

NONCONFORMING VEHICLES

Definition of School Bus § 28-101.46

“School Bus” means a motor vehicle that is designed for carrying more than ten passengers and that is either:

- (a) Owned by any public or governmental agency or other institution and operated for the transportation of children to or from home or school on a regularly scheduled basis.

Explanation:

The interpretation of this definition is that any vehicle over 10 passengers must meet the specifications of a school bus. Otherwise, the vehicle shall not transport students on a regular route to or from home and school. Since the Department of Public Safety does not have jurisdiction over activity trips (athletic trips), there is no prohibition from using other vehicles. However, the Department *very strongly advises against* the use of nonconforming vans for transporting students at any time for safety reasons. (Please refer to the federal law regarding the lease/purchase of *new* nonconforming vans.)

If the vehicle is a 15-passenger van, removing seats does *not* result in changing the size of the van. *It remains a 15-passenger van.* It is the manufacturer’s rated capacity that must be considered and that cannot be changed.

A regular route may be one time per week or 5 times per week or the child may ride only occasionally. It is still considered a regularly scheduled route.

To and from home or school – Home is whatever the school determines is the designated stop. It is not necessarily a student’s “home”. Home may be a location within a subdivision; it may be the parking lot of a store; it may be a nearby church parking lot; it is whatever location the school determines is the home stop.

Federal Law

On August 10, 2005, President Bush signed into law an Act which **prohibits school systems** from purchasing and using vans for transporting students. Section 10309, Title I of the SAFTEA-LU Act, states “. . . a school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary or secondary school students to or from school or an event related to school . . .”

No new nonconforming vans may be purchased for transporting students for any purpose. The definition of a 15-passenger van in this law “means a vehicle that seats **10 to 14** passengers, not including the driver”.

The penalty per violation shall be \$10,000 – not to exceed \$15,000,000 in a related series of events.