

## SB 1072: THE PAUL LEE SCHOOL BUS SAFETY LAW EFFECTIVE JANUARY 1, 2017 AND THE 2018-2019 SCHOOL YEAR

On September 27, 2016, Governor Jerry Brown signed into law SB 1072 (Chapter 721, Statutes of 2016), the Paul Lee School Bus Safety Law.

The new law, named after a special-needs student who tragically died after being left alone on a school bus for many hours, seeks to prevent children being left unattended on buses by requiring drivers to walk the length of the bus to deactivate an alarm system before leaving. The new law also strengthens driver protocols and training and provides the California Department of Motor Vehicles (DMV) the authority to suspend the bus driver's certificate to drive the bus.

Specifically, the new law requires the following:

- **Transportation Safety Plan Requirements.** Each school district's transportation safety plan must include procedures to ensure that a pupil is not left unattended on a school bus, school pupil activity bus (SPAB), or youth bus as well as procedures and standards for designating an adult chaperone, other than the driver, to accompany pupils on a SPAB.
- **Bus Driver Training.** During the last 12 months of the special driver certificate validity, the 10 hours of instruction shall also include the procedures to ensure that a pupil is not left unattended on a school bus, SPAB or youth bus.
- **Consequences for Bus Driver Gross Negligence.** Public school superintendents and private school owners/operators that provide transportation to or from school or school activities must notify the DMV within five (5) calendar days after ordering and upholding disciplinary action against a driver who was found to have left the immediate vicinity of his or her assigned vehicle with an unsupervised pupil onboard in a manner that constitutes "gross negligence" (defined as the want of even scant care or an extreme departure from the ordinary standard of conduct.) Being reported will be grounds for the DMV to refuse to issue or to revoke a bus driver's certificate.
- **Child Safety Alert Systems.** The new law requires the California Highway Patrol (CHP) to adopt regulation governing the specifications, installation, and use of child safety alert systems before January 1, 2018. A child safety alert system is a device located at the interior rear of a vehicle that requires the driver to manually contact the device before exiting the vehicle. The intent of such a device is to prompt the driver to inspect the entirety of the interior of the vehicle before exiting. The new law requires that each school bus, SPAB, youth bus and child care motor vehicle be equipped with a child safety alarm system on or before the beginning of the 2018-2019 school year.

- ✓ **Exception for SPABs Under Limited Circumstances.** The law does not require a SPAB to be equipped with a child safety alert system if **all** of the following conditions apply:
  - The SPAB is not used exclusively to transport pupils.
  - When the SPAB is used to transport pupils, the pupils are accompanied by at least one adult chaperone selected by a school official.
  - One adult chaperone has a list of every pupil and adult chaperone who is on the SPAB at the time of departure.
  - The driver has reviewed all safety and emergency procedures before departure and the driver and chaperone have signed a form acknowledging that the safety plan and procedures were followed.
  - Immediately before departure from any location, the chaperone shall account for each pupil on the list, verify the number of pupils to the driver, and sign a form indicating all pupils are present and accounted for.
  - After pupils have exited a SPAB and before driving away, the driver checks all areas of the bus, including overhead compartments and bathrooms.
  - The driver signs a form with the time and date verifying all required procedures have been followed.

## EFFECTIVE DATES

The provisions regarding school district transportation plans, driver training and consequences for bus driver's gross negligence will go into effect on January 1, 2017.

The child safety alert system requirement will go into effect for the 2018-2019 school year.

The California Department of Education, Office of Transportation will be generating a bulletin on this topic in the near future.

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