

Passenger (11-15) Van Regulations and Student Transportation

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 11-15 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.*

Any vehicle transporting students to and from home to school or school-related activities must be a school bus with proper signage and licensing, however, there are exceptions. One of those exceptions, 23 VSA §4(34)(A)(iv) is for schools who own, lease or hired by a school with a Manufacturer Rated Seating Capacity (MRSC) of 11 or less. You can find the MRSC on the build plate of the vehicle. Schools cannot use vehicles with an MRSC of 11 or more to transport students. If a school uses this vehicle, it must have the "simple light system" signage and the driver must have a Type II school bus endorsement on their license. If the driver is an employee or volunteer of the school (subject to a criminal background check and is not transporting more than 5 others; 6 total including driver) and all have seatbelts, then the driver just needs a license and the vehicle does not need the signage or lights. The 6 total is any combination of students and adults. It could be the driver and 5 students or the driver 4 adults and 1 student.

If you have further questions, and/or need more detailed information please contact:

Patrick J. McManamon, Highway Safety Specialist
Vermont Department of Motor Vehicles
Enforcement and Safety Division
120 State Street Montpelier, Vt. 05603
802-828-3757 office 802-793-9472 cell
patrick.mcmanamon@vermont.gov

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

Vermont Department of Motor Vehicles webpage on school buses: <https://dmv.vermont.gov/tags/school-bus>