



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and college
districts throughout the
state.*

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Ellie R. Austin
Monica D. Batanero
Jennifer Henry
Sarah Hirschfeld-Sussman
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Loren W. Soukup
Erin E. Stagg
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Margaret M. Merchat
Patrick C. Wilson

LEGAL UPDATE

September 24, 2018

To: Superintendents, Member School Districts (K-12)
From: Frank Zotter, Jr., Senior Associate General Counsel *FZ*
Subject: Delayed Implementation of Child Safety Device Installation
on School Buses
Memo No. 20-2018

In Legal Update 15-2018 we advised about the pending requirement for districts to install child safety alert systems on school buses. The requirement was actually imposed by a 2016 law, SB 1072, which added Vehicle Code § 28160, but delayed the effective date of the installation requirement to the beginning of the 2018-19 school year.

There are different kinds of such devices—some are designed to detect motion after a bus has been parked, and both to notify an adult that a child has been left on the bus and audibly assure the child that he or she should remain in place until an adult arrives. Other devices simply require the bus driver to walk to the rear of the bus after parking it to “punch in,” while checking the bus for students in the process.

Because so many districts had to install the devices to comply with the law, the companies that install them became backed up with orders, despite the nearly two-year lead time. Districts pushed for a legislative measure to delay the effective date of the requirement further so that the companies installing the devices could eliminate the backlog of orders.

The Legislature has now adopted, and the Governor has signed, AB 1840, which extends the deadline to comply with the requirement for installation of the devices, and also provides for an even later compliance date for certain school entities, subject to submission of certain documentation to the Department of Motor Vehicles (DMV). Because this was a budget trailer bill, it took effect immediately.

First, as amended, § 28160 extends the compliance date to March 1, 2019. Second, for school districts, county offices of education, or charter schools with



an average daily attendance of 4,000 or fewer that still cannot meet the March 1 deadline, those entities can submit to DMV, on or before March 1, 2019, documentation demonstrating that the entity has, before March 1, 2019, ordered or purchased the child safety alert system or child safety alert systems, and includes an estimate of the total number of vehicles in its bus fleet and the number of those vehicles 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 devices. If those entities provide this information, they then will have until September 1, 2019 to complete installing the devices. The additional six months is also available to any entity besides those described that operates school buses, if it submits that documentation to DMV.

Language included in the bill but not codified states that the Legislature is unlikely to entertain any further extensions beyond the March 1/September 1 deadlines provided for in the bill. Because the incident that prompted the passage of the new law involved a special needs student who died after being left behind on a bus, the Legislature also encourages districts, county offices, et al. to make installation of the devices a priority on buses used to transport special needs students. Any bus that is not compliant by the March 1 or September 1 deadlines, as applicable, will have to be taken out of service until it has been upgraded.

Please contact our office with questions about this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

© 2018 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client's own non-commercial purposes.