

An act to amend Section 22454 of, to add Sections 22454.3 and 22454.7 to, and to repeal and add Section 22454.5 of, the Vehicle Code, relating to schoolbuses.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22454 of the Vehicle Code is amended to read:

22454. (a) The driver of ~~any~~ a vehicle, upon meeting or overtaking, from either direction, ~~any~~ a schoolbus equipped with signs as required in this code, that is stopped for the purpose of loading or unloading any schoolchildren and displays a flashing red light signal and stop signal arm, as defined in paragraph (4) of subdivision (b) of Section 25257, if equipped with a stop signal arm, visible from front or rear, shall bring the vehicle to a stop immediately before passing the schoolbus and shall not proceed past the schoolbus until the flashing red light signal and stop signal arm, if equipped with a stop signal arm, cease operation.

(b) (1) The driver of a vehicle upon a divided highway with an elevated barrier or unpaved median or multiple-lane highway need not stop upon meeting or passing a schoolbus that is upon the other roadway.

(2) For the purposes of this subdivision, a multiple-lane highway is ~~any~~ a highway that has two or more lanes of travel in each direction.

(c) (1) If a vehicle was observed overtaking a schoolbus in violation of subdivision (a), and the driver of the schoolbus witnessed the violation, the driver may, within 24 hours, report the violation and furnish the vehicle license plate number and description and the time and place of the violation to the local law enforcement agency having jurisdiction of the offense. Actions by a driver to furnish information to law enforcement or not, shall not be used in personnel or disciplinary actions by a school district. That law enforcement agency shall issue a letter of warning prepared in accordance with paragraph (2) with respect to the alleged violation to the registered owner of the vehicle. The issuance of a warning letter under this paragraph shall not be entered on the driving record of the person to whom it is issued, but does not preclude the imposition of any other applicable penalty.

(2) The Attorney General shall prepare and furnish to every law enforcement agency in the state a form letter for purposes of paragraph (1), and the law enforcement agency may issue those letters in the exact form prepared by the Attorney General. The Attorney General may charge a fee to any law enforcement agency that requests a copy of the form letter to recover the costs of preparing and providing that copy.

(d) This section also applies to a roadway upon private property.

(e) A violation of this section is not a crime and is not considered a moving violation for the purpose of assessing points under Section 12810.5. Imposition of a civil penalty pursuant to Section 22454.5 does not constitute a conviction, shall not be made a part of the driving record of the person upon whom the liability is imposed, and shall not be used for any purposes in the provision of motor vehicle insurance.

SEC. 2. Section 22454.3 is added to the Vehicle Code, to read:

22454.3. (a) As used in this section, the following terms have the following meanings:

(1) "Schoolbus" has the same definition as in subdivision (a) of Section 545.

(2) "Stop signal arm enforcement system" means a camera system affixed to the outside of a schoolbus with two or more camera sensors or computers that produce recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates Section 22454.



(b) A school district may install and operate a stop signal arm enforcement system on a schoolbus for the purpose of enforcing Section 22454. The school district shall post a warning sign or sticker on all schoolbuses in which a system is installed and operational indicating the use of the system.

(c) The school district may contract with a private vendor or manufacturer to provide a stop signal arm enforcement system on each bus within its fleet, whether owned, contracted, or leased, and for services, including, but not limited to, the operation and maintenance of the system. The rate of the contract shall be mutually agreed to by the parties, and monetary obligations to the private vendor or manufacturer arising out of the contract shall be fulfilled solely from penalties allocated to the school district pursuant to Section 22454.5. Under no circumstances shall the monetary value of the contract between the school district and a private vendor or manufacturer for stop signal arm enforcement system services exceed the revenues generated by those penalties.

(d) Each school district, private manufacturer, or vendor shall, within 30 days after an alleged violation is captured, submit all of the following information to a law enforcement agency authorized to enforce violations of Section 22454:

- (1) A copy of the recorded image showing the motor vehicle.
- (2) The license plate number and state of issuance of the motor vehicle.
- (3) The date, time, and place of the alleged violation.

(e) A law enforcement agency authorized to enforce violations of Section 22454 shall review the information submitted by the school district, private manufacturer, or vendor pursuant to subdivision (d) to determine whether there is sufficient evidence that a violation of Section 22454 occurred and, if the evidence shows a violation occurred, shall certify a notice of violation.

(f) Upon request by the law enforcement agency, the school district shall provide written documentation that the stop signal arm enforcement system was operating correctly at the time of the alleged violation.

(g) A citation based on inspection of recorded images produced by a stop signal arm enforcement system and sworn to or affirmed by a peace officer authorized to enforce violations of Section 22454 shall be prima facie evidence of the facts contained in it. A recorded image evidencing a violation of Section 22454 shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation. A rebuttable presumption shall exist that the registered owner of the motor vehicle was the driver at the time of the alleged violation.

(h) Within 30 days after receiving the information provided pursuant to subdivision (d), a law enforcement agency authorized to enforce violations of Section 22454 shall send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. Mailing the notice of violation constitutes notification. In the case of joint ownership of a motor vehicle, the notice of violation shall be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used.

(i) The notice of violation shall include all of the following:

- (1) A copy of the recorded image showing the motor vehicle involved in the violation.
- (2) A citation for the violation indicating the date, time, and location of the alleged violation.



(3) The amount of the civil penalty and the date by which the penalty shall be paid.

(4) Instructions on how to request a hearing to contest liability or notice.

(5) A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed shall waive the right to contest liability.

(j) The owner of the motor vehicle involved in a violation may admit responsibility for the violation and pay the fine as indicated on the notice of violation. Payment of the fine operates as a final disposition of the civil penalty.

(k) If a violation has not been contested and the civil penalty has not been paid within 30 days after a notice is mailed pursuant to subdivision (h), the law enforcement agency shall send by first-class mail a final notice of the unpaid civil penalty. The final notice shall inform the owner that the law enforcement agency shall notify the department if the civil penalty is not paid within 30 days after the final notice was mailed and that notice shall result in the nonrenewal of the registration of the motor vehicle and prohibit the title transfer of the motor vehicle within this state.

(l) A notice sent to the department pursuant to subdivision (k) shall include all of the following:

(1) Any information known or available to the law enforcement agency concerning the motor vehicle's license plate number and year of registration and the name of the registered owner of the motor vehicle.

(2) The date on which the violation occurred.

(3) The dates on which the required notice and final notice were mailed.

(4) The seal, logo, emblem, or electronic seal of the law enforcement agency.

(m) Within five days after receipt of a notice described in subdivision (l), the department shall enter the notice into the department's motor vehicle database and shall refuse to renew the registration of the motor vehicle and prohibit the title transfer of the motor vehicle within this state until the civil penalty is paid.

(n) The department shall send the registered owner of the motor vehicle by first-class mail a notice stating all of the following:

(1) That the registration of the motor vehicle involved in the violation cannot be renewed within this state.

(2) That the title of the motor vehicle involved in the violation cannot be transferred within this state.

(3) That the penalties are being imposed due to failure to pay the civil penalty for a violation of Section 22454 as provided in this section.

(4) The procedure provided in subdivision (o) for removing the penalties.

(o) The department shall remove the restrictions imposed pursuant to subdivision (n) when the registered owner of the motor vehicle or any other person presents the department with adequate proof that the civil penalty has been paid or otherwise adjudicated.

(p) The owner of a motor vehicle is not responsible for a violation of Section 22454 cited pursuant to this section if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time of the violation.

(q) Notwithstanding any other law, equipment deployed as part of a stop signal arm enforcement system as provided under this section shall be incapable of automated or user controlled remote surveillance by means of recorded video or still images. Recorded images collected as part of the stop signal arm enforcement system may only



be used to document violations of Section 22454 and shall not be used for any other surveillance purposes, including, but not limited to, employee surveillance or discipline. To the extent practicable, a stop signal arm enforcement system shall use necessary technology to ensure that recorded video or still images produced by the system do not identify the driver, any passenger, or the contents of a motor vehicle. A notice of a violation of Section 22454 issued pursuant to this section shall not be dismissed solely because a recorded video or still images allow for the identification of the driver, any passenger, or the contents of a motor vehicle as long as a reasonable effort has been made to comply with this subdivision.

(r) Any recorded video or still image obtained through the use of a stop signal arm enforcement system shall be destroyed within 90 days after the final disposition of the recorded event. The vendor of a stop signal arm enforcement system shall provide the school district with written notice by December 31 of each year that these records have been destroyed in accordance with this section.

(s) Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a stop signal arm enforcement system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section. Notwithstanding any other law, photographic records made by a stop signal arm enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this section. Photographic records made by a stop signal arm enforcement system shall not be sold for any purpose. A school district may provide photographic records to law enforcement or government agencies for education or training of law enforcement or vehicle operators. A law enforcement or government agency that receives photographic records for education or training purposes shall redact license plates and any other identifying information, including, but not limited to, an individual's face. Confidential information obtained from the department for the administration or enforcement of this section shall be held confidential, and shall not be used for any other purpose.

(t) By July 1, 2024, and annually thereafter, a school district operating a stop signal arm enforcement system shall provide a summary report, pursuant to Section 9795 of the Government Code, to the Governor, the Legislature, and the department regarding the use and operation of the system under this section, including the number of citations issued and the amount of funds collected for the preceding state fiscal year.

(u) Except as otherwise provided in this subdivision, a stop signal arm enforcement system shall meet specifications established by the State Board of Education and shall be tested at regular intervals according to specifications prescribed by state board rule. The state board shall establish the specifications by rule on or before July 1, 2023. However, any equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2023, or equipment used to enforce violations of Section 22454 on or before July 1, 2023, is not required to meet the specifications established by the state board.

(v) The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a stop signal arm enforcement system.

(w) The State Board of Education shall adopt regulations to ensure that a penalty imposed pursuant to Section 22454.5 for a violation of Section 22454 captured by a stop signal arm enforcement system be imposed after providing notice of the violation



and after an opportunity to dispute the charge before the responsible enforcement agency.

(x) Installation or operation of a stop signal arm enforcement system on a schoolbus does not preclude a schoolbus driver from reporting a violation of Section 22454 pursuant to paragraph (1) of subdivision (c) of Section 22454.

(y) (1) A school district shall incorporate a regular review and attestation of the proper functioning of a stop signal arm enforcement system into its routine procedures for ensuring a schoolbus' safeness.

(2) If a district and a union representing classified employees agree that new duties shall be imposed on the employees pursuant to this section, the district shall provide training on those new duties which shall take place during the schoolday and the employees shall be compensated for their time at their regular rate of pay for attending the training.

(z) A driver of a schoolbus equipped with a stop signal arm enforcement system shall not incur any increased liability or be liable for the operation of that system.

SEC. 3. Section 22454.5 of the Vehicle Code is repealed.

~~22454.5. Notwithstanding Section 42001, a person convicted of a first violation of Section 22454 shall be punished by a fine of not less than one hundred fifty dollars (\$150) or more than two hundred fifty dollars (\$250). A person convicted of a second separate violation of Section 22454 shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000). If a person is convicted of a third or subsequent violation of Section 22454 and the offense occurred within three years of two or more separate violations of Section 22454, the Department of Motor Vehicles shall suspend the person's privilege to operate a motor vehicle for one year.~~

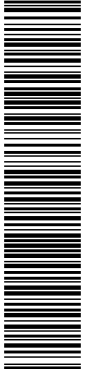
SEC. 4. Section 22454.5 is added to the Vehicle Code, to read:

22454.5. A person in violation of Section 22454 shall be punished by a civil penalty of three hundred dollars (\$300). Two hundred fifty dollars (\$250) shall be allocated to the school district associated with the schoolbus, twenty-five dollars (\$25) shall be allocated to the law enforcement agency that issued the citation, and twenty-five dollars (\$25) shall be allocated to the Safe Kids Safe Streets Fund created pursuant to Section 22454.7, to be used, upon an appropriation by the Legislature, for reimbursement for home-to-school transportation, pursuant to Section 41850.1 of the Education Code.

SEC. 5. Section 22454.7 is added to the Vehicle Code, to read:

22454.7. The Safe Kids Safe Streets Fund is hereby created in the State Treasury. Upon appropriation by the Legislature, the moneys in the fund shall be used for reimbursement for home-to-school transportation, pursuant to Section 41850.1 of the Education Code.

SEC. 6. The Legislature finds and declares that Section 2 of this act, which adds Section 22454.3 to the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:



In order to protect the individual privacy rights of those individuals depicted in video camera footage relating to schoolbus stop signal arm enforcement violations, it is necessary that this act limit the public's right of access to the images captured by stop signal arm enforcement systems installed on schoolbuses operated by a school district.

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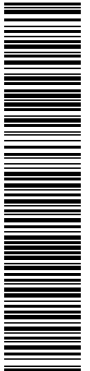
LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____.
General Subject: Schoolbuses: stop signal arm enforcement system.

Existing law requires the driver of any vehicle, upon meeting or overtaking any schoolbus equipped with required signs that is stopped for the purpose of loading or unloading any schoolchildren and displaying a flashing red light signal and stop signal arm, if equipped with a stop signal arm, to bring the vehicle to a stop immediately before passing the schoolbus and to not proceed past the schoolbus until the flashing red light signal and stop signal arm cease operation. A violation of these provisions is a crime. Under existing law, a driver is not required to stop if they are on the other roadway of a divided or multiple-lane highway, as defined.

This bill would require a driver to stop on a divided highway, unless there is an elevated barrier or the median is unpaved, and would instead punish a violation of the prohibition with a civil penalty.

This bill would authorize a school district to install and operate a stop signal arm enforcement system, as defined, for the purpose of enforcing the prohibition described above. The bill would allow school districts to contract with private vendors for the equipment, operation, and maintenance of a stop signal arm enforcement system. The bill would require additional signage on schoolbuses relative to the stop signal arm enforcement system. The bill would prohibit equipment deployed as part of a stop signal arm enforcement system from being capable of automated or user controlled remote surveillance and would prohibit the equipment's use for any surveillance purpose except as specified. The bill would make any information, image, or other data captured or generated by the stop signal arm enforcement system confidential, and available only to specified entities for limited purposes, including enforcement and training. The bill would require all alleged violations captured by a stop signal arm enforcement system to be sent within 30 days to a law enforcement agency with specified information, such as a copy of the recorded image and the license plate number. The bill would require a law enforcement agency to review the information, determine if a violation occurred, and issue a citation for a civil penalty when appropriate to the registered owner of the vehicle. The bill would require that a civil penalty that was not paid within 60 days be referred to the Department of Motor Vehicles. The bill would require the department to prohibit the renewal of the vehicle's registration or title transfer until the penalties are resolved and give notice to the registered owner of the prohibition, among other things. The bill would require the State Board of Education to adopt regulations to provide due process to those cited as a result of a stop signal arm enforcement system and would authorize the board to adopt rules to address student privacy concerns. The bill would require a school district operating a stop signal arm enforcement system to provide an annual report to certain state entities on the use and operation of the system, as described.



Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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