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California Bus Association
Suggested AB-45 Form

Disclaimer: This form does not represent an official legal interpretation of AB 45 or a guarantee of compliance with AB 45 provisions and should be reviewed by CBA members' legal counsel.

The State of California approved Assembly Bill Number 45, commonly referred to as the "Brett Studebaker Law," effective January 1, 2013. The bill defines additional requirements with regard to underage drinking during charter transportation services.

Consumption of alcoholic beverages by persons under 21 years of age is illegal. It is also illegal for an adult to provide alcoholic beverages to a person under 21 years of age.

Section 5384.1. (a) At the time transportation service is prearranged or the contract of carriage is made, the charter party will advise Antelope Express) if:

(1) Alcoholic beverages will be served by the chartering party or be transported in the passenger compartment of the vehicle during transportation.

(2) Whether a member of the party to be provided with transportation services will be under 21 years of age.

If both conditions will exist during the anticipated transportation services, Antelope Express, will provide this notice as a written list of the requirements.

The charter party must provide a designee who is 25 years of age or older and who (1) shall be present during the entire provision of transportation services and (2) make reasonable efforts to ensure compliance of all laws prohibiting the consumption of alcoholic beverages whenever persons under 21 years of age, who are not accompanied by a parent or legal guardian, are being transferred on the charter trip. The designee must also make reasonable effort to ensure compliance by not allowing other adult group members to permit consumption by underage group members.

At all pick up locations, the designee shall check the identifications of all passengers to determine who is under 21 years of age and shall read the following statement to each passenger in the party who is under 21 years of age:

"Consumption of alcoholic beverages by persons under 21 years of age is illegal. It is also illegal for an adult to provide alcoholic beverages to a person under 21 years of age. If you consume alcoholic beverages, this trip will be terminated and all payments for transportation services shall be forfeited and not subject to refund."

The driver shall not commence transport until the designee has verified with the driver that the designee has checked the identifications of all passengers and has read the statement, and the driver of the vehicle shall verify identity and obtain the designee's signature on a written form indicating the designee's acknowledgment and agreement to the conditions required.

The designee shall notify the driver if at any time during the trip, a passenger in their party who is under 21 years of age is consuming or has consumed alcoholic beverages. The designee is in violation of the law if he/she fails to notify the driver.

The designee shall be responsible for any reasonably foreseeable personal injury or property damage that is proximately caused by the consumption of alcoholic beverages by a person under 21 years of age or if the designee knew or reasonably should have known that the person under 21 years of age had consumed alcoholic beverages while being supplied with transportation services.

The designee's responsibility for that minor shall continue until that person who is under 21 years of age is returned safely to his or her home or entrusted into the care of his or her parent or legal guardian or taken to a location reasonably believed to be safer than his or her home.

The failure of the designee to do any of the above is a misdemeanor, punishable by a fine of up to \$1,000.00 or 30 days in jail or both.

If the trip is terminated because of the consumption of alcoholic beverages by a person under 21 years of age who is a member of the charter party, the charter party will also forfeit all payments and no refund given.

Nothing in this section relieves a passenger of legal responsibility for his or her own conduct, including persons under 21 years of age who illegally consume alcoholic beverages.

Antelope Express shall provide a copy of the written form herein to the chartering party and shall verify the written form has been returned with the signature of the designee no later than 72 hours prior to the commencement of the travel date. A replacement designee may be substituted following the same criteria. If the transportation service is prearranged within 72 hours of the travel date, Antelope Express shall immediately provide the written form as a standalone document, separate from the contract of carriage, to be returned prior to the commencement of transportation services with the signature of the designee. Should the chartering party fail to provide a designee as required, the driver shall remove and lock all alcoholic beverages in a separate compartment OR prohibit all persons under 21 years of age from boarding the vehicle. Alcoholic beverages will be unlocked and returned to the charter party at the conclusion of the transportation service. If, at the time transportation is prearranged, the charter party fails to disclose that either alcoholic beverages or group members under 21 years of age will be present, and the driver has reason to believe that both exist at the pick up location, the driver shall verify. If alcoholic beverages were brought into the vehicle without prior notification to Antelope Express that act is a violation of the contract of carriage, and the transportation services shall be terminated and no refund given or all alcoholic beverages are to be removed and locked in a separate compartment until conclusion of the transportation service or persons under 21 years of age will be prohibited from boarding.

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Agreement pursuant to the Brett Studebaker Law

This agreement (dated) _____ by _____

(name of the charter party) and through its Designee hereby agree:

1. Alcoholic beverages will be served by the charter party, or will be transported in the passenger compartment of the vehicle during transportation.
2. A member of the charter party will be under 21 years of age.
3. The person signing this agreement on behalf of the charter party is the designee and is 25 years or older. The designee shall be a passenger on the vehicle during the entire trip.
4. The designee must make reasonable efforts to ensure compliance with all laws prohibiting the consumption of alcoholic beverages by any underage passengers who are members of the charter group and who are not accompanied by a parent or legal guardian.
5. The designee will check the identification of all passengers, at original and subsequent pick up locations, to determine who is under the age of 21.
6. The designee shall read the following statement to each underage passenger:
"Consumption of alcoholic beverages by persons under 21 years of age is illegal. It is also illegal for an adult to provide alcoholic beverages to a person under 21 years of age. If you consume alcoholic beverages, this trip will be terminated and all payments for transportation services shall be forfeited and not subject to refund."
7. The driver will not commence transportation from any stop until notified by the designee that he/she has verified identification and read the statement.
8. If the designee knew, or reasonably should have known, that an underage passenger is consuming her has consumed alcoholic beverages during the trip the designee is legally responsible for all personal injury or property damage that is proximately caused by them underage passengers consumption of alcohol while on the trip.
9. If the driver is notified that an underage passenger is consuming or has consumed alcoholic beverages during the trip, the driver shall immediately terminate the trip and all passengers shall be returned to their point of origin and no chance rotation refunds will be issued to the charter party.
10. If a trip is terminated because an underage passenger has consumed alcoholic beverages, the designee is responsible for the underage passenger until that passenger is safely returned to his or her home or entrusted into thick care of a parent or legal guardian or is taken to a location believed to be safer than the underage person's home.
11. It is against the law for the designee to fail to notify the driver, at any time during the trip, that an underage passenger is consuming or has consumed alcoholic beverages. The designee's failure to comply with the above conditions is a misdemeanor punishable for a fine of \$1,000.00 or 30 days in jail or both.

Printed Name of Designee _____ Age _____

Signature of Designee _____ Date _____

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