

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

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

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

In compliance with the requirements of Section 28160 of the California Vehicle Code (CVC), the California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (CCR), Division 2, Chapter 6.5, Article 9, Section 1294, to be consistent with the specifications, installation, and use of child safety alert systems (CSAS).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 17, 2018, Governor Brown signed Assembly Bill (AB) 1840 (Chapter 426, Statutes of 2018) into law. Assembly Bill 1840 was an education budget trailer bill which included a provision relating to CSAS devices. A CSAS is a device located at the rearmost portion of the interior of a vehicle that required 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. The CSAS is an electronic, mechanical, or electro-mechanical device which requires manual, electronic, or a combination of manual and electronic contact for deactivation. Additionally, the State Legislature amended Section 28160 CVC to reflect changes to the effective dates for carriers required to use the CSAS.

The proposed rulemaking action will make substantive changes to repeal outdated or obsolete provisions, make conforming and clarifying changes, and make other nonsubstantive changes. Amending or repealing these regulations will ensure necessary specifications, installation, and use of the CSAS pursuant to Section 28160 CVC. The changes are intended to provide clarity specific to the activation/deactivation of the CSAS, and to remove repetitive statements which contribute to confusion for both the public and enforcement personnel. This proposed action conforms to the Legislative intent contained in AB 1840 as enacted in the 2018 legislative session.

Anticipated Benefits of the Proposed Regulations:

This amendment will continue to provide nonmonetary benefits by protecting the health, safety, and welfare of individuals transported on specified vehicles by ensuring necessary specifications, installation, and use of the CSAS. The proposed regulations provide the regulatory authority for enforcement efforts as they relate to requirements of the CVC, and clarity of currently adopted regulations.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined the proposed regulations are neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded that these are the only regulations that concern the CSAS.

PUBLIC COMMENTS

Interested persons may submit written comments on this proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Officer Kasonja Pochop
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until December 13, 2021.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an Initial Statement of Reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulations text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

Documents regarding the proposed action are available through the CHP's Web site at www.chp.ca.gov/news-alerts/regulatory-actions.

Once it has been prepared, the Final Statement of Reasons will be made available through the contact information above or the CONTACT PERSONS below.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to

Motor Carrier Safety Program Manager Craig Weaver or Officer Kasonja Pochop, of the CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL DISCLOSURES AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no nondiscretionary costs or savings to any local agency; (4) will have no effect on cost to any local agency or school district requiring reimbursement pursuant to Gov. Code esc. 17500 et seq.; (5) will have no effect on cost or savings to any state agency; (6) will have no effect on cost or savings in federal funding to the state; (7) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California; (8) will continue to provide a nonmonetary benefit to the protection, health, safety, and welfare of workers and individuals transported on specified vehicles by ensuring necessary specifications, installation, and use of the CSAS; (9) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (10) will have no adverse impact to the state's environment.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon small businesses. The proposed regulatory amendment to Title 13, CCR, Section 1294, is already applicable and enforceable on businesses subject to state jurisdiction pursuant to Section 28160 CVC.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) of the California Government Code, the CHP must

determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 28160 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 28160 and 34506 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
K. M. DAVIS, Chief
Enforcement and Planning Division