

Twin Rivers Unified School District Transportation Department

NEW Commercial Driver Checklist

Name: _____ Date: _____

Prior to hiring, have the potential employee submit a current (within last 30-days) DMV H-6 (10 Year Driving History Report). To ensure the driver is qualified contact Transportation Training Personnel and ask them to review the report.

Before continuing the hiring process confirm through Human Resource (HR) that the driver has:

- Cleared the pre-employment drug/alcohol and fingerprints/background check
- Been enrolled in the DMV Pull Notice Program
- Been enrolled in the Drug & Alcohol Testing Program (random pool)
- Employee drug & alcohol testing requirements
- Commercial vehicle idling laws

Once the driver has been cleared by HR, CONTACT Transportation Training Personnel.

- Transportation personnel will conduct a pre-employment drive test, driver safety course, and if applicable PIT driver orientation where they will be given a TRUSD PIT Driver Handbook

Each department must annually provide drivers with information/documentation covering:

- Employee drug & alcohol testing requirements
- Commercial vehicle idling laws
- Have each driver sign training a Verification Of Training form – remember information listed above must be provided annually and documentation kept on file for at least three years (idling laws)
- Documentation of annual training of commercial vehicle idling laws is a legal document subject to inspection by ARB representatives, peace officers, air pollution control or air quality management districts
Be sure to send the original copy to transportation department attention training department

Create a Driver File by filling out the TRUSD Motor Carrier Required Records Check List – PIT Driver form.
Make sure you have copies of:

- Verification of Annual Information for Employees forms (Drug/Alcohol and Idling laws)
- New Driver Evaluation – checkride form
- Vehicle Proficiency documentation (list of vehicles driver is authorized to operate)
- Commercial Driver License* Class/Endorsements/Restrictions and expiration date * Medical Examiners Certificate
- Medical Examiners Certificate.
- The drivers commercial driver license is INVALID if this document expires – it MUST be in the driver's immediate possession when operating a commercial motor vehicle
- Current DMV "Pull Notice" (Driver Record Information sheet)
- While waiting for the pull notice to be issued, a Current H-6 will suffice – as long as it has been issued within last 30 days
- If pull notice hasn't been received within 30-days – CONTACT Transportation Training
- Inspect all documents – are issue dates and or restrictions correct?

* Drivers will be sent courtesy notices 4 – 6 weeks prior to expiration of their DL51/CDL – via district mail

Commercial Driver File Check List

Driver's Name: _____ Date of Birth: _____

Driver's License Number: _____ Class: _____ Endorse: _____ Rstr: _____ Expiration Date: _____

Medical Examiners Certificate Expiration Date: _____

Defensive Driving Safety Course Expiration: _____

Expires 3 years from date taken

Verification of Annual Information for Employees Form Date(s): _____

PIT (if required) Expiration Date: _____

Checkride date(s): _____ Proficiencies Form:

Pull Notices Expiration Date(s): _____

Add one year to pull notice issues date

Instructors notes: _____

TO: All Commercial Drivers

FROM: Timothy Shannon, Director of Transportation

SUBJECT: Controlled Substances and Alcohol Use and Testing

Please be advised that to ensure compliance with CVC Sections 34501.16 and 34520, every employer is required to annually provide the following information concerning controlled substances and alcohol use and testing information to their commercial drivers.

49 CFR Ch. III (10-1-04) § 382.303

Post-accident testing.

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

(d)(1) Alcohol tests.

If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section. (g)(1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

(h) Exception. This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in § 571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with § 177.823 of this title. § 382.305 Random testing.

(a) Every employer shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.

If you have any further questions regarding this information please feel free to contact Transportation Training Department at 916-566-3405

Timothy Shannon,

Director of Transportation

§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor

Vehicle Idling.

(a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by establishing idling restrictions, emission standards, and other requirements for heavy-duty diesel engines and alternative idle reduction technologies to limit the idling of diesel-fueled commercial motor vehicles.

(b) Applicability. This section applies to any person, business, or government agency that owns, operates, or causes to operate the equipment listed below, at any location in California:

(1) diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes:

(A) California-based vehicles; and

(B) Non-California-based vehicles; and

(2) alternative idle reduction technologies including but not limited to internal combustion engine auxiliary power systems (APS), fuel-fired heaters, battery-electric APSs, and other technologies installed on diesel-fueled commercial motor vehicles.

(c) Requirements.

(1) Idling Restriction:

(A) Between February 1, 2005 through December 31, 2014, the driver of any vehicle subject to this section shall comply with the following requirements, except as noted in subsection (d) below:

1. The driver shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location.

2. The driver shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area.

(B) Except as provided in subsection (d) below, on or after January 1, 2015, any person that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle subject to the requirements of this section shall comply with the following requirements:

1. No vehicle subject to this section shall idle for more than 5 consecutive minutes at any location.

2. No diesel-fueled APS subject to this section shall be operated for greater than 5 minutes at any location when within 100 feet of a restricted area.

(C) On or after January 1, 2015, the driver of a vehicle subject to the requirements of this section must, upon request, provide the following information to authorized enforcement personnel:

1. driver's license;

2. vehicle registration; and

3. motor carrier's information set forth in subsection(c)(1)(D), below

(D) On or after January 1, 2015, a motor carrier that dispatches a vehicle subject to the requirements of this section must provide the following information to a dispatched driver:

1. motor carrier's business name
2. motor carrier's street address, state, zip code;
3. motor carrier contact person's name; and
4. motor carrier contact person's business phone number.

(2) Use of Alternative Technologies.

(A) Between January 1, 2008 through December 31, 2014, the driver shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the vehicle is:

1. equipped with an APS meeting the emissions performance requirements found in subsection (c)(3)(A), below; and
2. the vehicle is equipped with a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(B) Between January 1, 2008 through December 31, 2014, the driver shall not operate a fuel-fired heater on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the fuel-fired heater meets the emissions performance requirements found in subsection (c)(3)(B), below;

(C) Between January 1, 2008 through December 31, 2014, the driver of a vehicle equipped with a 2006 or older model year primary diesel engine may use and operate in California any certified internal combustion APS with or without the additional PM control specified in subsection (c)(3)(A)1. or any other certified alternative idle reduction technology. In addition, the APS or idle reduction technology used or operated on such a vehicle is exempt from the requirements specified in subsection (c)(3), below.

(D) Except as provided in subsection (d) below, on or after January 1, 2015, any person who owns or operates any vehicle equipped with an alternative technology subject to the requirements of this section shall comply with the following requirements:

1. No internal combustion APS installed on any vehicle equipped with a primary diesel engine certified to the 2007 and subsequent model year engine standards set forth in title 13, CCR, section 1956.8, shall be operated at any location in California unless:
 - a. the APS is verified to comply with the emission performance requirements found in subsection (c)(3)(A), below; and
 - b. the vehicle is equipped with a label for a verified APS meeting the requirements set forth in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended on October 21, 2014, which is incorporated by reference herein.
2. No fuel-fired heater installed on any vehicle equipped with a primary diesel engine certified to the 2007 and subsequent model year engine standards set forth in title 13, CCR, section 1956.8, shall be operated at any location in California unless the fuel-fired heater meets the emission performance requirements found in subsection (c)(3)(B), below;

3. Any internal combustion APS equipped with a California or federally certified off-road engine or any other certified alternative idle reduction technology may be installed and operated on a vehicle equipped with a primary diesel engine certified to the 2006 or older model year engine standards set forth in title 13, CCR, section 1956.8. In addition, the APS or idle reduction technology used or operated on such a vehicle is exempt from the requirements specified in subsection (c)(3), below

(3) Idle Reduction Technology Compliance Requirements. As an alternative to idling the primary engine, diesel-fueled engines/vehicles may, as an option, be equipped with alternative technologies, as listed and defined below in subsections (c)(3)(A), (c)(3)(B), and (c)(3)(C). If so equipped, these technologies are subject to the following requirements:

(A) Internal Combustion APS.

1. In order to operate in California, an APS utilizing an internal combustion engine must comply with applicable California off-road and/or federal nonroad emission standards and test procedures for its fuel type and power category. In addition, diesel-fueled APSs installed on vehicles equipped with primary engines certified to the 2007 and subsequent model year heavy-duty diesel engine standards, pursuant to section 1956.8(a)(2)(A) of title 13, CCR, shall either,

- a. be equipped with a verified Level 3 in-use strategy for particulate matter control (see title 13, CCR, sections 2700 to 2710), or
- b. have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

2. With advance Executive Officer approval, a certifying/verifying APS manufacturer may petition for an alternate compliance strategy other than described in (A)1. a. or b. in this subsection above. However, this provision is limited to manufacturers that can demonstrate, to the satisfaction of the Executive Officer, that their alternative strategy is equivalent (or "cleaner"), from an emissions standpoint, compared to the requirement described in (A)1.a. or b. in this subsection above. As an example, strategies that can use the available electric power infrastructure, instead of solely operating a diesel fueled APS for engine and/or cab heating and cooling, may be able to use such a strategy to demonstrate compliance with these requirements.

(B) Fuel-Fired Heaters. Fuel-fired heaters must comply with the applicable California emission standards and test procedures as specified in the Low Emission Vehicle program requirements found in title 13, CCR, subsections 1961(a)(15) and (d), or in Part I.E.1.13 of the "California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Mode Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as incorporated by reference in title 13, CCR, section 1961(d). However, the specified requirement that limits fuel-fired heaters from being operated above 40 o F does not apply.

(C) Other Idle Reduction Technologies. Other technologies that will reduce idling emissions may also be used, including the use of batteries, fuel cells, power inverter/chargers for on-shore electrical power, on-shore electric power infrastructure also known as truck stop electrification, and other technologies that produce minimal or no emissions. With the exception of battery and fuel cell powered APSs, power inverter/chargers, and electric power infrastructure, the use of other technologies is subject to advance Executive Officer approval and must be at least as effective in reducing idling emissions as the technologies described in subsections (c)(3)(A), above, or the NOx idling emission standard specified in title 13, CCR, section 1956.8(a)(6)(C). The Executive Officer shall use good engineering judgment and test data to determine if an idle reduction technology provides idling emission controls equivalent to the standards specified in subsection (c)(3)(A) above, or in title 13, CCR, section 1956.8(a)(6)(C).

(D) Labeling Requirements. 2007 and subsequent model year commercial diesel vehicles equipped with an internal combustion APS meeting the requirements specified in subsection (c)(3)(A) shall have a label affixed to the hood of the vehicle to allow operation of the APS in California. The labels shall meet the requirements specified in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(d) Exceptions.

(1) Except when a vehicle is located within 100 feet of a restricted area, subsections (c)(1)(A)1 and (c)(1)(B)1 do not apply, if the vehicle is equipped with

(A) a primary diesel engine meeting the optional NOx idling emission standard pursuant to title 3, CCR, section 1956.8(a)(6)(C); and

(B) a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(2) Subsection (c)(1) does not apply for the period or periods during which

(A) a bus is idling for

1. up to 10.0 minutes prior to passenger boarding, or
2. when passengers are onboard;

(B) prior to January 1, 2008, idling of the primary diesel-engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(C) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS or other device at the direction of a peace officer;

(D) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(E) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;

(F) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;

(G) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices is mandatory for testing, servicing, repairing, or diagnostic purposes, including regeneration or maintenance of the exhaust emission control device during engine idling when the dashboard indicator light, if so equipped, is illuminated indicating that regeneration or maintenance is in progress;

(H) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary diesel engine for:

1. controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;
2. providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or
3. collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(I) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(J) idling of the primary diesel engine, operating a diesel-fueled APS, or operating other devices by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;

(K) idling of military tactical vehicles during periods of training, testing, and deployment;

(L) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act;

(M) idling of armored cars in the course of providing services for which the vehicle is designed; and

(N) idling of workover rigs while performing work for which the vehicle is designed.

(e) Relationship to Other Law. Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

- (1) California Vehicle Code section 22515;
- (2) title 13, CCR, section 2480;
- (3) title 13, CCR, section 1956.8
- (4) California Health and Safety Code section 40720; or
- (5) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) Enforcement. This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) Penalties. For violations of subsection (c)(1), (c)(2) or (c)(3), that occur prior to January 1, 2015, the driver of a subject vehicle is subject to a minimum civil penalty of 300 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code. On or after January 1, 2015, any person who violates any requirement of this section is subject to the penalties set forth in California Health and Safety Code sections 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42402.4, 42403.5, and 42410 and 43704.

(h) Definitions.

The following definitions apply to this section:

- (1) "Armored car" is as defined in California Vehicle Code section 115
- (2) "Authorized emergency vehicle" is as defined in California Vehicle Code section 165.
- (3) "Auxiliary power system" or "APS" means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.
- (4) "Bus" means any vehicle defined in title 13, CCR, section 2480, subsections (h) (13)-(16), inclusive or as defined in the California Vehicle Code section 233.
- (5) "Child care facility" is a facility that meets the definition of a "child day care facility" in Health and Safety Code section 1596.750 and that is subject to the requirements of Health and Safety Code sections 1596.7 to 1597.71.
- (6) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in California Vehicle Code section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:
 - (A) a zero emission vehicle; or
 - (B) a pickup truck as defined in California Vehicle Code section 471.
- (7) "Driver" is as defined in California Vehicle Code section 305.
- (8) "Executive Officer" means the Executive Officer of the California Air Resources Board or his or her delegate.
- (9) "Fuel-fired heater" means a fuel burning device that creates heat for the purpose of (1) warming the cab or sleeper berth compartment of a vehicle or (2) warming the engine oil and/or coolant for easy start-up of the vehicle's engine but does not contribute to the propulsion of the vehicle.
- (10) "Gross vehicle weight rating" is as defined in California Vehicle Code section 350.
- (11) "Highway" is as defined in California Vehicle Code section 360.
- (12) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.
- (13) "Motor Carrier" means a person providing transportation of goods or passengers for compensation.
- (14) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (15) "Official traffic control device" is as defined in California Vehicle Code section 440.
- (16) "Official traffic control signal" is as defined in California Vehicle Code section 445.
- (17) "Owner" means the person or persons registered as the owner of the vehicle by the California Department of Motor Vehicles or its equivalent in another state, province, or country (presumed at the time of violation to be the person or persons identified as the owner on the registration document or title carried on the vehicle). For the purposes of this section, the definition of an owner excludes a lessor or a renter who leases or rents vehicles without a driver for a fixed rate or price, and does not operate or permit to operate the vehicle at the time of violation.

(18)“Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

(19)“Primary diesel engine” means the diesel-fueled engine used for vehicle propulsion.

(20) “Queuing” means (A) through (C)

(A) the intermittent starting and stopping of a vehicle;

(B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and

(C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.

(D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.

(21)“Restricted area” means any real property zoned for individual or multifamily housing units, schools, hotels, motels, hospitals, senior care facilities or child care facilities, that has one or more of such units on it.

(22)“Safety or health emergency” means:

(A) a sudden, urgent, or usually unforeseen, occurrence; or

(B) a foreseeable occurrence relative to a medical or physiological condition.

(23)“Senior care facility” is a facility that meets the definition of “residential care facility for the elderly” in Health and Safety Code section 1569.2(k) and that is subject to the requirements of the California Residential Care Facilities for the Elderly Act (Health and Safety Code sections 1569 to 1569.889).

(24)“Sleeper berth” is as defined in title 13, CCR, section 1265.

(25)“Vehicle” is as defined in the California Vehicle Code section 670.

(26)“Workover rig” is as defined in section 2449 of title 13, CCR.

(i) Severability.

If any section, paragraph, subparagraph, sentence, clause, phrase, or portion of the section is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this section.

Note: Authority cited: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013(b), 43013(h), 43018(b) and 43018(c), Health and Safety Code; and *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975), 14 Cal.3d.411. Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42402.4, 42403.5, 42410, 43013, 43018 and 43704, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001 and 40001(b)(5), California Vehicle Code; and Sections 1201, 1900, 1962 and 2480, Title 13, California Code of Regulations.

HISTORY

1. New section filed 1-27-2005; operative 2-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 4).
2. Amendment filed 10-16-2006; operative 11-15-2006 (Register 2006, No. 42).
3. Change without regulatory effect amending subsection (g) and Note filed 3-4-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 10).
4. Amendment of subsections (d)(2)(K)-(L), new subsections (d)(2)(M)-(N), (h)(1) and (h)(21) and subsection renumbering filed 12-3-2009; operative 12-3-2009 pursuant to Government Code section 11343.4(c) (Register 2009, No. 49).
5. Amendment of section and Note filed 12-5-2014; operative 12-5-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 49).
6. Editorial correction of History 5 (Register 2014, No. 50).
7. Repealer of subsections (h)(8)-(10) and subsection renumbering filed 7-25-2016; operative 7-25-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 31).

This database is current through 9/2/16 Register 2016, No. 36.6. Editorial correction of History 5 (Register 2014, No. 50).

Twin Rivers Unified School District
Child Safety Alert System requirements

In accordance with EDC 39831.3 Twin Rivers Unified school district employees will ensure no students are left unattended on any vehicle driven on district business by following the procedures:

Before leaving any vehicle the driver of the vehicle will search the entire vehicle and ensure there is no pupil onboard before leaving the vicinity of the vehicle.

If the vehicle is equipped with a Child Safety Alert system the driver will be properly disarmed the system once the search of the vehicle is completed and it has been determined there is no pupil on board.

At no time may a vehicle equipped with a Child Safety Alert System be used when the system is inoperable.

Tampering with the Child Safety Alert System is cause for immediate suspension of district vehicle driving privileges and/or additional disciplinary action.

I acknowledge that I have read the above procedures, attached "Paul Lee Safety Laws" and policies and I understand the requirement to properly check any vehicle driven with students for any pupil(s) left onboard before leaving the vicinity of the vehicle.

Date: _____

Printed Name: _____

Signature: _____

Witness Name: _____

Signature: _____

Copy of this signed document will be retained in drivers training file and updated yearly.

Paul Lee Safety laws

39831.3.

(a) The county superintendent of schools, the superintendent of a school district, a charter school, or the owner or operator of a private school that provides transportation to or from a school or school activity shall prepare a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of pupils. The plan shall be revised as required. The plan shall address all of the following:

(1) Determining if pupils require escort pursuant to paragraph (1) of subdivision (d) of Section 22112 of the Vehicle Code.

(2) (A) Procedures for all pupils in prekindergarten, kindergarten, and grades 1 to 8, inclusive, to follow as they board and exit the appropriate schoolbus at each pupil's schoolbus stop.

(B) Nothing in this paragraph requires a county superintendent of schools, the superintendent of a school district, a charter school, or the owner or operator of a private school that provides transportation to or from a school or school activity, to use the services of an onboard schoolbus monitor, in addition to the driver, to carry out the purposes of this paragraph.

(3) Boarding and exiting a schoolbus at a school or other trip destination.

(4) Procedures to ensure that a pupil is not left unattended on a schoolbus, school pupil activity bus, or youth bus.

(5) Procedures and standards for designating an adult chaperone, other than the driver, to accompany pupils on a school pupil activity bus.

(b) A current copy of a plan prepared pursuant to subdivision (a) shall be retained by each school subject to the plan and made available upon request to an officer of the Department of the California Highway Patrol.

(Amended by Stats. 2016, Ch. 721, Sec. 2. (SB 1072) Effective January 1, 2017.)

39843.

(a) The county superintendent of schools, the superintendent of a school district, a charter school, or the owner or operator of a private school that provides transportation to or from a school or school activity shall notify the Department of Motor Vehicles, in a form and manner that the Department of Motor Vehicles specifies, within five calendar days after the county office of education, the governing board of a school district, the charter school, the owner or operator of the private school, or, in situations where the transportation services are contracted out, the driver's employer, has done both of the following:

(1) Ordered and upheld disciplinary action, after completion of disciplinary procedures conducted in compliance with rights granted by law or a collective bargaining agreement, against a driver of a schoolbus, school pupil activity bus, or youth bus who was found to have left the immediate vicinity of the vehicle to which the driver had been assigned with an unsupervised pupil onboard.

(2) Made a finding that the driver's actions constituted gross negligence.

(b) For purposes of this section, escorting pupils pursuant to paragraph (1) of subdivision (d) of Section 22112 of the Vehicle Code shall not be considered leaving the immediate vicinity of the vehicle.

(c) For purposes of this section, "gross negligence" means the want of even scant care or an extreme departure from the ordinary standard of conduct.

(Added by Stats. 2016, Ch. 721, Sec. 3. (SB 1072) Effective January 1, 2017.)

39860.

(a) The governing board of a school district may 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 of the school district determines to be for the benefit of the pupils, in this state, and may pay for the transportation out of any funds of the school district available for the purpose.

(b) The governing board of a school district shall require that any contract for the transportation of pupils under this section shall include the requirement that a pupil shall not be left unattended on a schoolbus, school pupil activity bus, or youth bus in accordance with paragraph (4) of subdivision (a) of Section 39831.3.

(Amended by Stats. 2016, Ch. 721, Sec. 4. (SB 1072) Effective January 1, 2017.)

40085.

Applicants seeking to renew a certificate to drive a schoolbus as defined in Section 545 of the Vehicle Code or a school pupil activity bus as defined in Section 546 of the Vehicle Code shall have successfully completed at least 10 hours of original or renewal classroom instruction, or behind-the-wheel or in-service training, during each 12 months of certificate validity. In-service training credit may be given by a state-certified driver instructor of the appropriate class to an applicant for attending or participating in appropriate driver training workshops, driver safety meetings, driver safety conferences, and other activities directly related to passenger safety and driver training. During the last 12 months of the special driver certificate validity, the 10 hours required shall consist of classroom instruction covering, but not limited to, current laws and regulations, defensive driving, accident prevention, emergency procedures, passenger loading and unloading, and the inspection procedures pursuant to paragraph (4) of subdivision (a) of Section 39831.3. Failure to successfully complete the required training during any 12-month period of certificate validity is cause for the Department of Motor Vehicles to cancel the bus driver certificate. All training required by Section 40089 may be accepted in lieu of the requirements of this section.

(Amended by Stats. 2016, Ch. 721, Sec. 5. (SB 1072) Effective January 1, 2017.)

13370.

(a) The department shall refuse to issue or shall revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons, if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of a sex offense as defined in Section 44010 of the Education Code.

(2) Has been convicted, within two years, of an offense specified in Section 11361.5 of the Health and Safety Code.

(3) Has failed to meet prescribed training requirements for certificate issuance.

(4) Has failed to meet prescribed testing requirements for certificate issuance.

(5) Has been convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code, or a serious felony listed in subdivision (c) of Section 1192.7 of the Penal Code. This paragraph shall not be applied to revoke a license that was valid on January 1, 2005, unless the certificate holder is convicted for an offense that is committed on or after that date.

(b) The department may refuse to issue or renew, or may suspend or revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for a

vehicle used for the transportation of developmentally disabled persons, if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of a crime specified in Section 44424 of the Education Code within seven years. This paragraph does not apply if denial is mandatory.

(2) Has committed an act involving moral turpitude.

(3) Has been convicted of an offense, not specified in this section and other than a sex offense, that is punishable as a felony, within seven years.

(4) Has been dismissed as a driver for a cause relating to pupil transportation safety.

(5) Has been convicted, within seven years, of an offense relating to the use, sale, possession, or transportation of narcotics, habit-forming drugs, or dangerous drugs, except as provided in paragraph (3) of subdivision (a).

(6) Has been reported to the Department of Motor Vehicles, pursuant to Section 39843 of the Education Code, for leaving a pupil unattended on a schoolbus, school pupil activity bus, or youth bus.

(c) (1) Reapplication following refusal or revocation under paragraph (1), (2), or (3) of subdivision (a) or any paragraph of subdivision (b) may be made after a period of not less than one year after the effective date of refusal or revocation.

(2) Reapplication following refusal or revocation under paragraph (4) of subdivision (a) may be made after a period of not less than 45 days after the date of the applicant's third testing failure.

(3) An applicant or holder of a certificate may reapply for a certificate whenever a felony or misdemeanor conviction is reversed or dismissed. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code or a dismissal of charges pursuant to Section 1203.4a of the Penal Code is not a dismissal for purposes of this section.

(4) A former applicant or holder of a certificate whose certificate was revoked pursuant to paragraph (6) of subdivision (b) may reapply for a certificate if the certificate revocation is reversed or dismissed by the department.

(Amended by Stats. 2016, Ch. 721, Sec. 6. (SB 1072) Effective January 1, 2017.)

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.

(Amended by Stats. 2018, Ch. 426, Sec. 34. (AB 1840) Effective September 17, 2018.)