

CHAPTER 3

GENERAL – DRIVER REQUIREMENTS

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ANNEXES

A - TERMS AND DEFINITIONS

CHAPTER 3

GENERAL - DRIVER REQUIREMENTS

1. INTRODUCTION. This chapter covers general driver requirements for drivers of school buses, school pupil activity buses (SPAB), youth buses, general public paratransit vehicles (GPPV), or farm labor vehicles (FLV). It is comprised of excerpts from the California Vehicle Code (VC), Title 13, California Code of Regulations (13 CCR), and Title 49, Code of Federal Regulations. Additionally, some sections of 13 CCR have been paraphrased. All drivers desiring a special certificate to drive any of these vehicles must review the material contained in this chapter.

2. INSPECTION BY PATROL MEMBERS - 2804 VC. The following section is quoted from the VC:

2804. A member of the California Highway Patrol upon reasonable belief that any vehicle is being operated in violation of any provisions of this code or is in such unsafe condition as to endanger any person, may require the driver of the vehicle to stop and submit to an inspection of the vehicle, and its equipment, license plates, and registration card.

3. UNLAWFUL OPERATION AFTER NOTICE BY OFFICER - 24004 VC. The following section is quoted from the VC:

24004. No person shall operate any vehicle or combination of vehicles after notice by a peace officer, as defined in Section 830.1 or subdivision (a) of Section 830.2 of the Penal Code, that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

The provisions of this section shall not apply to an employee who does not know that such notice has been issued, and in such event the provisions of Section 40001 shall be applicable.

4. DRIVERS' HOURS OF SERVICE. This section has been paraphrased from 13 CCR 1212. For the entire text, reference 13 CCR 1212.

a. General. The rules in this Section and Sections 1212.5 and 1213 apply to all motor carriers and drivers, except as provided in paragraphs (b) through (l) of 13 CCR Section 1212.

b. Adverse Driving Conditions. A driver who encounters adverse driving conditions, as defined in Section 1201 (see Annex A), and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by Section 1212.5 may drive and be permitted or required to drive for not more than two additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive or be permitted to drive:

(1) Interstate drivers (across state boundaries): for more than 12 hours in the aggregate following 8 consecutive hours off-duty; or

(2) Intrastate drivers (within the state only): for more than 14 hours in the aggregate following 8 consecutive hours off-duty; or

(3) After he/she has been on-duty 15 hours following 8 consecutive hours off-duty.

c. Emergency Conditions. In the event of a traffic accident, medical emergency, or disaster, a driver may complete his/her run without being in violation of the provisions of these regulations, if such run reasonably could have been completed absent the emergency.

d. Relief Point. Bus drivers (other than school bus and SPAB drivers) in urban or suburban service may exceed their regulated hours in order to reach a regularly established relief point, providing the additional time does not exceed one hour.

e. 100 Air-Mile Radius Driver. A driver is exempt from the requirements of Section 1213 if:

(1) The driver operates within a 100 air-mile radius of the normal work reporting location.

(2) The driver, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours.

(3) The driver of a school bus returns to the work reporting location and is released from work within 16 consecutive hours.

NOTE: This exception also applies to SPAB, youth bus and GPPV drivers.)

(4) At least 8 consecutive hours off-duty separate each 12 hours on-duty. (Note: For school bus drivers, 8 consecutive hours off-duty is required after 16 consecutive hours have elapsed since first reporting for duty.)

(5) The interstate driver does not exceed 10 hours maximum driving time following 8 consecutive hours off-duty; and

(6) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

- (a) The time the driver reports for duty each day.
- (b) The total number of hours the driver is on-duty each day.
- (c) The time the driver is released from duty each day; and
- (d) The total time for the preceding 7 days in accordance with Section 1213(k)(2) for drivers used for the first time or intermittently.

NOTE: Example: A driver works for a local food market every morning for four hours prior to reporting for work to drive a school bus in the afternoon. Is this driver required to report this time to his/her motor carrier? Since the definition of on-duty time in 13 CCR Section 1201(q) includes "performing any compensated work for any nonmotor carrier entity," in order for the motor carrier to maintain the true and accurate time record as required, which must contain the total number of hours the driver is on-duty each day, this driver is required to report the additional on-duty time when reporting to work for a motor carrier.

(7) The permanent record produced by a time-recording device such as a "tachograph" may be used as a driver's record for any tour of duty for an intrastate driver that does not exceed 15 consecutive hours or a 100 air-mile radius, provided the intrastate bus driver does not exceed 10 hours and the intrastate truck driver does exceed 12 hours maximum driving time following 8 consecutive hours off-duty, and the driver enters the previous day's time of going off-duty and the data required by Section 1213(e).

f. Travel Time. When a driver at the direction of the motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least eight consecutive hours off-duty when arriving at destination, in which case the driver shall be considered off-duty for the entire period.

(1) Example: A driver (driver #1) drives a bus for eight hours en-route to an amusement park, where the passengers will spend seven hours. Upon departure from the amusement park, a second driver (driver #2) from the local area is dispatched to the nearby park to drive for the 8 hour return trip. Driver #1 will ride in the bus as a passenger only, at the direction of the motor carrier, assuming no other responsibility to the motor carrier. In this case, upon arrival at the final destination, if driver #1 immediately goes off-duty for at least eight consecutive hours, driver #1 may log the entire return trip as off-duty.

(2) Example: A driver reports for duty at a tour bus carrier in Sacramento at 7 a.m. The driver operates a chartered tour bus to South Lake Tahoe, which is within 100 miles from Sacramento, and goes off-duty at 12 noon. After 24 hours off-duty, the driver begins a new tour of duty and returns to Sacramento arriving at 4 p.m. The driver in this example cannot utilize the 100 mile exception because the driver did not return to the work reporting location (Sacramento) to be released from duty within 12 consecutive hours. Therefore, the driver in this example is required to maintain a duty status record (log book).

5. MAXIMUM DRIVING AND ON-DUTY TIME. This section has been paraphrased from 13 CCR 1212.5. For the entire text, reference 13 CCR 1212.5.

a. Except as provided in Sections 1212(b)(1), 1212(f), 1212(i), 1212(j), and 1212(k), no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive:

(1) Interstate drivers, intrastate bus drivers, and drivers of tank vehicles with a capacity of more than 500 gallons transporting flammable liquid:

(a) More than 10 hours following 8 consecutive hours off-duty; or

(b) For any period after having been on-duty 15 hours following 8 consecutive hours off-duty.

(2) School Bus, SPAB, Youth Bus and FLV drivers.

(a) More than ten hours within a work period; or

(b) After 16 consecutive hours have elapsed since first reporting for duty.

1 Example A: A school bus driver works a second job delivering newspapers from 4 a.m. to 6 a.m. every morning before reporting to a motor carrier to drive a school bus. Since this driver performed compensated work for a nonmotor carrier entity [which meets the definition of on-duty in 13 CCR, Section 1201(q)] this driver's 16-consecutive hour on-duty time period started at 4 a.m.

2 Example B: A school bus driver works during the evening at a local market from 9 p.m. to 2 a.m. before reporting to a motor carrier to drive a school bus and perform other duties from 7 a.m. to 11 a.m. The driver is then released from duty until 5 p.m., at which point this driver is called upon by the motor carrier to drive a school bus for a "grad-night" function. Is this driver qualified to drive the school bus at 5 p.m.? No. When this driver's work shift at the market ended at 2 a.m., the driver did not have 8-consecutive hours off-duty before reporting to drive a school bus at 7 a.m. The driver's 16-consecutive hours started at 9 p.m. (at the market) and therefore after 1 p.m. (16 consecutive hours) on the following day, 8-consecutive hours off-duty was required before this driver requalified to drive for another tour of duty.

b. No motor carrier shall permit or require a driver, regardless of the number of motor carriers using the driver's services, to drive for any period after:

(1) Interstate Drivers:

(a) Having been on-duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate every day in the week; or

(b) Having been on-duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(2) Intrastate Drivers:

(a) Except as provide in Section 1212(k) (which pertains to agricultural products), having been on-duty for 80 hours in any consecutive 8 days.

(b) Any work performed for a motor carrier counts towards a driver's 80-hour 8-day time period, regardless of whether or not the employee is compensated [1201(q)(8)]. Any compensated work for any employer must be reported and counts towards a driver's 80-hour 8-day time period.

Volunteer work for any non-motor carrier entity does not count toward a driver's 80-hour-day time period.

6. DRIVER'S RECORD OF DUTY STATUS. This section has been paraphrased from 13 CCR 1213. Figure 1 reflects a possible school bus driver schedule. For the entire text, reference 13 CCR 1213.

a. Methods Used to Record Duty Status. Every motor carrier shall require every driver used by the motor carrier to record his/her duty status for each 24-hour period using the methods prescribed in either paragraphs (1) or (2) below.

(1) Every driver shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specific grid, as shown in figure 1. The grid and the requirements of paragraph (d) of this section may be combined with any company forms. The previously approved format of the Daily Log, MCS-59 or MULTIDAY LOG, MCS-139 and 139A, which meets the requirements of this section, may continue to be used.

(2) Every driver shall record his/her duty status by using an automatic on-board recording device that meets the requirements of Section 1213.2.

(3) The record shall be presented for inspection immediately upon request by any authorized employee of the CHP, or any regularly employed and salaried police officer or deputy sheriff.

b. Recording Duty Status. The duty status shall be recorded as follows:

(1) "Off-duty" or "OFF."

(2) "Sleeper berth or SB" (only if a sleeper berth used).

(3) "Driving" or "D."

(4) "On-duty not driving" or "ON."

c. Change of Duty Status. For each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty driving and where released from work), the name of the city, town, or village, with state abbreviation, shall be recorded.

d. Additional Information. The following information must also be included on the form in addition to the grid:

(1) Date.

- (2) Total miles driven today.
- (3) Bus or vehicle number.
- (4) Name of carrier (company or school district).
- (5) Driver's signature.
- (6) 24-hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.).
- (7) Main office address.
- (8) Remarks.
- (9) Name of co-driver.
- (10) Total hours.

e. Incomplete Record of Duty Activities. Failure to complete the record of duty activities of Section 1213 or 1213.2, or failure to preserve a record of such duty activities, or making false reports in connection with such duty activities shall make the driver and/or the carrier liable to prosecution.

f. Recording Driver's Activities. The driver's activities shall be recorded in accordance with the following provisions:

- (1) Entries to be current. Drivers shall keep their record of duty status current to the time shown for the last change of duty status.
- (2) Entries made by driver only. All entries relating to driver's duty status must be legible and handwritten by the driver only.
- (3) Date, month, day, and year for the beginning of each 24-hour period.
- (4) Total mileage driven during the 24-hour period.
- (5) The bus number or the vehicle license number.
- (6) Name(s) of carrier(s) for which work is performed. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, including a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the motor carrier performing the transportation.
- (7) Signature/certification. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with

his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(8) Time base (zone) to be used.

(9) Main office address.

(10) Record days off-duty.

(11) Total hours.

g. Graph Grid. The following graph grid (figure 1) must be incorporated into a motor carrier record keeping system which must also contain the information required in paragraph (d).

(1) Off duty. Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on-duty, is not required to be in readiness to work, or is not under any responsibility for performing work.

(2) Sleeper berth. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off-duty resting in a sleeper berth, as defined in Section 1201. (If a non-sleeper berth operation, sleeper berth need not be shown on the grid.)

(3) Driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on-duty driving a motor vehicle, as "drive or operate" is defined in Section 1201.

(4) On-duty not driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on-duty not driving as specified in Section 1201(q).

(5) Location-remarks. The name of the city, town, or village, with state abbreviations where each change of duty status occurs shall be recorded.

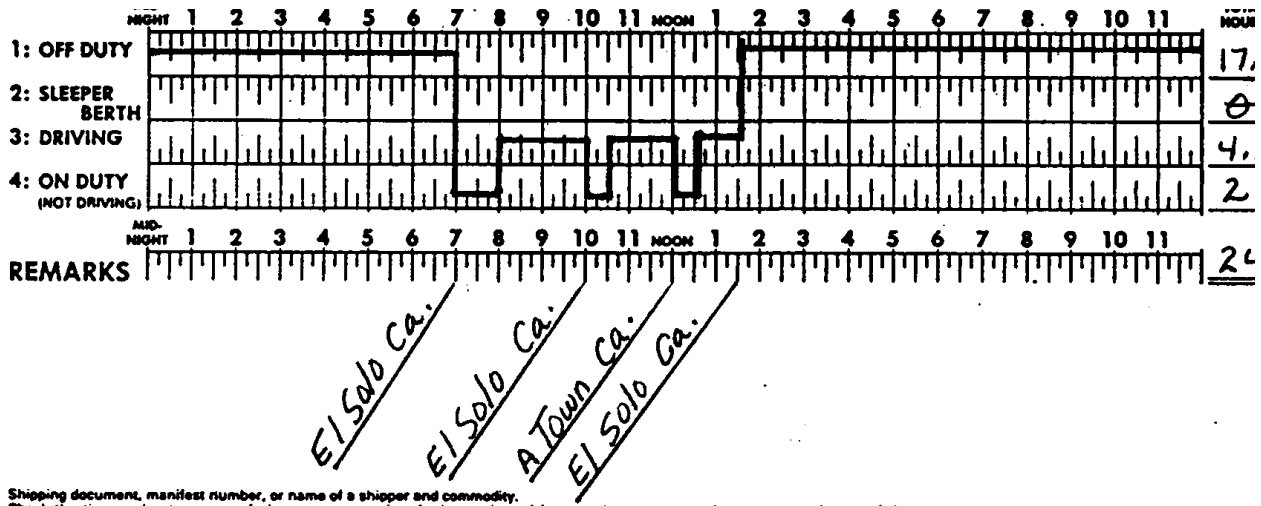


Figure 1. Graph Grid.

h. Filing Driver's Record of Duty Status. Each day, the driver shall submit or forward the original driver's record of duty status to the employing motor carrier following the completion of the form. Drivers who do not return to the home terminal each day may submit their original records of duty status upon their first return to home terminal, provided the interval does not exceed 13 days.

i. Drivers Used by More than One Motor Carrier.

(1) When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The records shall include:

- (a) All duty time for the entire 24-hour period.
- (b) The name of each motor carrier served by the driver during the period.
- (c) The beginning and the finishing time, including a.m. or p.m., worked for each carrier.

(2) Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on-duty during the immediately preceding seven days, and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.

j. Retention of Driver's Record of Duty Status. The driver shall retain the duplicate copy of each record of duty status for the previous seven consecutive days which shall be in his/her possession and available for inspection while on-duty.

7. PLACING DRIVERS OUT-OF-SERVICE – 13 CCR 1213.1. The following section is quoted from 13 CCR:

1213.1 (a) Driver out-of-service. Members of the department may place a driver out-of-service, and shall note in the driver's record of duty status that an out-of-service order was given, at the time and place of examination upon finding that the driver:

(1) Has driven or been on-duty longer than the periods specified in Section 1212, or

(2) Has failed to maintain a driver's record as required by Section 1213 and is unable to establish eligibility to drive pursuant to Section 1212.5.

(b) Eligibility to resume driving. A Driver placed out-of-service pursuant to subdivision (a) shall not operate a motor vehicle until he or she can establish eligibility to drive pursuant to Section 1212.5.

(c) Alcohol zero tolerance. No person may operate a commercial motor vehicle, as defined in Vehicle Code Section 15210, when that person's blood alcohol content is found to be 0.01%, by weight, or greater.

(d) Possession of Alcoholic Beverages. No person shall be on-duty or operate a commercial motor vehicle while the driver possesses wine, of not less than one-half of one per centum of alcohol by volume, beer as defined in 26 United States Code 5052(a), of the Internal Revenue Code of 1954, or distilled spirits as defined in 5002(a)(8) of such code. However, this does not apply to possession of wine, beer, or distilled spirits which are manifested and transported as part of a shipment; or possessed or used by bus passengers.

(1) This does not prohibit an owner-operator using his/her own vehicle in an off-duty status, or a driver using a company truck or tractor in an off-duty status from carrying any bottle, can, or other receptacle containing any alcoholic beverage unless that container has been opened, or a seal broken, or the contents of which have been partially removed, in a commercial motor vehicle, as defined in Section 15210 of the Vehicle Code, when transported to locations such as a motel, restaurant, or residence.

(e) Alcohol-related out-of-service. Members of this Department shall place a driver out-of-service, and note in the driver's record of duty status that such an order was given, at the time and place that the driver was found to be in violation of Section 1213.1(c).

(f) Minimum out-of-service period. A Driver placed out-of-service pursuant to subdivision (c) or (d) shall not operate a commercial motor vehicle for a period of 24 hours. **(Revised 3-05)**

(Register 2002, No. 28)

8. DRIVER CONDITION - 13 CCR 1214. The following section is quoted from 13 CCR:

1214. A driver shall not drive when his/her ability to operate a vehicle safely is adversely affected by fatigue, illness, or any other cause.

9. DISPLAY OF CERTIFICATE - 13 CCR 1231(a). The following section is excerpted from 13 CCR:

1231. A vehicle inspection approval certificate designed and furnished by the department shall be displayed in each school bus, SPAB, youth bus, farm labor vehicle, and GPPV pursuant to Vehicle Code Sections 2807, 2807.1, 2807.3, 31401, and 34501.8. The following provisions shall apply to vehicle inspection approval certificates:

(a) Display of Certificate. The certificate shall be placed in a certificate holder provided by the motor carrier and posted in an easy-to-reach and visible area of the driver's compartment of the vehicle for which it was issued. The certificate holder shall be designed so the certificate can be easily inserted and removed and is clearly legible under a transparent covering. . . .

(Register 88, No. 34)

10. VEHICLE CONDITION - 13 CCR 1215. The following section is quoted from 13 CCR:

(a) General. It shall be unlawful for a driver to drive a vehicle that is not in safe operating condition or is not equipped as required by all provisions of law and this chapter.

(b) Daily Inspection. Pursuant to Sections 1202.1 and 1202.2, all drivers shall perform vehicle inspections and submit written reports in accordance with the requirements of Title 49, Code of Federal Regulations, Sections 396.11 and 396.13, as follows:

(1) Before driving a motor vehicle, the driver shall:

(A) Inspect each vehicle daily to ascertain that it is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order;

(B) Review the last vehicle inspection report;

(C) Sign the report, only if defects or deficiencies were noted by the driver who prepared the report, to acknowledge that the driver has reviewed

it and that there is a certification pursuant to subsection (f) that the required repairs have been performed. The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

(2) Subsections (B) and (C) do not apply to school bus drivers or publicly owned and operated transit system drivers.

(c) Daily Report. Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated. School bus drivers' reports shall cover at least the items listed in subdivision (d), and all other drivers' reports shall cover at least the following parts and accessories:

- (1) Service brakes including trailer brake connections
- (2) Parking (hand) brake
- (3) Steering mechanism
- (4) Lighting devices and reflectors
- (5) Tires
- (6) Horn
- (7) Windshield wipers
- (8) Rear vision mirrors
- (9) Coupling devices
- (10) Wheels and rims
- (11) Emergency equipment

(d) For school bus drivers, the inspection shall include, but is not limited to:

- (1) All gauges, indicators, and warning devices
- (2) Horns
- (3) Driver's seat and seat belts
- (4) All doors, door emergency releases, and windows
- (5) All seats, handrails, and modesty panels
- (6) Interior and exterior lighting systems
- (7) All heating, cooling, and ventilating systems
- (8) All glass and mirrors, including adjustment of mirrors
- (9) Windshield wipers and washers
- (10) All required emergency equipment
- (11) All tires, wheels, and lugnuts
- (12) Brake system
- (A) Air compressor governor cut in and cut out pressures
- (B) Static pressure for air loss
- (C) Applied brake pressure loss
- (D) Low air pressure warning devices
- (E) Emergency stopping systems (Draining reservoirs in dual air systems is not required)
- (F) Parking brake

- (G) Antiskid device (if equipped)
- (H) Vacuum gauge, ensuring it reads not less than 15 inches
- (I) Low vacuum warning devices
- (J) Brake pedal for brake adjustment

(e) Report Content. The report shall identify the motor vehicle and all towed vehicles and list any defect or deficiency discovered by or reported to the driver which would affect safety of operation of the motor vehicle or combination or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report(s) shall so indicate. In all instances, the driver shall sign the vehicle inspection report. On two-driver operations, only one driver needs to sign the report, provided both drivers agree as to the defects or deficiencies. If a driver operates more than one vehicle during the day, a report shall be prepared for each vehicle operated.

(f) Corrective Action. Prior to operating a motor vehicle, motor carriers or their authorized agent(s) shall effect repair of any item listed on the vehicle inspection report(s) that would be likely to affect the safety of operation of the motor vehicle or any towed vehicles.

(1) Motor carriers or their authorized agents shall certify on the report(s) which lists any defects or deficiencies, that the defects or deficiencies have been corrected or that correction is unnecessary before the vehicle is again dispatched.

(2) Subsection (1) does not apply to school bus or publicly owned and operated transit system motor carriers. **(Revised 3-05)**

(3) Subsections (1) and (2) do not apply to school bus or publicly owned and operated transit system motor carriers.

(g) Repairs. Unless the driver of a school bus or SPAB is the mechanic charged with the care and maintenance of the bus, the driver shall not make any repairs of the bus or its equipment except necessary emergency repairs on the road.

(h) Exception. Subsection (c) shall not apply to a motor carrier operating only one motor vehicle, provided the motor vehicle is a motor truck or truck tractor, and the motor carrier is the owner and sole driver of the motor vehicle. A motor carrier, otherwise excepted from the reporting requirement by this subdivision, who tows trailer(s) not owned by or leased to that motor carrier, shall submit documented daily report(s) for the trailers as required by subsection (b). Such reports shall be submitted to the person(s) from whom the trailers were obtained. **(Revised 3-05)**

(i) Private motor carriers of passengers. The exemption provided to private motor carriers of passengers in 49 CFR Section 396.11(d), shall not apply to intrastate private motor carriers of passengers operating any bus, as defined in Vehicle Code Section 233. **(Revised 3-05)**

(Register 99, No. 31)

11. BRAKE SYSTEM REQUIREMENTS.

- a. Required Brake Systems - 26450 VC. The following section is quoted from the VC:

26450. Every motor vehicle shall be equipped with a service brake system and every motor vehicle, other than a motorcycle, shall be equipped with a parking brake system. Both the service brake and parking brake shall be separately applied.

If the two systems are connected in any way, they shall be so constructed that failure of any one part, except failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the motor vehicle without operative brakes.

(Ch. 369, Stats. 1967. Effective November 8, 1967.)

- b. Parking Brake System - 26451 VC. The following section is quoted from the VC:

26451. The parking brake system of every motor vehicle shall comply with the following requirements:

(a) The parking brake shall be adequate to hold the vehicle or combination of vehicles stationary on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material. In any event the parking brake shall be capable of locking the braked wheels to the limit of traction.

(b) The parking brake shall be applied either by the driver's muscular efforts, by spring action, or by other energy which is isolated and used exclusively for the operation of the parking brake or the combination parking brake and emergency stopping system.

(c) The parking brake shall be held in the applied position solely by mechanical means.

(Ch. 774, Stats. 1981. Effective January 1, 1982.)

- c. Air Compressor Governor Cut-In and Cut-Out - 26504 VC. The following section is quoted from the VC:

26504. The air governor cut-in and cut-out pressures of every motor vehicle equipped with airbrakes or equipped to operate airbrakes on towed vehicles shall be adjusted so that the maximum pressure in the air system and the minimum cut-in pressure shall be within limits prescribed by the department. In adopting regulations specifying such pressures the department shall consider the safe operating capacities

of the various airbrake systems which are now or may be used on motor vehicles and shall be guided by the designed capabilities of those systems.

(Ch. 1578, Stats. 1967. Effective November 8, 1967.)

- d. Air Governor Adjustment - 13 CCR 1061. The following section is quoted from 13 CCR:

1061. Air compressor governors shall be adjusted to operate as follows:

(a) Cut-in Pressure. Cut-in pressure shall not be less than 85 psi for full air brake systems on any motor vehicle and not less than 65 psi for air-assisted hydraulic brakes on motor vehicles with a gross vehicle weight rating of not more than 25,000 pounds.

(b) Cutout Pressure. Cutout pressure shall not be more than 130 pounds per square inch unless the maximum air delivered to the brake system reservoir is regulated to provide between 100 and 130 pounds per square inch, in which case the cutout pressure shall be adjusted to not more than 150 pounds per square inch.

(Register 80, No. 5)

- e. Static Pressure Air Loss -13 CCR 1245. The following section is excerpted from 13 CCR:

1245. . . . (k) Air Leakage Rates-Air leakage with the engine stopped and the air reservoir pressure at governor cutout as specified in Section 1061(b) of this title shall not exceed the following rates.

(1) With service brake released and air or spring parking brakes applied: 2 pounds per square inch per minute for single vehicles, . . .

(Register 95, No.36)

- f. Applied Brake Pressure Air Loss - 13 CCR 1245. The following section is excerpted from 13 CCR:

1245. . . . (k) Air Leakage Rates-Air leakage with the engine stopped and the air reservoir pressure at governor cutout as specified in Section 1061(b) of this title shall not exceed the following rates.

(2) With service brakes applied and air or spring parking brakes released: 3 pounds per square inch per minute for single vehicles, . . .

(Register 95, No.36)

- g. Warning Device - 26506 VC. The following section is quoted from the VC:

1245. (a) Every motor vehicle airbrake system used to operate the brakes on a motor vehicle or on a towed vehicle shall be equipped with a low air pressure warning device that complies with either the requirements set forth in the Federal Motor Vehicle Safety Standards in

effect at the time of manufacture or the requirements of subdivision (b).

(b) The device shall be readily visible or audible to the driver and shall give a satisfactory continuous warning when the air supply pressure drops below a fixed pressure, which shall be not more than 75 pounds per square inch nor less than 55 pounds per square inch with the engine running. A gauge indicating pressure shall not satisfy this requirement.

(Ch. 1241, Stats. 1992. Effective January 1, 1993)

h. Brakes - School Buses and Farm Labor Vehicles - 13 CCR 1246(b). The following section is excerpted from 13 CCR:

1246. . . . (b) Warning Devices-Type 1 school bus brake systems shall have warning devices as follows:

(1) Air brakes shall have a buzzer or other audible warning signal and a visual, air-operated, flag-type warning device, both used exclusively for the brake system. Both devices shall give a continuous warning when the air supply pressure in the first reservoir to receive air from the compressor, or any service reservoir, drops below a fixed pressure as specified by Vehicle Code Section 26506. The flag-type device is not required on vehicles manufactured on or after March 1, 1975, in compliance with FMVSS 121 (49 CFR 571.121).

(2) Vacuum brakes shall have a buzzer or other audible warning signal and a visual, vacuum-operated, flag-type warning device, both used exclusively for the brake system. They shall provide continuous warning to the driver when the vacuum in the supply system drops to 8 inches of mercury and less. The requirement for the flag device shall not apply to vehicles manufactured with a dual or split type service brake system powered by power-assist vacuum chambers.

(3) The visual warning devices required in (1) and (2) shall be readily visible to the driver when seated in the normal driving position. . .

(Register 95, No. 19)

i. Warning Signal - 49 CFR 571.121. The following section is quoted from 49 CFR:

571.121. A signal, other than a pressure gauge, that gives a continuous warning to a person in the normal driving position when the ignition is in the "on" or "run" position and the air pressure in the service reservoir system is below 60 p.s.i. The signal shall be either visible within the drivers forward field of view, or both audible and visible.

- j. Emergency Stopping Systems - 26508 VC. The following section is excerpted from the VC:

26508. Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system . . .

(Ch. 1578, Stats. 1967. Effective November 8, 1967.)

- k. Brakes - School Buses and Farm Labor Vehicles - 13 CCR 1246(e).

The following section is excerpted from 13 CCR:

1246. . . . (e) Emergency Stopping System-Type 1 school buses manufactured after January 1, 1968, shall comply with the following emergency stopping system requirements:

(1) The brakes shall be capable of being applied, released, and reapplied by the driver but shall not be capable of being released from the driver's seat after any reapplication unless energy is available for an immediate reapplication.

(2) The brakes shall be manually applied and released under modulated control by the driver to maintain directional stability during a complete emergency stop.

(3) Failure or malfunction of any part in either the emergency stopping system or the service brake system shall not leave the vehicle without operative brakes capable of stopping the vehicle loaded up to the manufacturer's gross vehicle weight rating within the requirements of California Vehicle Code Section 26508(k)(3).

This provision does not apply to a failure in the mechanical parts of the wheel brake assemblies or the brake pedal and linkage to the brake valve or master cylinder.

(4) School buses manufactured on or after March 1, 1975, in compliance with FMVSS 121 (49 CFR 571.121) and maintained in compliance with that standard, shall be deemed in compliance with this subsection.

(Register 95, No. 19)

- l. Vacuum Gauge - 26520 VC. The following section is quoted from the VC:

26520. Motor vehicles required to be equipped with power brakes and which are equipped with vacuum or vacuum-assisted brakes shall be equipped with a properly maintained vacuum gauge of reliable and

satisfactory construction, accurate within 10 percent of the actual vacuum in the supply reservoir, and visible and legible to the driver at all times.

This section shall not apply to a two-axle motor truck operated singly.

(Ch. 386, Stats. 1963. Effective September 20, 1963.)

- m. Warning Device - 26521 VC. The following section is quoted from the VC:

26521. Motor vehicles required to be equipped with power brakes and equipped with vacuum or vacuum-assisted brakes and motor vehicles used to tow vehicles equipped with vacuum brakes or vacuum-assisted brakes shall be equipped with either an audible or visible warning signal to indicate readily to the driver when the vacuum drops to eight inches of mercury and less. A vacuum gauge shall not be deemed to meet this requirement.

This section shall not apply to a two-axle motor truck operated singly nor to any motor vehicle manufactured prior to 1964.

(Ch. 386, Stats. 1963. Effective September 20, 1963.)

12. TRANSPORTATION OF PROPERTY - 13 CCR 1216. The following section is excerpted from 13 CCR:

1216. The following requirements govern the transportation of hazardous materials and other property on buses and farm labor vehicles:

(a) Hazardous Materials. Motor carriers and drivers shall not transport, or knowingly permit passengers to carry, any hazardous material as defined in Vehicle Code Section 353. These restrictions shall not apply to:

(1) Oxygen medically prescribed for, and in the possession of, a passenger and in a container designed for personal use.

(2) Personal-use articles in the immediate possession of a driver or passenger.

(3) Hazardous materials transported by a carrier subject to federal jurisdiction in compliance with provisions of Subpart E, Part 177, 49 CFR

(b) Fuel. Fuel shall not be transported except in the vehicle's regular fuel tanks.

(c) General Property. Drivers and motor carriers shall not permit any greater quantity of freight, express, or baggage in vehicles than can be safely and conveniently carried without causing discomfort or unreasonable annoyance to passengers. In no event shall aisles, doors, steps, or emergency exits be blocked.

(d) Animals. A driver or motor carrier may refuse to transport dogs or other animals except as provided in Civil Code Section 54.2. When

transported upon a bus engaged in public passenger transportation, all other animals shall be muzzled or securely crated to eliminate the possibility of injury to passengers. No animals except those specified in Civil Code Section 54.2 shall be transported in a school bus, SPAB, or youth bus. In such cases, the driver may determine whether the animal should be muzzled.

(Register 82, No. 44)

NOTE: Civil Code Section 54.2 refers to guide, signal, and service dogs. Education Code Section 39839 also addresses the transportation of animals in school buses.

13. TRANSPORTATION OF FIREARMS AND OTHER WEAPONS.

a. Loaded Firearms. It is unlawful for any person to carry a loaded firearm on his/her person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory. Peace officers, special police officers, and persons with a concealed weapons permit are exempt. (Reference 12031 PC)

b. Concealed Firearms. It is unlawful for any person to carry concealed upon his/her person or concealed within any vehicle any pistol, revolver, or other firearm capable of being concealed upon the person. This applies to both loaded and unloaded firearms. Peace officers, special police officers, and persons with a concealed weapons permit are exempt. A starter pistol not capable of expelling a projectile is not a firearm. (Reference 12025 and 12027 PC)

c. Other Weapons. It is unlawful for any person to possess any instrument or weapon of the kind commonly known as a blackjack, sling-shot, billy, nunchaku, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or to carry concealed upon his/her person any dirk or dagger. (Reference 12020 PC)

14. TRANSPORTATION OF PASSENGERS - 13 CCR 1217. The following section is quoted from 13 CCR:

1217. No driver shall drive a vehicle transporting passengers in violation of the following provisions:

(a) Seating Capacity. Except as provided in subsection (e), the number of passengers (excluding infants in arms) shall not exceed the number of safe and adequate seating spaces, or for school buses, school pupil activity buses, youth buses, and farm labor vehicles, the number of passengers specified by the seating capacity rating set forth in the departmental Vehicle Inspection Approval Certificate.

(b) Weight. No more passengers shall be transported than the number whose weight, in addition to the weight of any property transported, can be carried without exceeding the manufacturer's maximum gross vehicle weight rating or the combined maximum rating of the tires supporting each axle.

(c) Step Wells. Passengers shall not be permitted in the front step well of any bus while the vehicle is in motion.

(d) Seat Beside Driver. No more than two pupils shall be allowed to occupy the seating space beside the driver of a Type 2 school bus.

(e) Standing Passengers. A vehicle shall not be put in motion until all passengers are seated, and all passengers must remain seated while the vehicle is in motion. Standing passengers are permitted only on a bus (except a school bus, SPAB, or youth bus) operated in regularly scheduled passenger stage service or urban and suburban service by a common carrier or publicly-owned transit system, and equipped with grab handles or other means of support for standing passengers, and constructed so that standing room in the aisle is at least 74 in. high.

(f) Open Doors. While passengers are aboard, a vehicle shall not be put in motion until the doors are closed. The doors shall not be opened until the vehicle is stopped. The doors of a school bus shall be closed while the bus is in motion, whether or not there are passengers aboard the school bus.

(g) Emergency Exits. While a passenger is aboard, no bus shall be put in motion with any emergency exit locked or otherwise secured against being opened from the inside. While a passenger is aboard, no bus, equipped with emergency exits that are designed to be opened from the outside, shall be put in motion with such emergency exits locked or otherwise secured against being opened from either the outside or the inside. This paragraph shall not apply to buses operated by or under contract to law enforcement agencies while transporting persons in police custody.

(h) Interior Lighting. During darkness, the driver shall ensure that the interior lighting is sufficient for passengers to enter and exit safely and whenever otherwise deemed necessary.

(i) Ejection of Pupils. The driver of a school bus, youth bus, or SPAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent or school.

(j) Exemptions. The provisions of subsections (c) and (e) shall not apply to persons testing or training a driver, maintenance personnel, a sales or manufacturers' representative, or an adult acting upon a request by a school bus or SPAB driver to supervise or assist a pupil.

(Register 93, No. 22)

15. MAXIMUM SPEED FOR DESIGNATED VEHICLES - 22406 VC. The following section is quoted from the VC:

22406. No person shall drive any of the following vehicles on a highway at a speed in excess of 55 miles per hour:

- (a) A motortruck or truck tractor having three or more axles or any motortruck or truck tractor drawing any other vehicle.
- (b) A passenger vehicle or bus drawing any other vehicle.
- (c) A schoolbus transporting any school pupil.
- (d) A farm labor vehicle when transporting passengers.
- (e) A vehicle transporting explosives.
- (f) A trailer bus, as defined in Section 636.

16. FUELING RESTRICTIONS - 13 CCR 1218. The following section is excerpted from 13 CCR:

When a vehicle is being refueled, the nozzle of the fuel hose shall be in contact with the intake of the fuel tank throughout the entire time of refueling. No driver or motor carrier shall permit a vehicle to be fueled while the engine is running, a radio on the vehicle is transmitting, the vehicle is close to any open flame or ignition source (including persons who are smoking), or passengers are aboard any bus except one fueled with diesel fuel in an open area or in a structure open on both the entrance and exit ends.

17. DUTY TO STOP AT SCENE OF ACCIDENT - 20001 VC. The following section is quoted from the VC:

20001. (a) The driver of any vehicle involved in an accident resulting in injury to any person, other than himself or herself, or in death of any person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004.

(b) (1) Except as provided in paragraph (2), any violation of subdivision (a) shall be punished by imprisonment in the state prison, or in the county jail for not more than one year, or by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or by both fine and imprisonment.

(2) Any violation of subdivision (a) which results in death or permanent, serious injury shall be punished by imprisonment in the state prison for two, three, or four years, or in the county jail for not less than 90 days nor more than one year, or by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or by both fine and imprisonment. However, the court may, in the interests of justice and for reasons stated in the record, reduce or eliminate the minimum imprisonment required by this paragraph. As used in this paragraph,

"permanent, serious injury" means loss or permanent impairment of function of any bodily member or organ.

(3) In imposing the minimum fine required by this subdivision, the court shall take into consideration the defendants ability to pay the fine and may, in the interests of justice and for reasons stated in the record, reduce the amount of that minimum fine to less than the amount otherwise required by this subdivision.

(Ch. 501, Stats. 1992. Effective January 1, 1993.)

18. DUTY WHERE PROPERTY DAMAGED - 20002 VC. The following section is quoted from the VC:

20002. (a) The driver of any vehicle involved in an accident resulting in damage to any property, including vehicles, shall immediately stop the vehicle at the scene of the accident and do either of the following:

(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her drivers license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any property, attended or unattended, shall comply with the requirements of this section relating to notification and reporting and shall, upon conviction thereof, be liable to the penalties of this section for failure to comply with the requirements.

(c) Any person failing to comply with all the requirements of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

(Ch. 621, Stats. 1992. Effective January 1, 1993.)

19. DUTY UPON INJURY OR DEATH - 20003 VC. The following section is quoted from the VC:

20003. (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall also give his or her name, current residence address, the names and current residence addresses of any occupant of the driver's vehicle injured in the accident, the registration number of the vehicle he or she is driving, and the name and current residence address of the owner to the person struck or the driver or occupants of any vehicle collided with, and shall give the information to any traffic or police officer at the scene of the accident. The driver also shall render to any person injured in the accident reasonable assistance, including transporting, or making arrangements for transporting, any injured person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if that transportation is requested by any injured person.

(b) Any driver or injured occupant of a driver's vehicle subject to the provisions of subdivision (a) shall also, upon being requested, exhibit his or her driver's license, if available, or, in the case of an injured occupant, any other available identification, to the person struck or to the driver or occupants of any vehicle collided with, and to any traffic or police officer at the scene of the accident.

(Ch. 1247, Stats. 1994. Effective January 1, 1995.)

20. DUTY UPON DEATH - 20004 VC. The following section is quoted from the VC:

20004. In the event of death of any person resulting from an accident, the driver of any vehicle involved after fulfilling the requirements of this division, and if there be no traffic or police officer at the scene of the accident to whom to give the information required by Section 20003, shall, without delay, report the accident to the nearest office of the Department of the California Highway Patrol or office of a duly authorized police authority and submit with the report the information required by Section 20003.

21. DEFINITION OF SCHOOL BUS ACCIDENT - 12517.1 VC. The following section is quoted from the VC:

12517.1. (a) A "school bus accident" means any of the following:

(1) A motor vehicle accident resulting in property damage in excess of seven hundred and fifty dollars (\$750) or personal injury, on public or private property, and involving a school bus, youth bus, school pupil activity bus, or general public paratransit vehicle transporting a pupil.

(2) A collision between a vehicle and a pupil or a school bus driver while the pupil or driver is crossing the highway when the school bus flashing red signal lamps are required to be operated pursuant to Section 22112.

(3) Injury of a pupil inside a vehicle described in paragraph (1) as a result of acceleration, deceleration, or other movement of the vehicle.

(b) The Department of the California Highway Patrol shall investigate all school bus accidents, except that accidents involving only property damage and occurring entirely on private property shall be investigated only if they involve a violation of this code. **(Revised 3-05)**

(Ch. 1360, Stats. 1990. Effective January 1, 1991.)

22. ACCIDENT REPORT - 16000 VC. The following section is excerpted from the VC:

16000. (a) The driver of every motor vehicle who is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway or any reportable off-highway accident defined in Section 16000.1 which has resulted in damage to the property of any one person in excess of five hundred dollars (\$500) or in bodily injury or in the death of any person shall, within 10 days after the accident, report the accident, either personally or through an insurance agent, broker, or legal representative, on a form approved by the department to the office of the department at Sacramento, subject to the provisions of this chapter. The driver shall identify on the form, by name and current residence address, if available, any person involved in the accident complaining of bodily injury.

(b) A report is not required pursuant to subdivision (a) if the motor vehicle involved in the accident was owned or leased by, or under the direction of, the United States, this state, another state, or a local agency.

(Ch. 1247, Stats. 1994. Effective January 1, 1995.)

23. YOUTH BUS DRIVER'S CERTIFICATE - 12523 VC. The following section is excerpted from the VC:

12523. . . . (d) An operator of a youth bus shall, at all times when operating a youth bus, do all of the following: . . .

Report any accidents reportable under Section 16000 to the Department of the California Highway Patrol.

(Ch. 1360, Stats. 1990. Effective January 1, 1991.)

24. SCHOOL BUS ACCIDENTS, ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, AND YOUTH BUS DRIVERS - 13 CCR 1219. The following section is quoted from 13 CCR:

1219. (a) Reporting. Whenever any school bus accident occurs, the driver shall stop at the scene, immediately notify or cause to be notified the department, his or her employer, and the school district for which the bus may be operated under contract.

(b) Sending for Help. In the event of an accident or emergency, a driver shall not leave the immediate vicinity of the bus to seek aid unless no pupil aboard can be sent to summon help.

(Register 87, No. 23)

25. WARNING DEVICES ON DISABLED OR PARKED VEHICLES - 25300 VC. The following section is quoted from the VC:

25300. (a) Every vehicle which, if operated during darkness, would be subject to the provisions of Section 25100, and every truck tractor, irrespective of width, shall at all times be equipped with at least three red emergency reflectors. The reflectors need be carried by only one vehicle in a combination.

All reflectors shall be maintained in good working condition.

(b) When any such vehicle is disabled on the roadway during darkness, reflectors of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear thereof;

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of any such vehicle occurs within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the reflectors in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one reflector at a distance of approximately 200 feet and one such reflector at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one such reflector at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When any such vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning reflectors of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The reflectors shall, if possible, be placed between the edge of the roadway and the vehicle, but in no event less than two feet to the left of the widest portion of the vehicle or load thereon.

(d) Until the reflectors required by this section can be placed properly, the requirements of this section may be complied with temporarily by either placing lighted red fuses in the required locations or by use of turn signal lamps, but only if front turn signal lamps at each side are being flashed simultaneously and rear turn signal lamps at each side are being flashed simultaneously.

(e) The reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle under either of the following circumstances:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

(g) In addition to the reflectors specified in subdivision (a), an emergency warning sign or banner may be attached to a vehicle which is disabled upon the roadway or which is parked or disabled within 10 feet of a roadway.

(Ch. 774, Stats. 1981. Effective January 1, 1982.)

26. FOUR-WAY FLASHERS (HAZARD WARNING LIGHTS). The following sections are excerpted from the VC:

Permitted Flashing Lights

25251. (a) Flashing lights are permitted on vehicles as follows: . . .

(2) When disabled or parked off the roadway but within 10 feet of the roadway, or when approaching, stopped at, or departing from, a railroad grade crossing, turn signal lamps may be flashed as warning lights if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(3) To warn other motorists of accidents or hazards on a roadway, turn signal lamps may be flashed as warning lights while the vehicle is approaching, overtaking, or passing the accident or hazard on the roadway if the front turn signal lamps at each side are being flashed simultaneously

and the rear turn signal lamps at each side are being flashed simultaneously.

Flashing Lights: School buses

25257.5. To warn other motorists or pedestrians on a roadway during a backing maneuver, the operator of a school bus may flash turn signal lamps if the front turn signal lamps at each side are flashed simultaneously and the rear signal lamps at each side are flashed simultaneously.

(Ch. 127, Stats. 1984. Effective January 1, 1985.)

27. USE OF TURN SIGNALS.

- a. Turn signals are used to indicate a driver's intention to turn right or left.
- b. The signal of intention to turn right or left must be given continuously during the last 100 feet traveled by the vehicle before turning.
- c. Flashing lights are prohibited on vehicles except as otherwise permitted by the VC.
- d. Example: A driver must indicate his or her intention to turn right by activating the right turn signal 100 feet before pulling into a passenger loading zone. Once in the loading zone, the driver must turn the right turn signal off. The driver must activate the left turn signal only when he or she is ready to reenter the traffic lane.

28. RAILROAD CROSSING - 22452 VC. The following section is quoted from the VC:

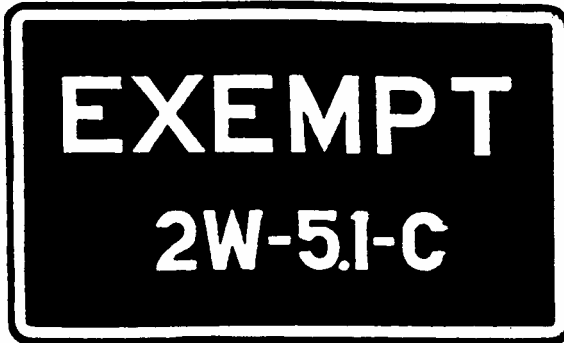
22452. (a) Subdivisions (b) and (c) of this section shall apply to the operation of the following vehicles:

- (1) Any bus carrying passengers.
- (2) Any motortruck transporting employees in addition to those riding in the cab.
- (3) Any school bus and any school pupil activity bus transporting school pupils, except as otherwise provided in paragraph (4) of subdivision (c).
- (4) Every commercial motor vehicle transporting any quantity of Division 2.3 chlorine, as classified by Title 49 of the Code of Federal Regulations.
- (5) Every commercial motor vehicle that is required to be marked or placarded in accordance with the regulations of Title 49 of the Code of Federal Regulations with one of the following federal classifications:
 - (A) Division 1.1.
 - (B) Division 1.2, or Division 1.3.
 - (C) Division 2.3 Poison gas.
 - (D) Division 4.3.
 - (E) Class 7.
 - (F) Class 3 Flammable.

- (G) Division 5.1.
- (H) Division 2.2.
- (I) Division 2.3 Chlorine.
- (J) Division 6.1 Poison.
- (K) Division 2.2 Oxygen.
- (L) Division 2.1.
- (M) Class 3 Combustible liquid.
- (N) Division 4.1.
- (O) Division 5.1.
- (P) Division 5.2.
- (Q) Class 8.
- (R) Class Division 1.4.
- (S) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material, as defined in Parts 107 to 180, inclusive, of Title 49 of the Code of Federal Regulations.
- (6) Every cargo tank motor vehicle transporting a commodity that at the time of loading has a temperature above its flashpoint, as determined under Section 173.120 of Title 49 of the Code of Federal Regulations.
- (7) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with Subpart B of Part 107 of Title 49 of the Code of Federal Regulations.
- (b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 15 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.
- (c) No stop need be made at any crossing:
 - (1) Of railroad tracks running along and upon the roadway within a business or residence district.
 - (2) Where a traffic officer or an official traffic control signal directs traffic to proceed.
 - (3) Where an exempt sign was authorized by the Public Utilities Commission prior to January 1, 1978.
 - (4) Where an official railroad crossing stop exempt sign in compliance with Section 21400 has been placed by the Department of Transportation or a local authority pursuant to Section 22452.5. This paragraph shall not apply with respect to any school bus or to any school pupil activity bus. **(Revised 3-05)**

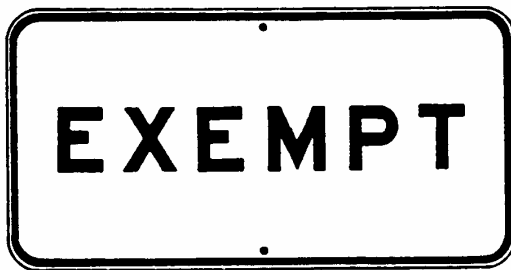
(Ch. 813, Stats. 1981. Effective January 1, 1982.)

SAMPLE OF EXEMPT SIGNS REFERENCED IN 22452 VC



(Black background - yellow
border and lettering)

Figure 2. Sample of 22452(c)(3) VC.



(Yellow background - black
border and lettering)

Figure 3. Sample of 22452(c)(4) VC.

29. AIRBORNE TOXIC CONTROL MEASURE TO LIMIT SCHOOL BUS IDLING AND IDLING AT SCHOOLS – 13 CCR 2480. The following section is quoted from 13 CCR:

“(a) Purpose. This airborne toxic control measure seeks to reduce public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) Applicability. Except as provided in subsection (d), this section applies to the operation of every school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other commercial motor vehicle as defined in subsection (h).

(c) Idling Control Measure.

(1) A driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle:

(A) must turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school, and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or from within 100 feet of a school; and

(B) must not cause or allow a bus or vehicle to idle at any location greater than 100 feet from a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(2) A driver of a transit bus or of a commercial motor vehicle not identified in (c)(1):

(A) must turn off the bus or vehicle engine upon stopping at a school and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school; and

(B) must not cause or allow a bus or vehicle to idle at any location within 100 feet of, but not at, a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(3) A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(1) are reviewed and remedial action is taken as necessary; and

(C) records of (3)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(4) A motor carrier of a transit bus or of a commercial motor vehicle not identified in (c)(1) must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(2) are reviewed and remedial action is taken as necessary; and

(C) records of (4)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(d) Exemptions

This section does not apply for the period or periods during which:

(1) idling is necessary while stopped:

(A) for an official traffic control device;

(B) for an official traffic control signal;

(C) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic; or

(D) at the direction of a peace officer;

(2) idling is necessary to ascertain that the school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

(3) idling is necessary for testing, servicing, repairing, or diagnostic purposes;

(4) idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged diesel engine before turning the engine off;

(5) idling is necessary to accomplish work for which the vehicle was designed, other than transporting passengers, for example:

(A) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government

(B) controlling cargo temperature; or

(C) operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;

(6) idling is necessary to operate:

(A) a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or

(B) a heater or an air conditioner of a bus or vehicle that has, or will have, one or more children with exceptional needs aboard;

(7) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to ensure the safety or health of the driver or passengers, or as otherwise required by federal or State motor carrier safety regulations; or

(8) idling is necessary solely to recharge a battery or other energy storage unit of

a hybrid electric bus or vehicle.

(e) Relationship to Other Law

Nothing in this section allows idling in excess of other applicable law, including, but not limited to:

(1) Title 13 California Code of Regulations Section 1226;

(2) Vehicle Code Section 22515; or

(3) any local ordinance or requirement as stringent as, or more stringent than, this section.

(f) Penalties

(1) For each violation of subsection (c)(1), a driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(2) For each violation of subsection (c)(2), a driver of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(3) For each violation of subsection (c)(3), a motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(4) For each violation of subsection (c)(4), a motor carrier of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(g) Enforcement. This section may be enforced by the Air Resources Board, peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts.

(h) Definitions.

The following terms are defined for the purposes of this section:

(1) Children With Exceptional Needs. "Children with exceptional needs" means children meeting eligibility criteria described in Education Code Section 56026.

(2) Commercial Motor Vehicle. "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, with the following exceptions:

(A) a zero emission vehicle; or

(B) a pickup truck defined in Vehicle Code Section 471.

(3) Driver. "Driver" means any person who drives or is in actual physical control of a vehicle.

(4) General Public Paratransit Vehicle. "General public paratransit vehicle" means any motor vehicle defined in Vehicle Code Section 336, other than a zero emission general public paratransit vehicle, that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities.

(5) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(6) Hybrid Electric Bus or Vehicle. "Hybrid electric bus or vehicle" means any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle equipped with at least the following two sources of motive energy on board:

(A) an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and

- (B) one of the following:
- (i) an internal combustion engine;
 - (ii) a turbine; or
 - (iii) a fuel cell.

(7) Idling. "Idling" means the engine is running while the bus or vehicle is stationary.

(8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle who operates or directs the operation of any such bus or vehicle on either a for-hire or not-for-hire basis.

(9) Motor Truck. "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(10) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

(11) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(12) School. "School" means any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.

(13) School Bus. "School bus" means any school bus defined in Vehicle Code Section 545, except a zero emission school bus.

(14) School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.

(15) Transit Bus. "Transit bus" means any bus defined in Vehicle Code Section 642, except a zero emission transit bus.

(16) Youth Bus. "Youth bus" means any bus defined in Vehicle Code Section 680, except a zero emission youth bus.

(17) Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Commercial Motor Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle" means any bus or vehicle certified to zero-emission standards". **(Revised 3-05)**

(Register 2003, No. 25)

TERMS AND DEFINITIONS

1. DEFINITIONS. Most of the following definitions are taken from the Vehicle Code, Title 13 CCR 1201, and the California Commercial Driver Handbook.

a. Adverse driving conditions. Snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

b. Bus. The following section is quoted from the VC.

233. (a) Except as provided in subdivision (b), a "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.

(b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.

(c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.

(d) A vanpool vehicle is not a bus.

(Ch. 675, Stats. 1994. Effective January 1, 1995.)

c. Bus "type". Bus type is determined as follows:

(1) Type 1. Designed for carrying more than 16 passengers and the driver.

(2) Type 2. Designed for carrying not more than 16 passengers and the driver; or manufactured on or after April 1, 1977, having a manufacturer's gross vehicle weight rating of 10,000 lb or less, and designed for carrying not more than 20 passengers and the driver.

d. Caltrans. California Department of Transportation.

e. CCR. California Code of Regulations - 13 CCR.

f. CDE. California Department of Education

g. CFR. Code of Federal Regulations - 49 CFR.

- h. CHP. California Highway Patrol.
- i. Co-Driver. A driver teamed with another driver for the purpose of alternating driving duties during a trip. While one drives, the other ordinarily rests in a sleeper berth as defined in 13 CCR 1265. Both driver and co-driver maintain separate driver logs pursuant to 13 CCR 1213.
- j. Commissioner. Commissioner of the Department of California Highway Patrol.
- k. DHS. California Department of Health Services.
- l. DMV. Department of Motor Vehicles
- m. DOT. U. S. Department of Transportation.
- n. Drive or Operate. These terms include all time spent at the driving controls of a motor vehicle in operation.
- o. Driver. Any person, including the owner-driver, who drives any motor vehicle subject to 13 CCR Chapter 6.5, and any person, whether driving for compensation or not, who is under the direct control of and drives for a motor carrier.
- p. EC. Education Code.
- q. EPA. U.S. Environmental Protection Agency.
- r. FAA. Federal Aviation Administration.
- s. FBI. Federal Bureau of Investigation.
- t. FHWA. Federal Highway Administration.
- u. FLV. Any motor vehicle specified in Vehicle Code Section 322.
- v. FMCSR. Federal Motor Carrier Safety Regulations.
- w. FMVSS. Federal Motor Vehicle Safety Standard(s).
- x. GPPV - General Public Paratransit Vehicle. Any motor vehicle specified in Vehicle Code Section 336. A GPPV is not a transit bus.
- y. Hazardous Materials. Any material that poses an unreasonable risk to health, safety, and property during transportation.

z. Manufacturer of the Chassis. The original manufacturer of the chassis or the manufacturer of any integral-type school bus.

aa. Motor Carrier or Carrier. The registered owner, lessee, licensee, school district superintendent, or bailee of any vehicle who operates or directs the operations of any such vehicle on either a for-hire or not-for-hire basis.

bb. On-Duty Time. All time from the time a driver begins work, or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. On-duty time includes:

(1) Time at a carrier or shipper plant, terminal, facility, or other private property, or any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.

(2) Time inspecting, servicing, or conditioning any vehicle.

(3) All driving time as defined in the term "drive or operate" in 13 CCR 1201.

(4) All time, other than driving time, in or upon any motor vehicle, except time spent resting in a sleeper berth as defined by the term "sleeper berth" in 13 CCR 1201.

(5) All time loading or unloading, supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

(6) Time spent complying with driver requirements relating to accidents.

(7) All time repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle.

(8) Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier.

(9) Performing any compensated work for any nonmotor carrier entity. (Any driving done for an employer must be counted toward the total driving hours permitted in a work period.)

cc. PC. California Penal Code.

dd. P.S.I. Pounds per square inch.

ee. PUC. California Public Utilities Commission.

ff. Pupil. A child or young person at or below the twelfth-grade level. A preprimary, primary, or secondary school student, including Head Start participants.

gg. Pupil Transportation. The transportation of any pupil enrolled in a public or private school at or below the twelfth-grade level to or from school in a school bus or a youth bus, to or from a school activity in a school bus or school pupil activity bus, from a school to a nonschool related activity within 25 miles of the school in a youth bus, the transportation of any student enrolled in a community college to or from the community college or a college activity, in a vehicle designated as a school bus by resolution of the governing board pursuant to Vehicle Code Section 545(g) and certified by the Department, or transported by a community college pursuant to Vehicle Code Section 545.1.

hh. School Bus. Any motor vehicle specified in Section 545 VC.

ii. School Bus Accident. A motor vehicle accident resulting in property damage in excess of five hundred dollars (\$500) or personal injury, on public or private property, and involving a school bus, youth bus, school pupil activity bus, or general public paratransit vehicle with a pupil on board; a collision between a vehicle and any pupil or the bus driver while the pupil or driver is crossing the highway when the school bus flashing red signal (cross-over) lamps are required to be operated pursuant to Section 22112 VC; or injury of a pupil inside the bus as a result of acceleration, deceleration, or other movement of the bus.

NOTE: For additional information refer to Vehicle Code Section 12517.1.

jj. School District Superintendent. This term or a similar phrase includes a county superintendent of schools and the equivalent official of a private or public school that does not have a school district superintendent.

kk. SPAB. School Pupil Activity Bus.

ll. Special Needs Student/Passenger. An educational need that cannot be met by a regular classroom setting without modifications of the regular school program and requiring special instruction and/or services.

mm. Trailer-Bus. A trailer or semitrailer designed or used for the transportation of more than 10 persons.

- nn. Transit Bus. A bus owned or operated by a publicly owned or operated transit system, or operated under contract with a publicly owned or operated transit system, and used to provide the general public with regularly scheduled transportation for which a fare is charged. A general public paratransit vehicle is not a transit bus.
- oo. Tour Bus. Any motor vehicle specified in Section 612 VC.
- pp. Truck. All motortrucks and truck tractors specified in Section 34500 VC.
- qq. Wheelchair. A specially constructed device on wheels used exclusively to transport a physically handicapped person except infant seat devices, strollers, and gurneys.
- rr. Wheelchair School Bus. Any school bus that has been designed or modified in accordance with Section 1293 VC or 13 CCR to transport pupils confined to wheelchairs.
- ss. Work Period. The duration between the time a driver first reports for duty and the time a driver is completely relieved of all duties and is permitted to go off duty for eight consecutive hours. The terms "work period" and "tour of duty" have the same meaning.
- tt. VC. California Vehicle Code.
- uu. VDDP. Vehicle for Developmentally Disabled Persons.
- w. Youth Bus. Any motor vehicle specified in Section 680 VC.