

**State of California
Office of Administrative Law**

In re:
California Highway Patrol

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections:

Amend sections: 1222

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2020-0818-01

OAL Matter Type: Regular (S)

In this regular rulemaking action the California Highway Patrol amends one section to clarify that smoking of any kind is prohibited on school buses at all times.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2021.

Date: October 27, 2020



Amy R. Gowan
Attorney

For: Kenneth J. Pogue
Director

Original: Warren A. Stanley,
Commissioner

Copy: Jantze Bowie

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|------------------|--------------------------------------|--|------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2020-0323-01 | REGULATORY ACTION NUMBER 2020-0818-01 | EMERGENCY NUMBER \$ |
|------------------|--------------------------------------|--|------------------------|

| | |
|--|-------------|
| For use by Office of Administrative Law (OAL) only | |
| NOTICE | REGULATIONS |

2020 AUG 18 A 9:23
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 27 2020
1:25 PM

| | |
|---|---|
| AGENCY WITH RULEMAKING AUTHORITY California Highway Patrol | AGENCY FILE NUMBER (if any) CHP-R-2019-06102 |
|---|---|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|---|--|------------------------------------|---|
| 1. SUBJECT OF NOTICE Smoking on School Bus | TITLE(S) 13 | FIRST SECTION AFFECTED 1222 | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON Jantze Bowie | TELEPHONE NUMBER (916) 843-3340 | FAX NUMBER (Optional) (916) 322-3175 |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER 2020, 14-2 | PUBLICATION DATE 4/3/20 | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | |
|---|-------------------------------|--|
| 1a. SUBJECT OF REGULATION(S) Smoking on school bus | per agency request <i>all</i> | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|---|-------------------------------|--|

| | |
|---|---------------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | ADOPT |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | AMEND 1222 |
| TITLE(S) 13 | REPEAL |

| | | | | |
|-------------------|---|---|---|---|
| 3. TYPE OF FILING | <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| | <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| | <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input type="checkbox"/> Other (Specify) _____ | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

| | | | |
|-----------------------------------|------------------------------------|---|--|
| 7. CONTACT PERSON Jantze Bowie | TELEPHONE NUMBER (916) 843-3435 | FAX NUMBER (Optional) (916) 322-3175 | E-MAIL ADDRESS (Optional) jdouglas-bowie@chp.ca.gov |
|-----------------------------------|------------------------------------|---|--|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>W. A. Stanley</i> | DATE 2/24/20 |
| TYPED NAME AND TITLE OF SIGNATORY W. A. STANLEY, Commissioner | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 27 2020

Office of Administrative Law

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FINAL TEXT

Title 13, California Code of Regulations, Division 2, Chapter 6.5 Motor Carrier Safety Article 4. Smoking

§ 1222 Smoking

~~When a pupil is aboard,~~ 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.

Note: Authority cited: Sections 34501, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code;

Reference: Sections 545, 546, 34501, 34501.5 and 34508, Vehicle Code; Section 39831, Education Code; Sections 118880 and 118920, Health and Safety Code; and Section 22950.5, Business and Professions Code.