

**State of California
Office of Administrative Law**

In re:
California Highway Patrol

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections: 1294

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

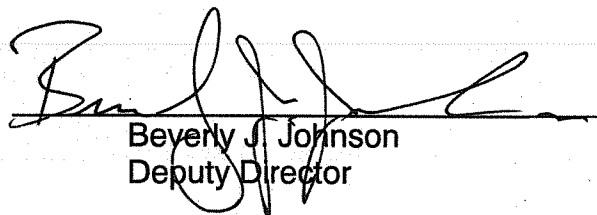
OAL Matter Number: 2017-1115-02

OAL Matter Type: Regular (S)

This regulatory action by the Department of the California Highway Patrol (CHP) adopts section 1294 in title 1 of the CCR regarding Child Safety Alert Systems (CSAS). Specifically, the action implements California Vehicle Code section 28160, Statutes 2016, chapter 721 (SB 1072), which requires that specified vehicles, school buses, school pupil activity buses, youth buses, or child care vehicles, be equipped with a CSAS on or before the beginning of the 2018-2019 school year.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2018.

Date: December 28, 2017



**Beverly J. Johnson
Deputy Director**

For: Debra M. Cornez
Director

Original: Joe Farrow, Commissioner
Copy: Joseph Mosinski

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-2017-0801-03	REGULATORY ACTION NUMBER 2017-1115-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		<p style="text-align: center;">2017 NOV 15 P 2:18</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of the California Highway Patrol			AGENCY FILE NUMBER (If any) IM-2245-2017, CHP-R-2017-05

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

DEC 28 2017

1:49pm

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

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2017-322	PUBLICATION DATE 8/11/2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Child Safety Alert Systems	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1294
	AMEND
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 §511346.2-11347.3 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) **January 1, 2018**

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 56660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Officer Joseph Mosinski	TELEPHONE NUMBER (916) 843-3400	FAX NUMBER (Optional) (916) 322-3154	E-MAIL ADDRESS (Optional) CVSRegs@chp.ca.gov
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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.	For use by Office of Administrative Law (OAL) only
SIGNATURE OF AGENCY HEAD OR DESIGNEE 	ENDORSED APPROVED
TYPED NAME AND TITLE OF SIGNATORY C.C. Costigan, Assistant Chief	DEC 28 2017
DATE 11/15/17	Office of Administrative Law

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADOPTED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, ARTICLE 6,
ADD SECTION 1294

**CHILD SAFETY ALERT SYSTEMS
(CHP-R-2017-05)**

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

**Title 13, California Code of Regulations,
Chapter 6.5. Motor Carrier Safety
Article 6. Carrier Requirements**

§ 1294. Child Safety Alert Systems

(a) On or before the beginning of the 2018–2019 school year and continuously thereafter, unless otherwise excepted, all school buses, school pupil activity buses, youth buses, and child care vehicles subject to this chapter shall be equipped with a 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. 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, 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 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 (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, 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. Driver 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 deactivate 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.

(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, flashing lights, or both begin to be emitted. The tone, 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, 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 legible copy or the original 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) 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 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 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, 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, flashing lights, or both required by this section.

(f)(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.