NEWPORT-MESA UNIFIED SCHOOL DISTRICT
Fiscal Services

RISK ALERT

FROM: Jeff Trader        DATE: May 1, 2000
SUBJECT: (1) Proof of Insurance for School District Vehicles
          (2) Private Vehicles Driven on School Business
          (3) Driving in Foreign Countries

All operators of motor vehicles in California are required to carry proof of insurance or financial responsibility in their vehicle at all times. Public agencies (including schools) operating owned or leased/rented motor vehicles need only show the vehicle registration or a lease/rental agreement document as proof of insurance/financial responsibility as required by CVC Section 16020. Although NMUSD provides glove box accident reporting kits for each insured vehicle containing a reference to this vehicle code section, staff has received periodic reports that local law enforcement officers have at times refused to acknowledge these Vehicle Code provisions and have issued citations for failure to provide valid proof of insurance.

ASCIp staff recently contacted the California Highway Patrol and discussed this issue with their Commercial Vehicle section. The CHP agreed with ASCIP's reading of the Vehicle Code and, at our request, has published a statewide Information Bulletin clearly stating how school owned or operated vehicles may show proof of insurance/financial responsibility. Please find a copy of the referenced CHP Bulletin attached. A copy of this Bulletin will now be included in each NMUSD accident reporting kit. NMUSD – Fiscal Services should be advised if local law enforcement officers continue to issue citations for failure to provide valid proof of insurance/financial responsibility in a school owned or operated motor vehicle.

All motor vehicles owned or operated by NMUSD are insured under ASCIP's broad Memorandum Of Coverage (MOC). Employees and volunteers driving their personal vehicles on school business and in the course and scope of their employment should understand that their personal auto insurance coverage is primary, as required by California law, and that ASCIP's coverage is secondary should an accident occur. When employees or volunteers drive their own vehicles on school business, they are required to carry a current insurance card from their auto insurer or similar proof of financial responsibility at all times.
NMUSD employees should also be aware that although the ASCIP MOC covers owned or leased motor vehicles anywhere in the world, some countries (such as Mexico) do not recognize ASCIP’s auto coverage or other American-produced commercial insurance. If a motor vehicle is to be operated outside the United States, NMUSD employees should first ensure that they have the appropriate coverage which may include an insurance policy from a producer located in the country in which the vehicle will be operated.
NEW VEHICLE CODE SECTION 34520.3
SCHOOL TRANSPORTATION VEHICLES

On September 29, 2005, the Governor signed into law Assembly Bill (AB) 1052 (Chapter 324, Stats 2005), adding Section 34520.3 to the Vehicle Code, pertaining to drug and alcohol testing for drivers of "school transportation vehicles" (STVs), as defined in the section. The purpose of this Information Bulletin (IB) is to inform the motor carrier industry and enforcement personnel about this new section, which becomes effective January 1, 2006.

According to the new statute, an STV "is a vehicle, that is not a school bus, school pupil activity bus, or youth bus, and is used by a school district or county office of education for the primary purpose of transporting children." Many school districts or county offices of education purchase or rent/lease passenger vehicles (capacity ten or less) to transport small groups of pupils to and from school related activities. Operation of such vehicles does not require the driver to have any special driver license or certificate.

The new statute requires a school district or a county office of education to ensure employee STV drivers, not otherwise subject to drug and alcohol testing, participate in a drug and alcohol testing program "consistent with" Title 49, Code of Federal Regulations Part 382.

It is important to note the statute does not provide California Highway Patrol or other law enforcement personnel statutory authority to request or inspect drug and alcohol testing records of STV drivers. Absent any regulatory authority over STV drivers, a search warrant or other court order may be necessary to obtain testing records as part of an investigation resulting from an incident involving an STV.

Questions regarding the contents of this IB may be directed to Mr. Don Callaway, Commercial Vehicle Section, at (916) 445-1865.

OFFICE OF THE COMMISSIONER

OPI: 062
DISTRIBUTION: (3) Field Commands
S( Holders of HPM 82.6, School Pupil Transportation Advisory Committee [SPTAC], School Bus Mailing Lists)