin.

In addition to the alarm system requirement, this bill adds leaving a pupil unattended on a bus to the causes for which DMV may refuse to issue or may revoke a schoolbus or SPAB driver certificate. In order to be issued a bus driver certificate, a driver must hold a driver's license and pass a medical exam, submit fingerprints, pass a first-aid exam, meet with the CHP bus coordinator, and take an on-road driving exam. Currently, that certificate can be revoked on grounds such as a violent felony conviction or a sex offense. Under this bill, a school district would be required to report when a driver leaves a pupil unattended on a bus to DMV.

SB 1072 also requires school districts to include procedures for school personnel to follow to ensure that a pupil is not left unattended on a bus in the district's transportation safety plan required under current law.

***Schoolbuses vs. motorcoaches.*** In addition to requiring the installation of child safety alarm systems in schoolbuses, this bill requires their installation in SPABs. While schoolbuses are required to have specific design elements, such as a rear exit door, and are most commonly used for home-to-school trips, SPABs are often motorcoaches operated by a CPC contracted by a school district for a specific purpose, such as a field trip or transportation to a sporting event. These motorcoaches often do not function exclusively as SPABs; for example, they may transport pupils in the morning for a field trip under a contract with a school district, adults in the afternoon for a business meeting under contract with a corporation, and seniors in the evening for a trip to a casino under contract with a retirement facility.

While the experiences of the Los Angeles Unified School District suggests the installation of these devices may not be cost-prohibitive, schoolbuses – the vehicles in the district's example – generally have electrical and computer systems that are easily modified to allow for the installation of a device such as a child safety alarm system, due to the electrical wiring located in the rear of the vehicle associated with the exit door. Motorcoaches, operating as SPABs, generally have different design requirements and more complex electrical and computer systems that are not designed to be modified or hardwired with an external alarm system. According to the California Bus Association, its members estimate the cost per bus to retrofit a vehicle's electrical and computer systems to accommodate an external alarm system at \$7,000. CHP estimates the number of motorcoaches operated by commercial carriers in California at approximately 13,000. While not all these vehicles function as SPABs and the cost would likely fluctuate from vehicle to vehicle, the true cost of retrofitting the state's CPC bus fleet could be considerable. The author's office has provided committee staff with a list of eight commercial carriers that they say have already installed an alarm system as evidence that it is not cost prohibitive. However, each of these carriers has provided information that they have not installed an alarm system on motorcoaches.

***Arguments in support.*** Supporters argue that student safety is a top priority and that an alarm system is an effective tool, when combined with conscientious driver safety checks, to safeguard the transport of students. They also argue that an alarm system is a simple, low cost preventive measure that can save lives, especially among students with intellectual and developmental disabilities.

***Arguments in opposition.*** Opponents argue that an alarm system is not needed on commercially operated motorcoaches, because—unlike on schoolbuses—there is always an adult chaperone on

board. They have asked for an amendment that would exempt SPABs from the alarm requirement for buses if both of the following conditions are met:

- The bus is not used exclusively to transport pupils; and
- If the pupils are accompanied by a chaperone designated by a school official.

Opponents argue that these conditions would ensure pupil safety and state that there has never been a case of a pupil being left behind on a motorcoach due to the presence of chaperones. However, the author's office has provided committee staff with a newspaper report of a motorcoach in Florida pulling away from the drop-off point with a special education pupil aboard before the chaperone had finished the head count. The author rejected these amendments when the bill was heard in the Transportation Committee.

### **REGISTERED SUPPORT / OPPOSITION:**

#### **Support**

California State Council on Developmental Disabilities  
Los Angeles Unified School District  
3 individuals

#### **Opposition**

All West Coach Lines  
Amador State Lines  
Antelope Valley Airport Express, Inc.  
California Association of School Business Officials  
California Bus Association  
Discovery Luxury Motorcoach Charters  
Fast Deer Bus Charter, Inc.  
Goldfield Stage  
H & L Charter Co., Inc.  
Lin Lines  
Loop Transportation, Inc.  
Orange Belt Stages  
Pacific Coachways  
Pacific Monarch Bus Charter  
Preferred Charters  
Royal Coach Tours  
San Jose Charters  
Sun Diego Charter Co.  
Southern California Gray Line  
Sundance Stagelines, Inc.  
Via Trailways  
1 individual