

**State of California
Office of Administrative Law**

In re:
California Highway Patrol

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections:
Amend sections: 1294
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0310-01

OAL Matter Type: Regular (S)

The California Highway Patrol in this action is removing expired provisions and repetitive language. Additionally, language is being amended to define the requirements for deactivation of the child safety alarm system required to be in certain vehicles.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2022.

Date: April 22, 2022


Peggy J. Gibson

For: Senior Attorney

Kenneth J.
Pogue Director

Original: Amanda L. Ray, Commissioner
Copy: Kasonja Pochop

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADOPTED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, ARTICLE 9,
AMEND SECTION 1294

**CHILD SAFETY ALERT SYSTEMS
(CHP-R-2020-06205)**

Existing text:Times New Roman 12 point font.
Additions:Times New Roman 12 point font with single underline.
Deletions:~~Times New Roman 12 point font with strikethrough~~

§ 1294. Child Safety Alert Systems

(a) ~~On or before the beginning of the 2018-2019 school year and continuously thereafter, unless otherwise exempted, a~~All school buses, school pupil activity buses, youth buses, and child care vehicles subject to this chapter shall be equipped with an operational child safety alert system meeting the requirements of this section. ~~The beginning of the school year shall be determined by the county superintendent of schools, the superintendent of any school district, or the owner or operator of any private school. The requirement is applicable to any vehicle transporting pupils to or from school or a school activity, based on the school year of the school attended by the pupils transported.~~

(b) ~~Upon movement of the vehicle, The~~ child safety alert system shall be automatically activated. within ~~The device need not activate for the first three minutes of vehicle movement or prior to the time the vehicle reaches a speed of 10 miles per hour, whichever occurs first. When not more than three minutes have elapsed or the vehicle reaches a speed of not more than 10 miles per hour, Once activated,~~ the child safety alert system shall ~~be automatically activated and~~ require the driver to manually contact or scan the device prior to exiting the vehicle. ~~The device~~ vehicle shall not be equipped with any method to deactivate the device except as provided within this section.

(c) Following activation of the child safety alert system as required by subsection (b), ~~within not more than three minutes of the time the vehicle is stopped, the parking brakes are applied, the ignition is in the off position, and all floor-level doors are closed,~~ the child safety alert system shall cause a tone or, ~~a~~ flashing light, or both, to be emitted from the vehicle. The tone or flashing light shall be audible or visible at least 50 feet from the vehicle with all doors and windows in the closed and locked position. Notwithstanding any permitted time delay, an activated child safety alert system shall immediately cause the required audible or visible warning, or both, to be emitted when any floor-level door is opened. The device shall cause continuous emission of the required audible or visible warning, or both, for not less than 30

continuous minutes. ~~The~~ driver's manual contact with, or scanning of the device, shall deactivate the device and cause the audible and visible warning to cease. Once active, the device shall not be deactivated under any circumstance ~~unless the vehicle is stopped, the parking brakes are applied, the ignition is in the off position, and all floor level doors are closed, or by any method except as provided within this section, prior to the driver exiting the vehicle.~~

(c)(1) The device may be connected to a flashing red light signal system required by Section 25257 CVC, or other required or permitted device to preclude the emission of warning tones or flashing lights while the driver is actively engaged in loading, unloading, or escorting pupils as required by law. The device shall remain activated as required by this section unless and until the driver manually contacts or scans the device. Following manual contact or scanning of the device, the device shall again be activated upon subsequent movement of the vehicle.

(c)(2) Child safety alert systems may be designed in a manner which delays the audible or visible warning for not more than three minutes from the time the vehicle is stopped, the parking brakes are applied, the ignition is set to the off position, and all floor-level doors are closed; until the time the tone or, flashing lights, or both, begin to be emitted. The tone or, flashing lights, or both, shall cease upon manual contact or scanning of the device by the driver.

(c)(3) When the device is configured with only flashing lights, the light shall be visible from any location within the interior of the vehicle and for 360 degrees around the exterior of the vehicle. Vehicle headlamps, tail lamps, or other required exterior lighting devices may be used in fulfilling the exterior visibility requirement. The vehicle horn required by Section 27000 CVC may be used to fulfill the tone-emitting requirement.

(c)(4) The child safety alert system shall be designed so that when the device is activated, ~~the vehicle is stopped, the parking brakes are applied, the ignition is in the off position, and all floor level doors are closed, prior to the driver exiting the vehicle,~~ sufficient lighting is immediately provided within the interior of the vehicle to facilitate a full and thorough inspection of the interior of the vehicle, including, but not limited to, interior package-carrying areas, under all seats, and throughout the driver compartment. The required interior lighting shall remain illuminated for not less than one minute following deactivation of the device and shall be extinguished automatically. Interior lights required by Section 1217 of this chapter may be used in fulfilling this requirement.

(c)(4)(A) When the design of a vehicle precludes configuration of the device to ensure illumination of the interior of the vehicle as required, the driver shall be responsible to ensure sufficient illumination is provided. Any design preclusion shall be certified by the vehicle manufacturer or an independent engineer, in writing. A legible copy of the certification shall be carried on the vehicle. The original certification shall be retained by the vehicle operator or motor carrier for the duration of time the vehicle is in their possession and transferred to the next operator upon sale or change of possession of the vehicle. ~~The~~ A legible copy or the original certification shall be made available for inspection by any authorized employee of the department, a parent, or guardian of a pupil transported on the vehicle, or any interested member of the public.

(d) The child safety alert system shall be permanently mounted at the rearmost portion of the interior of the vehicle in a manner which ensures the device remains secure during all normal modes of vehicle operation. The device and mounting shall be secure, resistant to tampering, and of sufficient strength and durability to withstand normal and anticipated movement of the vehicle without detriment to the device or mounting integrity.

(e) A child safety alert system shall be capable of operation under all reasonably anticipated conditions of temperature, time, vehicle loading, or vehicle status. Any such device may be powered by mechanical, electrical, or electro-mechanical means of sufficient measure to ensure the device and all required warning tones and lamps function as required and remain in operation for the duration required by this section. The device may be connected to the vehicle electrical system for power or functionality, but shall not require any item or element of design required by the Federal Motor Vehicle Safety Standards, any requirement of law, or any regulation to be disabled, removed, or rendered ineffective.

(f) Any malfunction of the child safety alert system shall be documented and retained by the motor carrier or operator of the vehicle for not less than two years. Documentation shall include a description of the malfunction, any repairs or adjustments made to restore correct functionality, and be made available for inspection upon request of any authorized employee of the California Highway Patrol.

(f)(1) A driver who encounters any device malfunction shall immediately report the malfunction to the motor carrier or operator of the vehicle. The report may be made initially via radio or other electronic communication. When verbal or other electronic notification is made, the driver shall also note the malfunction on the driver's vehicle condition report required by Section 1215, or other document submitted to the motor carrier or operator of the vehicle, to ensure proper notification.

(g) Definitions. For the purpose of the section, the following definitions apply.

(g)(1) A "child safety alert system" is a device located at the rearmost portion of the interior 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. ~~A child safety alert system is an electronic, mechanical, or electro-mechanical device, installed at the rearmost portion of the interior of the vehicle which requires the driver to manually, electronically, or a combination of manually and electronically contact the device prior to exiting the vehicle.~~ The term 'electronically contact' means to swipe or scan as defined in (g)(3) of this section.

(g)(2) ~~Manually contact~~ means the driver makes physical contact with the device for the purpose of interacting with it. This contact may take the form of pushing a button, entering a unique personal identification code, or other means of ensuring the driver contacts the device in a manner which is recognized by the device.

(g)(3) Swipe or scan the device means the driver interacts with the device by means of a card or other electronic or electro-mechanical device, or the device conducts biometric identification of

an individual person in a manner which is recognized by the device. Swiping or scanning the device must require the driver, card, or other device to be within not more than six inches of the device and prohibits the use of any device which permits deactivation of the device in any manner not permitted or required by this section.

(g)(4) Prior to the driver exiting the vehicle means the vehicle is stopped, the parking brakes are applied, the ignition is in the off position, all floor-level doors are closed, and prior to the time the driver exits the vehicle by means of a floor-level door. A driver loading or unloading pupils, or escorting pupils pursuant to Section 22112 CVC, is not deemed to have exited the vehicle for the purpose of this section.

(g)(5) Active, activate, or activated means the child safety alert system is armed and will cause a tone or a flashing light, or both, to be emitted from the vehicle under the conditions and in the manner required by this section. Any device so activated shall require the driver to manually contact or scan the device prior to exiting the vehicle.

(g)(6) Audible or visible warning means the tone or flashing lights, or both, required by this section.

(g)(7) Flashing lights means lighting devices which operate at a rate of 60 to 120 flashes per minute, with a 40 to 60 percent on-time under all operating conditions.

(g)(8) Tone means an audible sound which is readily recognizable as a warning. The tone may be unvarying, variable, or discontinuous sound which repeats at a rate lower than 90 cycles per minute. The sound frequency, including any harmonics, shall be lower than 100 hz or higher than 5,000 hz.

Note: Authority cited: Sections 28160, Vehicle Code. Reference: Sections 28160, and 34506, Vehicle Code.