

School Transportation

12-15 Passenger Vans

What's the Law?

Federal statute (SAFETEA-LU: *Safe, Accountable, Flexible, Efficient Transportation Equity Act*) prohibits school districts from *purchasing or leasing new* vehicles designed for 10-14 passengers, not including the driver, to transport students unless the vehicles comply with the motor vehicle standards prescribed for school buses. This definition includes the two common types of vehicles usually referred to as 12- or 15-passenger vans and applies to the original seating design of the vehicle.

Previous federal law placed restrictions on dealers who sold these new vehicles to school districts. The expansion of the law to cover school district purchasers includes penalties of up to \$10,000 per restricted vehicle purchased and \$15 million for a pattern of violations.

Vermont State Law addresses the usage of passenger vans (including rentals). **The use of these vans is NOT legally permissible for student transportation.** When asked if school districts could rent or legally purchase 12 or 15 passenger vans for student transportation, the Vermont Department of Motor Vehicles indicated the following:



No. An 11-15 passenger vehicle used to transport school children must be a school bus. Title 23 section 1283 (a)6 states "Types I and II school buses shall be in compliance with the Federal Motor Vehicle Safety Standards for school buses as of the date of manufacture." Vehicles meeting this standard will have a sticker from the manufacturer stating it is a "school bus". Vehicles cannot be retrofitted to meet school bus specifications because of this regulation. Feel free to contact me if you need any other information.

*Paul A. Graves
Vermont Department of Motor Vehicles
120 State Street
Montpelier, VT 05603-001
Phone# 802-828-2068
Fax# 802-828-2092*

Recommendation

As mandated by Federal and Vermont law, school districts cannot utilize an 11-15 passenger vehicle to transport school children. If school districts do use these vehicles, not only could there be legal ramifications for the school district, the operator of the vehicle could also be cited.

Resources

Vermont DMV website regarding what is and what is not a school bus:

http://dmv.vermont.gov/sites/dmv/files/pdf/DMV-School_Bus_T23_Handout.pdf

Vermont Motor Vehicle statutes: <http://www.leg.state.vt.us/statutes/chapters.cfm?Title=23>

National Highway Traffic Safety Association:

<http://www.safercar.gov/portal/site/safercar/menuitem.13dd5c887c7e1358fefe0a2f35a67789/?vgnextoid=fa2786426c9b9110VgnVCM1000002fd17898RCRD>

Employee/Volunteer Driver Checklist

Trip Information:

Date submitted: _____
 Purpose _____
 School _____
 Date of Trip _____
 Trip destination _____
 Trip start location _____
 Total # of passengers _____
 Total # of students _____

Driver Screening/Insurance Requirements:

Driver Name	_____
Year/Make/Model of vehicle to be used	_____
License #	_____
Expiration date of license	_____

Please respond to the following questions with a "Yes" or "No" answer:

Yes/No*?	
	I am older than 21 years of age.
	I have a valid Vermont State driver's license. Please attach copy.
	I have had no vehicle moving violations or at-fault accidents within the last 3 years.
	I have never been convicted of any crimes against children or other persons.
	I carry auto liability limits of at least \$100,000 per person / \$300,000 per accident (bodily injury) & \$50,000(property damage) or \$300,000 combined single limit. Please attach Certificate of Insurance.
	I am aware that, in the event of an accident while on a school-related activity, any claims will be tendered to my personal automobile insurance company, and that insurance coverage will be primary.
	I agree to report to the school principal (or designee) any and all accidents, regardless of scope, that I am involved in while transporting district staff, volunteers or students.

Please detail any "No" answers:



Vehicle Inspection:

Please respond to the following questions with a "Yes" or "No" answer:

Yes/No?	
	There is a working seatbelt for the driver and each passenger, and I will enforce the wearing of seat belts by all occupants.
	My vehicle's brakes, including the emergency brake, are in good working order.
	My vehicle's tires have legal tread depth (at least 3/32").
	My vehicle's brake lights, turn indicators, and headlights are in good working order.
	My vehicle's windows are clear and provide an unobstructed view for the driver.
	My vehicle has functioning rear view mirrors (center and left side).
	My vehicle has no other physical defects that would interfere with the safety of the driver and passengers.
	My vehicle has a rated capacity of ten passengers or less.
	If my vehicle has dual airbags, I will not seat children under the age of 12, or smaller individuals in the front passenger seat.
	I agree to use booster seats as applicable. (Under the age of 8)
	I agree to not smoke while transporting students

Please detail any "No" answers:

To the best of my knowledge, the information provided on this form is both true and accurate.

Signature of Employee/Volunteer Driver

Date

Administrative Review:

	All appropriate background checks have been performed and reviewed.
	All students have parental permission to ride with the employee/volunteer driver.
	All "No" responses have been addressed satisfactorily.

I have reviewed the above information and this driver and vehicle are approved for this trip.

Signature of School Administrator/Designee

Date