

Transportation Department Safety & Training

Unit 3: Bus Operation, Bus Use, Bus Laws and Regulations – Law

Table of Contents

Law		HPH 82.7 Page	Page
13 CCR § 1201	Types of Buses		2
642 VC	Transit Bus		2
2804 VC	Inspection by Patrol Members	82.7 Ref. Pg. 3-1	2
2807 VC	School Bus Inspections	82.7 Ref. Pg. 6-26	2
2808 VC	Private School Bus Requirements	82.7 Ref. Pg. 6-25	2
14606(a) VC	Employment of Person to Drive Motor Vehicle		3
24004 VC	Unlawful Operation after Notice by Officer	82.7 Ref. Pg. 3-1	3
13 CCR § 1212	Hours of Duty	82.7 Ref. Pg. 3-2	3
13 CCR § 1212.5	Maximum Driving and On-Duty Time	82.7 Ref. Pg. 3-4	4
13 CCR § 1213	Driver's Record of Duty Status	82.7 Ref. Pg. 3-9	5
13 CCR § 1213.1	Placing Drivers Out-of-Service	82.7 Ref. Pg. 3-14	5
13 CCR § 1214	Driver Condition	82.7 Ref. Pg. 3-15	6
13 CCR § 1215	Vehicle Condition	82.7 Ref. Pg. 3-16	6
13 CCR § 1216	Transportation of Property	82.7 Ref. Pg. 3-22	8
13 CCR § 1293	Wheelchair School Buses	82.7 Ref. Pg. 5-67	9
13 CCR § 1217	Transportation of Passengers	82.7 Ref. Pg. 3-24	12
13 CCR § 1218	Fueling Restrictions	82.7 Ref. Pg. 3-25	13
13 CCR § 1219	School Bus Accidents	82.7 Ref. Pg. 3-29	13
13 CCR § 1220	Discontinuance from Use	82.7 Ref. Pg. 6-21	13
13 CCR § 1221	Alcoholic Beverages	82.7 Ref. Pg. 6-21	13
13 CCR § 1222	Smoking	82.7 Ref. Pg. 6-21	14
13 CCR § 1223	Driver's Vision	82.7 Ref. Pg. 6-21	14
13 CCR § 1224	Seat Belt Use	82.7 Ref. Pg. 6-21	14
13 CCR § 1225	Headlamps	82.7 Ref. Pg. 6-22	14
13 CCR § 1226	Leaving Driver's Compartment	82.7 Ref. Pg. 6-22	14
40001 VC	Owners Responsibility	82.7 Ref. Pg. 4-1	14
13 CCR § 1229	Driving Proficiency	82.7 Ref. Pg. 4-2	15
13 CCR § 1230	Unlawful Operation	82.7 Ref. Pg. 4-3	15
13 CCR § 1231	Vehicle Inspection Approval Certificate	82.7 Ref. Pg. 3-16	16
13 CCR § 1232	Vehicle Inspection and Maintenance	82.7 Ref. Pg. 4-5	16
13 CCR § 1234	Required Records for Motor Carriers	82.7 Ref. Pg. 4-9	17
13 CCR § 1235	Towing other Vehicles	82.7 Ref. Pg. 4-10	18
13 CCR § 1236	Reporting Driver Status	82.7 Ref. Pg. 4-11	19
34501.15 VC	Driver Placed out of Service	82.7 Ref. Pg. 1-4	19
34501.16 VC	Employee Information	82.7 Ref. Pg. 1-4	19
5 CCR § 14103	Authority of Driver	82.7 Ref. Pg. 6-15	19
Unit 3 Quiz			21

13 CCR § 1201 TYPES OF BUSES

(b) Bus. Every motor vehicle defined in Vehicle Code Sections 233, and 545(k), and every school bus, school pupil activity bus, youth bus, and farm labor bus. Bus “type” is determined as follows:

(1) Type 1. Bus Designed for carrying more than 16 passengers and the driver.

(2) Type 2. Bus Designed for carrying not more than 16 passengers and the driver; or manufactured on or after April 1, 1977, having a manufacturer's gross vehicle weight rating of 10,000 lbs. or less, and designed for carrying not more than 20 passengers and the driver.

642 VC TRANSIT BUS

A “transit bus” is any bus owned or operated by a publicly owned or operated transit system, or operated under contract with a publicly owned or operated transit system, and used to provide to the general public, regularly scheduled transportation for which a fare is charged. A general public paratransit vehicle is not a transit bus.

2804 VC INSPECTION BY PATROL MEMBERS

A member of the California Highway Patrol upon reasonable belief that any vehicle is being operated in violation of any provisions of this code or is in such unsafe condition as to endanger any person, may require the driver of the vehicle to stop and submit to an inspection of the vehicle, and its equipment, license plates, and registration card.

2807 VC SCHOOL BUS INSPECTIONS

(a) The California Highway Patrol shall inspect every school bus at least once each school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

(b) No person shall drive any school bus unless there is displayed therein a certificate issued by the California Highway Patrol stating that on a certain date, which shall be within 13 months of the date of operation, an authorized employee of the California Highway Patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The Commissioner of the California Highway Patrol shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

2808 VC PRIVATE SCHOOL BUS REQUIREMENTS

(a) Except as provided in subdivision (b), all school buses transporting pupils to or from any private school or private school activity shall be subject to the same statutes, rules, and regulations relating to construction, design, operation, equipment, and color as are now or hereafter applicable to school buses transporting pupils to or from any public school or public school activity.

(b) School buses shall be exempt from such statutes, rules, and regulations relating to construction, design, safe operation, and equipment as the Commissioner of the California Highway Patrol shall

determine necessary to permit such school buses to continue in operation or when it appears that the results intended to be attained by such rules and regulations are being accomplished by the use of other methods. Such exemption shall be specified by rule or regulation of the commissioner. No such exemption shall be made which in the opinion of the commissioner would jeopardize the safety of the pupils so transported.

14606(a) VC EMPLOYMENT OF PERSON TO DRIVE MOTOR VEHICLE

(a) A person shall not employ, hire, knowingly permit, or authorize any person to drive a motor vehicle owned by him or her or under his or her control upon the highways unless that person is licensed for the appropriate class of vehicle to be driven.

24004 VC UNLAWFUL OPERATION AFTER NOTICE BY OFFICER

No person shall operate any vehicle or combination of vehicles after notice by a peace officer, as defined in Section 830.1 or subdivision (a) of Section 830.2 of the Penal Code, that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

The provisions of this section shall not apply to an employee who does not know that such notice has been issued, and in such event the provisions of Section 40001 shall be applicable.

13 CCR § 1212 HOURS OF DUTY

(a) General. The rules in this section, unless otherwise specified, apply to all intrastate motor carriers and drivers.

(b) Adverse driving conditions.

(1) A driver who encounters adverse driving conditions, as defined in Section 1201(Definitions), and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by Section 1212.5 (Maximum Driving and On-Duty Time) may drive and be permitted or required to drive for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted to drive:

(A) More than 12 hours in the aggregate for bus drivers and 14 hours for truck drivers following eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers; or

(B) After the driver has been on duty 15 hours following eight consecutive hours off duty for bus drivers and after the end of the 16th hour after coming on duty, following ten consecutive hours off duty, for truck drivers.

(2) Emergency conditions. In the event of a traffic accident, medical emergency, or disaster, a driver may complete his/her run without being in violation of the provisions of these regulations, if such run reasonably could have been completed absent the emergency.

(e) 100 air-mile radius driver. A driver is exempt from the requirements of Section 1213 if:

- (1) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (2) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- (3) The driver of a school bus, school pupil activity bus, youth bus, or farm labor vehicle returns to the work reporting location and is released from work before the end of the 16th hour after coming on duty;
- (4) At least eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers, separate each 12 hours on duty; and
- (5) The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records showing:
 - (A) The time the driver reports for duty each day;
 - (B) The total number of hours the driver is on duty each day;
 - (C) The time the driver is released from duty each day; and
 - (D) The total time for the preceding seven days in accordance with Section 1213(k)(2) for drivers used for the first time or intermittently.
- (6) The permanent record produced by a time-recording device such as a “tachograph” (Figure 1) may be used as a driver's record for any tour of duty for an intrastate driver that does not exceed 15 consecutive hours or the 100 air-mile radius, provided the intrastate bus driver does not exceed ten hours and the intrastate truck driver does not exceed 12 hours maximum driving time following eight consecutive hours off duty for bus drivers and ten consecutive hours off duty for truck drivers, and the driver enters:
 - (A) The time the driver reports for duty each day;
 - (B) The previous days’ time of going off duty; and
 - (C) The data required by Section 1213(e).

13 CCR § 1212.5 MAXIMUM DRIVING AND ON-DUTY TIME

(a) Maximum driving time. Except as provided in Sections 1212(b)(1), 1212(f), 1212(i), 1212(j), 1212(k), and 1212(l), no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive:

- 3) School Bus, School Pupil Activity Bus, Youth Bus and Farm Labor Vehicle Drivers:
 - A. More than ten hours within a work period; or
 - B. After the end of the 16th hour after coming on duty following eight consecutive hours off duty.

13 CCR § 1213 DRIVER'S RECORD OF DUTY STATUS

(a) Carrier responsibility. Except as provided in subsection (b), every motor carrier shall require every driver used by the motor carrier to record his/her duty status for each 24-hour period using the methods prescribed in either paragraphs (a)(1) or (2) of this section.

(1) Every driver shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in paragraph (h) of this section. The grid and the requirements of paragraph (e) of this section may be combined with any company forms. The previously approved format of the Daily Log, Form MCS-59 or the Multiday Log, MCS-139 and 139A, which meets the requirements of this section, may continue to be used.

(2) Every driver shall record his/her duty status by using an automatic on-board recording device that meets the requirements of Section 1213.2. The requirements of Section 1213 shall not apply, except paragraphs (f) and (l).

(3) The record shall be presented for inspection immediately upon request by any authorized employee of the department, or any regularly employed and salaried police officer or deputy sheriff.

13 CCR § 1213.1 PLACING DRIVERS OUT-OF-SERVICE

(a) Driver out-of-service. Members of the department may place a driver out of service, and shall note in the driver's record of duty status that an out-of-service order was given, at the time and place of examination upon finding that the driver:

(1) Has driven or been on duty longer than the periods specified in Section 1212.5, or

(2) Has failed to maintain a driver's record as required by Section 1213 and is unable to establish eligibility to drive pursuant to Section 1212.5.

(b) Eligibility to resume driving. A driver placed out of service pursuant to subdivision (a) shall not operate a motor vehicle until he or she can establish eligibility to drive pursuant to Section 1212.5.

(c) Alcohol zero tolerance. No person may operate a commercial motor vehicle, as defined in Vehicle Code Section 15210, when that person's blood alcohol content is found to be 0.01%, by weight, or greater.

(d) Possession of alcoholic beverages. No person shall be on-duty or operate a commercial motor vehicle while the driver possesses wine of not less than one-half of one per centum of alcohol by volume, beer as defined in 26 United States Code 5052(a), of the Internal Revenue Code of 1954, or distilled spirits as defined in 5002(a)(8) of such code. However, this does not apply to possession of wine, beer, or distilled spirits which are manifested and transported as part of a shipment; or possessed or used by bus passengers.

(1) This does not prohibit an owner-operator using his/her own vehicle in an off-duty status, or a driver using a company truck or tractor in an off-duty status from carrying any bottle, can, or other receptacle containing any alcoholic beverage unless that container has been opened, or a seal broken, or the contents of which have been partially removed, in a commercial motor

vehicle, as defined in Section 15210 of the Vehicle Code, when transported to locations such as a motel, restaurant, or residence.

(e) Alcohol-related out-of-service. Members of this Department shall place a driver out of service, and note in the driver's record of duty status that such an order was given, at the time and place that the driver was found to be in violation of Section 1213.1(c) or (d).

(f) Minimum out-of-service period. A driver placed out of service pursuant to subdivision (c) or (d) shall not operate a commercial motor vehicle for a period of 24 hours

13 CCR § 1214 DRIVER CONDITION (FATIGUE)

No driver shall operate a motor vehicle, and a motor carrier shall not require or permit a driver to operate a motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

13 CCR § 1215 VEHICLE CONDITION

(a) General. It shall be unlawful for the driver to drive a vehicle that is not in safe operating condition or is not equipped as required by all provisions of law and this chapter.

(b) Daily Inspection. Pursuant to Sections 1202.1 and 1202.2, all drivers shall perform vehicle inspections and submit written reports in accordance with the requirements of Title 49, Code of Federal Regulations, Sections 396.11 and 396.13, as follows:

(1) Before driving a motor vehicle, the driver shall:

(A) Inspect each vehicle daily to ascertain that it is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order;

(B) Review the last vehicle inspection report;

(C) Sign the report, only if defects or deficiencies were noted by the driver who prepared the report, to acknowledge that the driver has reviewed it and that there is a certification pursuant to subsection (f) that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

(2) Subsections (B) and (C) do not apply to school bus drivers or publicly owned and operated transit system drivers.

(c) Daily Report. Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated. School bus drivers' reports shall cover at least the items listed in subdivision (d), and all other drivers' reports shall cover at least the following parts and accessories:

- (1) Service brakes including trailer brake connections
- (2) Parking (hand) brake
- (3) Steering mechanism
- (4) Lighting devices and reflectors
- (5) Tires
- (6) Horn
- (7) Windshield wipers
- (8) Rear vision mirrors
- (9) Coupling devices
- (10) Wheels and rims
- (11) Emergency equipment

(d) School bus drivers. For school bus drivers, the inspection shall include, but is not limited to:

- (1) All gauges, indicators, and warning devices
- (2) Horns
- (3) Driver's seat and seat belts
- (4) All doors, door emergency releases, and windows
- (5) All seats, handrails, and modesty panels
- (6) Interior and exterior lighting systems
- (7) All heating, cooling, and ventilating systems
- (8) All glass and mirrors, including adjustment of mirrors
- (9) Windshield wipers and washers
- (10) All required emergency equipment
- (11) All tires, wheels, and lug nuts
- (12) Brake system
 - (A) Air compressor governor cut in and cut out pressures
 - (B) Static pressure for air loss
 - (C) Applied brake pressure loss
 - (D) Low air pressure warning devices
 - (E) Emergency stopping systems (draining reservoirs in dual air systems is not required)
 - (F) Parking brake
 - (G) Antiskid device (if equipped)
 - (H) Vacuum gauge, ensuring it reads not less than 15 inches
 - (I) Low vacuum warning devices
 - (J) Brake pedal for brake adjustment

(e) Report Content. The report shall identify the motor vehicle and all towed vehicles and list any defect or deficiency discovered by or reported to the driver which would affect safety of operation of the motor vehicle or combination or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report(s) shall so indicate. In all instances, the driver shall sign the vehicle inspection report. On two-driver operations, only one driver needs to sign the report, provided both drivers agree as to the defects or deficiencies. If a driver operates more than one vehicle during the day, a report shall be prepared for each vehicle operated.

(f) Corrective Action. Prior to operating a motor vehicle, motor carriers or their authorized agent(s) shall effect repair of any item listed on the motor vehicle inspection report(s) that would be likely to affect the safety of operation of the motor vehicle or any towed vehicles.

(1) Motor carriers or their authorized agents shall certify on the report(s) which lists any defects or deficiencies, that the defects or deficiencies have been corrected or that correction is unnecessary before the vehicle is again dispatched.

(2) Subsection (1) does not apply to school bus or publicly owned and operated transit system motor carriers.

(g) Repairs. Unless the driver of a school bus or SPAB is the mechanic charged with the care and maintenance of the bus, the driver shall not make any repairs of the bus or its equipment except necessary emergency repairs on the road.

(h) Exception. Subsection (c) shall not apply to a motor carrier operating only one motor vehicle, provided the motor vehicle is a motor truck or truck tractor, and the motor carrier is the owner and sole driver of the motor vehicle. A motor carrier, otherwise excepted from the reporting requirement by this subdivision, who tows trailer(s) not owned by or leased to that motor carrier, shall submit documented daily report(s) for the trailers as required by subsection (b). Such reports shall be submitted to the person(s) from whom the trailers were obtained.

(i) Private motor carriers of passengers. The exemption provided to private motor carriers of passengers in 49 CFR Section 396.11(d), shall not apply to intrastate private motor carriers of passengers operating any bus, as defined in Vehicle Code Section 233.

13 CCR § 1216 TRANSPORTATION OF PROPERTY

The following requirements govern the transportation of hazardous materials and other property on buses and farm labor vehicles:

(a) Hazardous Materials. Motor carriers and drivers shall not transport, or knowingly permit passengers to carry, any hazardous material as defined in Vehicle Code Section 353. These restrictions shall not apply to:

(1) Oxygen medically prescribed for, and in the possession of, a passenger and in a container designed for personal use.

(2) Personal-use articles in the immediate possession of a driver or passenger.

(3) Hazardous materials transported in a bus (except a school bus, SPAB, or youth bus) subject to federal jurisdiction and in compliance with the applicable provisions of 49 CFR Part 177.

(b) Fuel. Fuel shall not be transported except in the vehicle's regular fuel tanks.

(c) General Property. Drivers and motor carriers shall not permit any greater quantity of freight, express, or baggage in vehicles than can be safely and conveniently carried without causing discomfort or unreasonable annoyance to passengers. In no event shall aisles, doors, steps, or emergency exits be blocked.

(d) Animals. A driver or motor carrier may refuse to transport dogs or other animals except as provided in Civil Code Section 54.2. When transported upon a bus engaged in public passenger transportation, all other animals shall be muzzled or securely crated to eliminate the possibility of injury to passengers. No animals except those specified in Civil Code Section 54.2 shall be transported in a school bus, SPAB, or youth bus. In such cases, the driver may determine whether the animal should be muzzled.

(e) Tools in Farm Labor Vehicles. All cutting tools or tools with sharp edges carried in the passenger compartment of a farm labor vehicle shall be placed in covered containers. All other tools, equipment, or materials carried in the passenger compartment shall be secured to the body of the vehicle.

(f) Wheelchairs. Wheelchairs transported on buses, except school buses, shall meet the following requirements:

- (1) Brakes. The wheelchair shall have brakes or other effective mechanical means of holding it stationary during raising and lowering of a wheelchair platform.
- (2) Batteries. Batteries used to propel wheelchairs shall be spill resistant or in a spill resistant container and shall be securely attached to the wheelchair.
- (3) Flammable Fuel. The wheelchair shall not use flammable fuel.

13 CCR § 1293 WHEELCHAIR SCHOOL BUSES

Provisions of this section shall apply to all school buses transporting pupils in wheelchairs.

(a) Construction of Body -Basic Provisions. Notwithstanding other provisions of this subchapter, a school bus body that is constructed, altered, or modified for the purpose of installing and operating equipment approved for loading, unloading and transporting physically handicapped pupils and pupils in wheelchairs shall comply with this section and Section 1231. This requirement applies only to those portions of a school bus used to transport pupils in wheelchairs. Pupils not seated in wheelchairs shall be provided aisles, passageways, and exits that conform to all other provisions of law.

(b) Inspection. Each school bus that has been certified pursuant to Vehicle Code Section 2807, and is subsequently modified to conform to the provisions of this section, shall not transport pupils until all changes have been inspected and approved by an authorized employee of the department. The vehicle owner shall provide a wheelchair to be used for testing the performance of vehicle equipment.

(c) Entrance Doors. Entrance doors used by pupils in wheelchairs shall be installed and maintained as follows:

- (1) Type 1 school buses equipped with entrance doors that conform with Section 1281 of this subchapter may also be equipped with an additional entrance door which conforms to the provisions of this section. Each door shall be installed by the body manufacturer or with his written approval and statement, or the written statement of an approved independent engineering testing firm, that the installation of the door will not adversely affect the structural integrity of the vehicle.
- (2) All such doors shall afford easy manual operation from inside or outside the vehicle in case of emergency and shall be protected from accidental opening, except that a means of opening the door from the inside is not required on doors with wheelchair loading devices obstructing the passageway.
- (3) Instructions for the manual operation of the door and wheelchair loading device from outside the vehicle shall be displayed in clear view on the exterior of the vehicle at the exit.

(4) The door shall provide an opening not less than 24 in. wide. There shall be a soft head cushion at least 1/2 in. thick on the inside of the bus at the lower edge of the top of the door opening.

(d) Wheelchair Emergency Exits. School buses transporting pupils in wheelchairs shall have at least two floor-level doors. One door shall be used for the regular loading and unloading of wheelchairs as described in subsection (c). The additional floor-level door shall be an emergency door for the evacuation of pupils in wheelchairs. The additional door shall be equipped and installed at one of the locations specified in Section 1282 for emergency exits. The door shall provide an unobstructed opening not less than 24 in. wide. If a pupil's physical condition prevents that pupil from being readily evacuated through a door 24 in. wide, the door shall be as wide as necessary to permit rapid evacuation of that pupil during an emergency. Type 1 school buses transporting pupils in both wheelchairs and seats shall comply with the requirements of 1282 and 1284 of this subchapter.

(1) Alternate Emergency Exit. Type 2 school buses transporting pupils in wheelchairs and regularly seated pupils may meet the requirement for a left side emergency exit with two emergency windows on the left side providing:

(A) The required rear emergency door is inoperable from the interior due to a retracted wheelchair loading device.

(B) The vehicle is equipped with a right side floor-level emergency door located to the rear of the driver's seat.

(C) The alternate exit consists of not more than two windows each having a minimum opening dimension of 12 in. and a combined total area of at least 564 in. Such exits need be identified and operable only from the bus interior.

(2) Aisles. Aisles on school buses transporting wheelchairs shall be provided as follows:

(A) An emergency passageway with a width of not less than 9 in. shall provide access to each wheelchair station from both the door used to load and unload the wheelchairs and to the floor level emergency exit door required by this section. A wheel-well will not be considered an obstruction for the purposes of this subsection.

(B) Notwithstanding subsection (A), an aisle shall be provided as wide as necessary to effect a rapid evacuation of any wheelchair containing a pupil during an emergency and shall provide access to each wheelchair from both the door used to load and unload the wheelchairs and to the floor level emergency exit door required by this section. An aisle is not considered obstructed if the only obstruction is another wheelchair that can be readily removed.

(e) Wheelchair Loading Devices. Loading devices for the ingress and egress of pupils in wheelchairs shall be installed, maintained, and operated as follows:

(1) Any installation of a wheelchair loading device that requires modification of the vehicle chassis shall be performed by the chassis manufacturer or with the manufacturer's written approval and statement that the chassis modification will not adversely affect the structural integrity of the vehicle.

(2) No loading device shall be constructed or operated in a manner that requires the driver to leave a pupil unattended on the loading device outside the passenger compartment, nor shall any driver permit a pupil to be unattended on a loading device outside the passenger compartment.

(3) Each hoist or elevator-type loading device shall be constructed with a positive method of preventing an un-braked wheelchair from rolling off during the lifting operation.

(4) Any loading device stored inside the vehicle shall be secured to the vehicle in a manner that will prevent hazardous movement during normal operation or in the event of an emergency stop, traffic accident, or vehicle overturn.

(5) Any loading device stored inside the vehicle shall be equipped with padding capable of minimizing injury-producing impact forces, and all exposed edges or other hazardous protrusions shall be padded to within 3 in. of the bus floor.

(6) The travel surface of all loading devices shall be covered with nonskid material.

(f) Securement of Pupils and Wheelchairs. Passengers shall be secured to wheelchairs by a restraining belt specified in subsection (g) while being loaded, unloaded, and transported. Wheelchairs shall be secured as follows:

(1) Wheelchairs shall be secured with fasteners of sufficient strength to prevent the chairs from rotating, prevent the chair wheels from leaving the floor in case of sudden movement, or support the chairs in the event the vehicle is overturned.

(2) Fasteners shall contact the wheelchair on at least three points and shall be spaced to provide the most effective securement. No fastener shall be attached to any door. No fastener shall project more than 1 1/2 in. above the floor in the area between the wheel wells of the vehicle.

(3) Fasteners shall consist of either two webbed belts described in subsection (A) or two all-metal devices described in subsection (B), or one each of such devices, installed in conformance with this subsection.

(A) Webbed safety belts shall meet or exceed federal specifications for Type 2 pelvic restraint seat belts or be certified by the manufacturer to meet or exceed assembly strengths of 5,000 lbs. in loop fashion or 2,500 lbs. on each anchorage leg. Certification may be the manufacturer's specifications listed in catalogs or publications. All new construction of webbed fasteners and repairs to webbing shall conform with standards established by the manufacturer of the webbing. Webbed belts attached directly to the vehicle and securement track used for webbed fastener attachments shall be secured to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts. Bolts used shall provide holding strength equal to or greater than that of two bolts 3/8 in. in diameter and of National Fine Thread SAE grade 5. All fastening of webbing and securement tracks shall be in accordance with the manufacturer's specifications provided that no standard established herein may be violated. Where mounting bolts do not pierce the vehicle frame, sub-frame, body posts, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness and 2 1/2 in. in diameter is required. Smaller diameter washers may be used to install wheelchair securement track provided a minimum of four fasteners and four washers are used for each track installation. These washers shall be not less than 1 1/4 in. in diameter, not less than 1/16 in. in thickness, and have an appropriate inside diameter. In no event shall interior paneling constitute anchorage for a point of securement. When not in use, webbed belts shall be removed or retracted.

(B) All-metal fasteners shall be secured to the vehicle with bolt nuts and lock washers or self-locking nuts of National Fine Thread SAE grade 5 or equivalent. Such devices shall have two points of securement requiring bolts 3/8 in. in diameter or equivalent, or one point of securement requiring a bolt of 1/2 in. in diameter or equivalent. Where mounting bolts do not pierce the

vehicle frame, sub-frame, body post, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness x 2 1/2 in. in diameter is required. In no event shall interior paneling constitute anchorage for a point of securement.

(g) Equipment of Wheelchairs. Wheelchairs shall be equipped as follows:

(1) Brakes and Restraining Belt. Wheelchairs shall be equipped with brakes and a restraining belt properly maintained by the owner of the chair. Electric wheelchairs transported on school buses shall be capable of being locked in gear when placed in a school bus or shall have an independent braking system capable of holding the wheelchair in place.

(2) Batteries. Batteries used to propel electric wheelchairs transported on school buses shall be both leak resistant and spill resistant or shall be placed in a leak resistant container. Batteries shall be secured to the wheelchair frame in such a manner as to prevent separation in the event of an accident.

13 CCR § 1217 TRANSPORTATION OF PASSENGERS

No driver shall drive a vehicle transporting passengers in violation of the following provisions:

(a) Seating Capacity. Except as provided in subsection (e), the number of passengers (excluding infants in arms) shall not exceed the number of safe and adequate seating spaces, or for school buses, school pupil activity buses, youth buses, and farm labor vehicles, the number of passengers specified by the seating capacity rating set forth in the departmental Vehicle Inspection Approval Certificate.

(b) Weight. No more passengers shall be transported than the number whose weight, in addition to the weight of any property transported, can be carried without exceeding the manufacturer's maximum gross vehicle weight rating or the combined maximum rating of the tires supporting each axle.

(c) Step Wells. Passengers shall not be permitted in the front step well of any bus while the vehicle is in motion.

(d) Seat beside Driver. No more than two pupils shall be allowed to occupy the seating space beside the driver of a Type 2 school bus.

(e) Standing Passengers. A vehicle shall not be put in motion until all passengers are seated, and all passengers must remain seated while the vehicle is in motion. Standing passengers are permitted only on a bus (except a school bus, SPAB, or youth bus) operated in regularly scheduled passenger stage service or urban and suburban service by a common carrier or publicly-owned transit system, and equipped with grab handles or other means of support for standing passengers, and constructed so that standing room in the aisle is at least 74 in. high.

(f) Open Doors. While passengers are aboard, a vehicle shall not be put in motion until the doors are closed. The doors shall not be opened until the vehicle is stopped. The doors of a school bus shall be closed while the bus is in motion, whether or not there are passengers in the school bus.

(g) Emergency Exits. While a passenger is aboard, no bus shall be put in motion with any emergency exit locked or otherwise secured against being opened from the inside. While a passenger is aboard, no bus, equipped with emergency exits that are designed to be opened from the outside, shall be put in motion with such emergency exits locked or otherwise secured against being opened from either the outside or

the inside. This paragraph shall not apply to buses operated by or under contract to law enforcement agencies while transporting persons in police custody.

(h) Interior Lighting. During darkness, the driver shall ensure that the interior lighting is sufficient for passengers to enter and exit safely and whenever otherwise deemed necessary.

(i) Ejection of Pupils. The driver of a school bus, youth bus, or SPAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent or school.

(j) Ejection of Pupils. The driver of a SPAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent.

(k) Exemptions. The provisions of subsections (c) and (e) shall not apply to persons testing or training a driver, maintenance personnel, a sale or manufacturers' representative, or an adult acting upon a request by a school bus or SPAB driver to supervise or assist a pupil.

13 CCR § 1218 FUELING RESTRICTIONS

When a vehicle is being refueled, the nozzle of the fuel hose shall be in contact with the intake of the fuel tank throughout the entire time of refueling. No driver or motor carrier shall permit a vehicle to be fueled while the engine is running, a radio on the vehicle is transmitting, the vehicle is close to any open flame or ignition source (including persons who are smoking), or passengers are aboard any bus except one fueled with diesel fuel in an open area or in a structure open on both the entrance and exit ends.

13 CCR § 1219 SCHOOL BUS ACCIDENTS

(a) Reporting. Whenever any school bus accident occurs, the driver shall stop at the scene, immediately notify or cause to be notified the department, his or her employer, and the school district for which the bus may be operated under contract.

(b) Sending for Help. In the event of an accident or emergency, a driver shall not leave the immediate vicinity of the bus to seek aid unless no pupil aboard can be sent to summon help.

13 CCR § 1220 DISCONTINUANCE FROM USE

When a bus is rendered unsafe for continued operation due to accident damage or a mechanical failure, the driver shall discontinue use of the bus and notify the motor carrier of these circumstances. The driver or motor carrier shall then make the necessary arrangements to have the pupils safely transported to their destinations.

13 CCR § 1221 ALCOHOLIC BEVERAGES

Alcoholic beverages shall not be transported in a school bus, PAB, SPAB, or youth bus at any time.

13 CCR § 1222 SMOKING

Smoking is prohibited in a school bus, PAB, or SPAB, at any time. Smoking is defined in Section 22950.5 of the Business and Professions Code.

13 CCR § 1223 DRIVER'S VISION

The driver shall not allow any person to occupy a position that will interfere with the driver's vision to the front or sides, or in the rear view mirrors.

13 CCR § 1224 SEAT BELT USE

The driver shall be properly secured to the driver's seat with the seat belt at all times while the bus is in motion.

13 CCR § 1225 HEADLAMPS

The driver shall ensure the headlamps are lighted while the bus is in motion.

13 CCR § 1226 LEAVING DRIVER'S COMPARTMENT

When a pupil is aboard, the driver shall not leave the driver's compartment without first stopping the engine, effectively setting the parking brake, placing the transmission in first or reverse gear or park position, and removing the ignition keys, which shall remain in the driver's possession. On vehicles with automatic transmissions which do not have a park position, the transmission shall be placed in neutral.

40001 VC OWNERS RESPONSIBILITY

(a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner to request, cause, or permit the operation of any vehicle that is any of the following:

- (1) Not registered or for which any fee has not been paid under this code.
- (2) Not equipped as required in this code.
- (3) Not in compliance with the size, weight, or load provisions of this code.
- (4) Not in compliance with the regulations promulgated pursuant to this code, or with applicable city or county ordinances adopted pursuant to this code.
- (5) Not in compliance with the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board.

(c) Any employer who violates an out-of-service order, that complies with Section 396.9 of Title 49 of the Code of Federal Regulations, or who knowingly requires or permits a driver to violate or fail to comply with that out-of-service order, is guilty of a misdemeanor.

(d) An employer who is convicted of allowing, permitting, requiring, or authorizing a driver to operate a commercial motor vehicle in violation of any statute or regulation pertaining to a railroad-highway grade crossing is subject to a fine of not more than ten thousand dollars (\$10,000).

(e) Whenever a violation is chargeable to the owner or lessee of a vehicle pursuant to subdivision (a) or (b), the driver shall not be arrested or cited for the violation unless the vehicle is registered in a state or country other than California, or unless the violation is for an offense that is clearly within the responsibility of the driver.

(f) Whenever the owner, or lessee, or any other person is prosecuted for a violation pursuant to this section, the court may, on the request of the defendant, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. However, the court may make the driver a codefendant only if the driver is the owner or lessee of the vehicle or the driver is an employee or a contractor of the defendant who requested the court to make the driver a codefendant. If the codefendant is held solely responsible and found guilty, the court may dismiss the charge against the defendant.

(g) In any prosecution under this section, it is a rebuttable presumption that any person who gives false or erroneous information in a written certification of actual gross cargo weight has directed, requested, caused, or permitted the operation of a vehicle in a manner contrary to law in violation of subdivision (a) or (b), or both.

13 CCR § 1229 DRIVING PROFICIENCY

Motor carriers shall require each driver to demonstrate that the driver is capable of safely operating each different type of vehicle or vehicle combination (i.e., vehicles with different controls, gauges, of different size, or requiring different driving skills) before driving such vehicle(s) on a highway unsupervised. The driver's capability to operate the vehicle shall include special equipment such as wheelchair lifts, ramps, or wheelchair tie downs. This Section shall not apply to a motor carrier who is the owner and sole driver of a vehicle or combination of vehicles.

13 CCR § 1230 UNLAWFUL OPERATION

No motor carrier shall knowingly require or permit the operation of any vehicle that is not in safe operating condition or not equipped and maintained as required by any law or this chapter; or knowingly require or permit any driver to drive in violation of any law or this chapter.

(a) **Out-of-Service Vehicles.** Authorized employees of the department may declare and mark any vehicle "out of service" in accordance with Section 1239, when its hazardous condition or loading appears likely to cause an accident, injury, or breakdown. A vehicle so marked shall not be operated, nor shall the out of service notice be removed, until the vehicle is safe to drive.

(b) **Damaged Vehicles.** A vehicle damaged by an accident or other cause shall not be driven from the location where the damage occurred until it has been inspected by a qualified person who has determined that the vehicle is safe to drive.

13 CCR § 1231 VEHICLE INSPECTION APPROVAL CERTIFICATE

A vehicle inspection approval certificate designed and furnished by the department shall be displayed in each school bus, SPAB, youth bus, farm labor vehicle, and GPPV pursuant to Vehicle Code Sections 2807, 2807.1, 2807.3, 31401, and 34501.8. The following provisions shall apply to vehicle inspection approval certificates:

- (a) Display of Certificate. The certificate shall be placed in a certificate holder provided by the motor carrier and posted in an easy-to-reach and visible area of the driver's compartment of the vehicle for which it was issued. The certificate holder shall be designed so the certificate can be easily inserted and removed and is clearly legible under a transparent covering.
- (b) Issuance of Certificate. The certificate shall be issued to the specific vehicle and motor carrier named on the certificate. The certificate will be signed and dated by an authorized employee of the department certifying that on the inspection date the vehicle complied with applicable laws and regulations governing its construction, design, and equipment (and color, if a school bus).
- (c) Youth Bus Inspection Fee. The fee for inspection of a youth bus is eighty-five dollars (\$85). When necessary to verify that corrections have been made, not more than one re-inspection may be scheduled at each terminal or facility without payment of another inspection fee.
- (d) GPPV Inspection. The fee for inspection of a GPPV is fifty dollars (\$50). When necessary to verify that corrections have been made, not more than one re-inspection may be scheduled at each terminal or facility without payment of another inspection fee. Application for inspection of GPPVs shall be made to the department on forms provided by the department and shall be accompanied by the prescribed fees.

13 CCR § 1232 VEHICLE INSPECTION AND MAINTENANCE

The following provisions apply to the inspection and maintenance of vehicles subject to this chapter.

- (a) Preventive Maintenance. Motor carriers shall ensure that all vehicles subject to their control, and all required accessories on the vehicles, are regularly and systematically inspected, maintained, and lubricated to ensure they are in safe and proper operating condition. The carriers shall have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each vehicle and the date or mileage when these operations are due. The inspection required by this subsection is more in depth than the daily inspection performed by the driver. Motor carriers shall ensure compliance with this subsection when a vehicle is assigned away from the carrier's regular maintenance facility for periods exceeding normal inspection, maintenance, and lubrication intervals.
- (b) Periodic Preventive Maintenance Inspection. School bus, SPAB, PAB, and GPPV carriers shall ensure every bus is inspected every 3,000 miles or 45 calendar days, whichever occurs first; or more often if necessary to ensure safe operation. Buses out of service exceeding 45 calendar days need not be inspected at 45-day intervals, provided they are inspected prior to being placed back into service. This periodic inspection shall at a minimum cover:
 - (1) Brake adjustment
 - (2) Brake system leaks
 - (3) Two-way check valve in dual air systems, alternately draining and recharging primary and secondary air reservoirs

- (4) All tank mounting brackets
- (5) All belts and hoses for wear
- (6) Tires and wheels
- (7) Steering and suspension

(c) Oil or Grease Accumulations. Excessive amounts of grease or oil on the vehicle shall be removed and their cause corrected.

(d) Cleanliness of Buses. Every bus shall be kept clean and free of litter.

(e) Inspector Qualifications. Motor carriers shall ensure that individuals performing inspections, maintenance, repairs or service to the brakes or brake systems of vehicles subject to this chapter are qualified in accordance with 49 CFR 396.25 as published on October 1, 2014, which is hereby incorporated by reference.

13 CCR § 1234 REQUIRED RECORDS FOR MOTOR CARRIERS

The following records are required:

(a) Driver's Record. Motor carriers shall require each driver and each co-driver to keep a driver's record pursuant to Section 1213. Motor carriers shall keep the original copies of all drivers' records with any supporting documents, as defined in Section 1201(y), for 6 months. Drivers' records of duty status and all supporting documents shall be made available for inspection immediately upon request by an authorized employee of the department. Drivers' records and/or supporting documents not readily available or accessible shall be made available within 3 business days.

(b) Driver's Authorized Vehicles. Motor carriers shall maintain a record of the different types of vehicles and vehicle combinations each driver is capable of driving as specified in Section 1229.

(c) Driver's Records. School bus, SPAB, youth bus, farm labor vehicle, and GPPV carriers shall maintain a record of required documents for each driver they employ. The carrier shall notify each driver of the expiration date of the documents listed in (1) through (4), and the carrier shall ensure each document is renewed prior to expiration. The record shall contain the following data:

- (1) Driver's license class, number, restrictions and expiration date.
- (2) Driver's certificate restrictions, expiration date, certificate issuance date and driver's date of birth.
- (3) Date medical certificate expires.
- (4) Expiration date of driver's first aid certificate, license as a physician and surgeon, osteopath, or registered nurse, or certificate as a physician's assistant or emergency medical technician when such certificate or license is used to obtain a waiver of the first aid examination pursuant to Vehicle Code Section 12522.
- (5) Date and number of hours of training specified in Education Code Sections 40080-40090 or Vehicle Code Section 12523 since issuance of the driver's current certificate.

(d) Mileage Records. School bus, SPAB, and youth bus carriers shall keep records of the mileage each bus travels during the fiscal year (July 1 through June 30). These records shall be retained for the current fiscal year plus the previous year.

(e) Daily Vehicle Inspection Reports. Motor carriers shall require drivers to submit a documented daily vehicle inspection report pursuant to Section 1215(c). Reports shall be carefully examined, defects likely to affect the safe operation of the motor vehicle or combination or result in a mechanical breakdown shall be corrected before the vehicle or combination is driven on the highway, and carriers shall retain such reports for at least three months.

(f) Inspection, Maintenance, Lubrication, and Repair Records. Motor carriers shall document each systematic inspection, maintenance, and lubrication, and repair performed for each vehicle under their control. These vehicle records shall be kept at the carrier's maintenance facility or terminal where the vehicle is regularly garaged. Such records shall be retained by the carrier for one year and include at least:

- (1) Identification of the vehicle, including make, model, license number or other means of positive identification
- (2) Date or mileage and nature of each inspection, maintenance, lubrication, and repair performed
- (3) Date or mileage and nature of each inspection, maintenance, and lubrication to be performed; i.e., the inspection, maintenance, and lubrication intervals
- (4) The name of the lessor or contractor furnishing any vehicle
- (5) On school bus, SPAB, and GPPV records, the signature of the person performing the inspection

(g) Temporarily Assigned Vehicle. When a vehicle is garaged at other than the carrier's regular maintenance facility for periods exceeding normal intervals for inspection, maintenance, and lubrication, carriers shall ensure the record(s) indicating the date or mileage and nature of these operations to be performed, are kept in the vehicle.

(h) School Bus Accident Reports. School bus carriers shall maintain a report of each accident that occurred on public or private property involving a school bus with pupils aboard. The report shall contain pertinent details of the accident and it shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the carrier shall forward a copy of the report to the local CHP within five work days of the date of the accident.

13 CCR § 1235 TOWING OTHER VEHICLES

A school bus or SPAB shall not tow any vehicle. Other buses and farm labor vehicles shall not tow any vehicle except as follows:

(a) Urban or Suburban Service--Farm Labor Vehicle. A bus operated in urban or suburban service by a common carrier, publicly owned transit system, or passenger charter-party carrier, and a farm labor vehicle, may tow a trailer or semitrailer, used to carry property for use by passengers, provided the trailer/semitrailer and property does not exceed a gross weight of 6,000 lbs.

(b) Bus. A bus may tow a trailer-bus pursuant to the provisions of the Vehicle Code.

(c) Bus Under 10,000 Lbs. GVW. A bus with a gross vehicle weight of less than 10,000 lbs. may tow any vehicle, pursuant to the provisions of the Vehicle Code.

13 CCR § 1236 REPORTING DRIVER STATUS

- (a) Dismissal. Dismissal of any driver for a cause relating to pupil transportation safety shall be reported by the carrier to the Department of Motor Vehicles within five days of the dismissal date.
- (b) Employment or Training Status. Carriers shall notify the local CHP office within 10 calendar days of the hiring of a certified school bus, SPAB, or youth bus driver, or of any driver who fails to receive the training specified in California Education Code Sections 40082, 40083, 40084, 40085 and 40086 or Vehicle Code Section 12523.

34501.15 VC DRIVER PLACED OUT OF SERVICE

- (a) The regulations adopted pursuant to Section 34501 shall require that any driver of a commercial motor vehicle, as defined in Section 15210, be ordered out of service for 24 hours if the driver is found to have 0.01 percent or more, by weight, of alcohol in his or her blood.
- (b) This section shall become operative on January 1, 1992, and shall remain operative until the director determines that federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) contained in that act and Section 391.15 of Title 49 of the Code of Federal Regulations do not require the state to order the operator of a commercial vehicle out of service for 24 hours when the operator has a measurable concentration of alcohol in his or her blood.
- (c) The director shall submit a notice of the determination under subdivision (b) to the Secretary of State, and this section shall be repealed upon the receipt of that notice.

34501.16 VC EMPLOYEE INFORMATION

- (a) Every employer of a commercial driver shall provide information to that employee at the time of hiring and to all employed commercial drivers annually, concerning all of the following:
- (1) The prohibition against driving a commercial motor vehicle with over 0.04 percent or more, by weight, alcohol in his or her blood on and after January 1, 1992.
 - (2) The requirement to be placed out of service for 24 hours if the person's blood-alcohol concentration is tested to be 0.01 percent or more, by weight, on and after January 1, 1992.
- (b) The Department of Motor Vehicles shall include the information prescribed in subdivision (a), together with information concerning the alcohol concentration in a person's blood resulting from consumption of alcoholic beverages, in each publication of the commercial driver's handbook published after January 1, 1990.
- (c) This section shall remain operative until the director determines that federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) do not require the state to implement the prohibitions and requirements in paragraphs (1) and (2) of subdivision (a).
- (d) The director shall submit a notice of the determination under subdivision (c) to the Secretary of State, and this section shall be repealed upon the receipt of that notice.

5 CCR § 14103 AUTHORITY OF THE DRIVER

(a) Pupils transported in a school bus or in a school pupil activity bus shall be under the authority of, and responsible directly to, the driver of the bus, and the driver shall be held responsible for the orderly conduct of the pupils while they are on the bus or being escorted across a street, highway or road. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a pupil to be denied transportation. A bus driver shall not require any pupil to leave the bus enroute between home and school or other destinations.

(b) Governing boards shall adopt rules to enforce this section. Such rules shall include, but not be limited to, specific administration procedures relating to suspension of riding privileges and shall be made available to parents, pupils, teachers, and other interested parties.

UNIT 3 QUIZ

1. A driver can drive 11 hours providing he or she does not go beyond a total of 16 hours on duty.
T____F____
2. It is unlawful for a driver to drive a defective bus even though the supervisor has directed him/her to do so.
T____F____
3. It is permissible for a mechanic to do the daily inspection for a driver who is late for work.
T____F____
4. On a field trip, it is permissible to put soft sleeping bags in front of the rear emergency exits.
T____F____
5. A driver can leave the driver's compartment to handle a pupil problem without shutting the engine off, as long as the brakes are set.
T____F____
6. It is unlawful for a person in a supervisory position of an operation to direct a driver to operate a defective vehicle.
T____F____
7. A driver need not demonstrate driving proficiency when changing vehicle size.
T____F____
8. A substitute driver may transport wheelchair students without first demonstrating the correct wheelchair tie-down procedures.
T____F____
9. Motor carriers shall maintain a record of the different types of vehicles each driver is capable of driving.
T____F____
10. Motor carriers must report to the DMV a driver who has been dismissed for cause relating to pupil transportation safety with five days of the dismissal date.
T____F____