



## Position Paper

# **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

### **Background**

Congress passed the School Bus Safety Amendments of 1974, which resulted in the National Highway Traffic Safety Administration (NHTSA) issuing safety standards specifically applicable to school buses. Those safety standards, which became effective for all new school buses built starting in April 1977, along with other stringent licensure, training, and qualifications for school bus drivers have resulted in school buses providing a higher level of safety for the transportation of school students than other passenger vehicles.<sup>1</sup> Continuing advancements made in school bus transportation have increased student safety through training, standards, products, and technological advancements.

Not only has school transportation seen advancements in safety, but the look of school transportation has changed with the emergence of Alternative Transportation. ***Alternative Transportation is defined as the transportation of students in any vehicle that is not a Federal Motor Vehicle Safety Standards (FMVSS)-defined school bus, Multifunction School Activity Bus (MFSAB), Commercial Motor Coach, or Transit Bus defined by the Federal Transit administration (FTA).*** This type of school transportation is occurring across the United States due to higher demands for McKinney Vento Transportation (MKV), Foster Transportation, and Special Services Transportation, as well as from school bus driver shortages that limit the number of buses used to transport students. Districts have sought alternate transportation to meet their transportation needs. As this practice increased, it created a new market for vendors to provide transportation using vehicles other than FMVSS-defined school buses. The number of vendors has grown in this market as there has been a fundamental shift in the mindset, and in some states, laws to allow smaller non-FMVSS-defined school bus vehicles to transport students from home to school since driver and vehicle requirements are less stringent than for school buses.

Using vehicles other than a school bus to transport students is of concern because those vehicles are not regulated or required to meet the same safety standards as school buses. Also, the drivers of these vehicles do not have to possess a CDL, which may enable employers to bypass several federal, state, and local mandated requirements which school bus drivers must adhere to. Additionally, alternative transportation drivers may not receive the same level of specialized driver training, a criminal background check, periodic medical fitness examinations, drug and alcohol testing, or continuous reviews for disqualifying driving infractions as do school bus drivers. In addition to the lack of commercial driver requirements, there is also the concern about the type of vehicle used to transport students as compared to school buses, such as: the vehicle's age, regular vehicle inspections, the type of required safety equipment, etc. Unfortunately, some states and districts use vehicles other than school buses to transport students to and from school

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<sup>1</sup> Statistics on the unparalleled safety provided by school buses compared to other ways students travel to and from school can be found at [www.schoolbusfacts.com](http://www.schoolbusfacts.com).

## **NASDPTS Position Paper- Alternative Transportation & Non-Conforming Vans Used for School Transportation**

and school-related activities.<sup>[1]</sup> Using vehicles other than school buses compromises student safety and heightens the potential for disastrous crashes with student injuries and fatalities. Thus, alternative transportation should be avoided except when completely necessary to meet specific students' school transportation needs and when proper oversight and safety regulations are established.

### **School Buses Safety Background**

School Buses are safer than other vehicles on the road, and according to NHTSA's 2002 research on School Bus Crashworthiness, "American students are nearly eight times safer riding in a school bus than with their own parents or guardians in cars. The fatality rate for school buses is only 0.2 fatalities per 100 million vehicle miles traveled (VMT) compared to 1.5 fatalities per 100 million VMT for cars."<sup>2</sup> School buses are safer than other vehicles because they are heavily regulated by both the vehicle designs and driver requirements.

School Buses have been designed to ensure they safely transport students, starting with the overall design of compartmentalization. Compartmentalization is the design of the seating area to protect students with closely spaced seats with energy-absorbing backs. According to NHTSA, "large school buses are heavier and distribute crash forces differently than passenger cars and light trucks. These differences help bus passengers experience much less crash force than those in passenger cars, light trucks and vans."<sup>3</sup> In addition, school buses have to meet extensive FMVSS standards in production to ensure the safety of students. Those standards revolve around Rearview Visibility, Electronic Stability Control, School Bus Pedestrian Safety Devices, Occupant Crash Protection, Seat Belt Assemblies, Child Restraint Systems, Emergency Exits and Window Retention and Release, School Bus Rollover Protection, School Bus Body Joint Strength, School Bus Passenger Seating and Crash Protection, Child Restraint Anchorage Systems, Fuel System Integrity, Flammability and Interior Materials, and Platform Lift Systems for Motor Vehicles. These FMVSS standards help regulate school bus design and production to ensure they are the safest vehicles available to transport students. The uniform color of school buses improves safety, according to Color Matters, which states, "even when you are looking straight ahead, you can see a yellow object that is not in front of you 'in the corner of your eyes' much sooner than any other color even red. Scientists describe this as 'Lateral peripheral vision for detecting yellow is 1.24 times greater than for red.'"<sup>4</sup>

In addition to the highly regulated design, driver requirements are regulated federally and locally, ensuring that professional, vetted, and trained drivers are behind the wheel of the buses. School Bus drivers must obtain a Commercial Driver's License, Passenger Endorsement and School Bus

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<sup>[1]</sup> A recent NASDPTS survey on the types of vehicles allowed for student transportation by various states' laws and regulations can be found in [Appendix A](#).

<sup>2</sup> National Highway Traffic and Safety Administration October 2002 School Bus Crashworthiness Research <https://www.nhtsa.gov/crashworthiness/school-bus-crashworthiness-research>

<sup>3</sup> National Highway Traffic and Safety Administration School Bus Safety Website <https://www.nhtsa.gov/road-safety/school-bus-safety>

<sup>4</sup> Color Matters <https://colormatters.com/color-matters-for-kids/why-are-school-buses-yellow>

## **NASDPTS Position Paper- Alternative Transportation & Non-Conforming Vans Used for School Transportation**

Endorsement before transporting students. States and local jurisdictions are responsible for establishing the training for School Bus Drivers, which initially requires extensive hours of classroom and on-road driving followed by re-certification training periodically. Drivers must undergo background checks and child abuse queries to obtain employment and are subject to federally required pre-employment, random, post-accident, and reasonable suspicion drug testing. Drivers are also subject to medical examinations to ensure fitness and re-certification training. All these requirements ensure that drivers are ready to provide safe transportation to students throughout the nation.

According to NHTSA, these standards and regulations are why students are 70 times more likely to get to school safely when taking a school bus instead of a car. It is important to remember the safety records of school buses versus other vehicles when determining how to transport students home to school or for after-school activities. The impressive safety standards indicate that the school bus should always be the first option for transporting students, with every effort to make that form of transportation occur.

### **Non-Conforming Van Discussion**

Under federal law any motor vehicle designed to carry 10 passengers or more (11 or more persons, including the driver) is classified as a “Bus.” A bus is classified as a “School Bus” if it is used, or intended for use, in transporting students to and from school or school-related activities. At the direction of the U.S. Congress, NHTSA, an agency under the U.S. Department of Transportation, has authority over the manufacture and first sale of a motor vehicle. In 2005, Congress extended this authority to specify that schools or school systems may not purchase, rent or lease a new van designed to transport 10 to 14 passengers (11 to 15 persons, including the driver) that is not built to FMVSS standards applicable to a school bus or MFSAB if the vehicle will be used 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.<sup>5</sup> After a vehicle is sold, only state and local governments can regulate the subsequent use of motor vehicles. For more information on vans, including illustrations and how to identify the vehicle type by the federally required data plate installed in each vehicle, see the Kansas Department of Education’s report, “12 & 15 Passenger Rated Vans Information.” Federal law prohibits dealers from selling or leasing a new motor vehicle with a capacity of 10 passengers or more (11 or more persons, including the driver) for the purpose of transporting students to and from school or a school-related activity unless the vehicle complies with the applicable FMVSS for school buses or MFSABs.<sup>6</sup> While there is no federal prohibition against dealers selling or leasing **used**, full-sized

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<sup>5</sup> A copy of Public Law 109-59, Section 7529. Passenger Van Safety, can be found in [Appendix B](#). On November 17, 2005, NASDPTS received a requested response from Ronald Medford, then-Senior Associate Administrator for Vehicle Safety at NHTSA, clarifying that the term 15-passenger van is defined in the law as “a vehicle that seats 10 to 14 passengers, not including the driver.”

<sup>6</sup> The Federal Motor Vehicle Safety Standards define a school bus as a vehicle designed to carry 11 or more persons, including the driver (i.e., 10 passengers or more), that is used primarily to transport students to or from school. In 2003, NHTSA established a new school bus subclassification, the multifunction school activity bus (MFSAB), for use on trips other than those to and from home or school bus stops and school. This classification provides schools

## **NASDPTS Position Paper- Alternative Transportation & Non-Conforming Vans Used for School Transportation**

vans for the purpose of transporting students, such actions are counter to the basis for the federal law previously mentioned – that is, that students are safer in school buses. Manufacturers of full-sized passenger vans have in the past provided written notification to each of their dealers of the federal law as a reminder not to sell or lease new passenger vans with seating capacities of 10 passengers or more (11 or more persons, including the driver), to schools. In some cases, the required federal certification label installed in the vehicle states, at the discretion of the manufacturer, “(Not School Bus)” after the vehicle type. Unless the van has been modified and certified by the manufacturer/modifier as a school bus, it is considered a “non-conforming” van since it does not conform to the FMVSS for school buses or MFSABs. It is the responsibility of the seller or lessor to ascertain the intended use of the vehicle. The seller or lessor is subject to substantial penalties for knowingly selling or leasing a vehicle that does not meet the FMVSS for school buses, including civil fines and injunctive sanctions. Unfortunately, some sellers and lessors have apparently ignored or were unaware of this information. Full-sized passenger vans do not offer occupants the same level of safety as a full-sized school bus, a smaller Type A school bus, or an MFSAB built on a cutaway or van-type chassis, which are all required to meet federal school bus construction standards. In a crash, the risk of a serious injury or fatality is significantly higher for the occupants of a van. Typically, any crash resulting in serious injuries or fatalities to school students results in lawsuits. The fact that a school used a vehicle that was not manufactured, sold, purchased, or leased following federal laws governing school transportation would likely be a significant issue in the lawsuit. Depending upon state insurance regulations and policies, this fact could impact the liability responsibilities of the insurance company to insure the school’s operations. NHTSA has investigated and fined dealers for violating the federal law. The National Association of State Directors of Pupil Transportation Services (NASDPTS) supports these actions by NHTSA. It encourages everyone to report illegal sales or leases of non-conforming vans to NHTSA. The agency maintains a toll-free Vehicle Safety Hotline (1-888-327-4236) and web portal (<https://www.nhtsa.gov/nhtsa-live-chat>) that can be used to report such information.<sup>7</sup> On December 2, 2010, the agency heads of NHTSA and the Federal Motor Carrier Safety Administration (FMCSA) sent a joint letter ([Appendix C](#)) to all chief state highway officials regarding the documented hazards to passengers and drivers posed by “9, 12, and 15 passenger vans.” In addition to other safety recommendations to users of vans, the letter reminded state officials that “preprimary, elementary, and secondary schools should not use 12 or 15-passenger vans for transporting students because they do not provide the same level of safety as school buses meeting NHTSA’s safety standards” and that “Federal law prohibits the sale or lease of a new 12 or 15-passenger van if it will be used to transport students.”

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and entities other than schools, such as child care centers or Head Start centers, with an alternative to 15- passenger vans. The MFSAB is built to the same construction and safety performance standards as a school bus, but is not required to have flashing lights or stop arms, since MFSABs are not intended to drop off or pick up students at their homes or school bus stops and control traffic like regular school buses.

<sup>7</sup> NHTSA Contact Us [Contact Us | NHTSA](#)

### **Alternative Transportation and Non-Conforming Van Position**

NASDPTS believes it is appropriate to require the highest safety standards in vehicles that transport students to and from school and school-related activities. Accordingly, the Association supports the position that school students should be transported in school buses to provide the aforementioned highest level of safety. The Association recognizes that the use of FMVSS-defined school buses may not always be feasible for all required transportation or student needs and thus may require Alternative Transportation. If there is no other option than to utilize Alternative Transportation, states or local jurisdictions must ensure they implement high standards of regulations for their Alternative Transportation providers. In addition, States should create laws to enable the agency overseeing School Transportation to also oversee and regulate the Alternative Transportation providers that transport school students. These regulations will assist in providing students with safe transportation by highly trained and vetted drivers who operate appropriately inspected vehicles equipped with necessary safety equipment and not carried out using non-conforming vans. To support states and local jurisdictions in implementing high standards for Alternative Transportation, the recommendations below are provided based on the vehicle type being operated.

To ensure that proper vehicles are used for transportation of students to and from school and school-related activities, NASDPTS endorses the safety recommendation (H-99-22) of the National Transportation Safety Board (NTSB), reiterated in its Highway Accident Report NTSB/HAR-04/02, stating that the 50 states and the District of Columbia should, “require that all vehicles carrying more than ten passengers (buses) and transporting students to and from school and school-related activities, including but not limited to, Head Start programs and daycare centers, meet the school bus structural standards or the equivalent as set forth in 49 Code of Federal Regulations Part 571,”<sup>8</sup> and that they should, “enact regulatory measures to enforce compliance with the revised statutes.”

NASDPTS believes states are in the best position to ensure that new and used non-conforming vans are not utilized for student transportation. Preventing the use of nonconforming vans can be accomplished by establishing strict requirements on the types of motor vehicles used within a state for transporting students to and from school and school-related activities.

Public schools, charter schools, and private schools are sometimes unaware of regulations and safety requirements affecting student transportation. Therefore, NASDPTS further recommends that state and local student transportation officials, state associations, insurance companies, van manufacturers, automobile dealers, and rental car companies fully inform schools about federal and state regulations prohibiting the purchase and use of full-size vans to transport students as well as the related safety liabilities.

This paper is intended as a guide, not a legal document. Readers are encouraged to review the listed links and resources and consult others for complete information on this topic. NASDPTS encourages questions and comments.

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<sup>8</sup> NTSB Safety Recommendation: [https://www.nts.gov/safety/safety-recs/RecLetters/H99\\_22\\_24.pdf](https://www.nts.gov/safety/safety-recs/RecLetters/H99_22_24.pdf)



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

#### Alternative Transportation Recommended Regulation

Vehicle Type	Vehicle Certification Label	Federal Vehicle Definition	Common Name	Manufactured Seating Capacity, Including the Driver	Recommended Vehicle Usage	Recommended Driver Requirements	<u>Recommended Additional Requirements</u>
School Bus	School Bus	<a href="#">49 CFR 571.3(c) "School bus"</a>	School Bus (Yellow)	11 or more seating positions, including the driver	Home to School and School to Home  Extra-Curricular Transportation	CDL with Passenger Endorsement (P), School Bus Endorsement (S) and other required state credentials	Follow state laws or local regulations.  It is recommended for those laws and regulations to include recommendations R1-R17
MFSAB	Multifunction School Activity Bus (MFSAB)	<a href="#">49 CFR 571.3(c) "Multifunction school activity bus"</a>	MFSAB (TYPE A) Cannot be Yellow	11 to 15 seating positions, including the driver	Extra-Curricular Transportation	Follow state or local guidelines for requirements	Follow state laws or local regulations.  It is recommended for those laws and regulations to include recommendations R1-R17
MFSAB	Multifunction School Activity Bus (MFSAB)	<a href="#">49 CFR 571.3(c) "Multifunction school activity bus"</a>	MFSAB (TYPE C and D) Cannot be Yellow	16 or more seating positions, including the driver	Extra-Curricular Transportation	CDL with Passenger Endorsement (P) and other required state credentials	Follow state laws or local regulations.  It is recommended for those laws and regulations to include recommendations R1-R17





## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

Vehicle Type	Vehicle Certification Label	Federal Vehicle Definition	Common Name	Manufactured Seating Capacity, Including the Driver	Recommended Vehicle Usage	Recommended Driver Requirements	<u>Recommended Additional Requirements</u>
MPV	Multipurpose Passenger Vehicle (MPV)	<a href="#">49 CFR 571.3(c)</a> “Multipurpose passenger vehicle”	MPV, SUV, Minivan	10 or fewer seating positions, including the driver	Home to School and School to Home	Regular vehicle driver's license meeting state credentials	<a href="#">R1</a> , <a href="#">R2</a> , <a href="#">R3</a> , <a href="#">R4</a> , <a href="#">R5</a> , <a href="#">R6</a> , <a href="#">R7</a> , <a href="#">R8</a> , <a href="#">R9</a> , <a href="#">R10</a> , <a href="#">R12</a> , <a href="#">R13</a> , <a href="#">R14</a> , <a href="#">R15</a> , <a href="#">R16</a> , <a href="#">R17</a> ,
Passenger Car	Passenger Car	<a href="#">49 CFR 571.3(c)</a> “Passenger car”	Passenger Car		Extra-Curricular Activity		
Truck	Truck	<a href="#">49 CFR 571.3(c)</a> “Truck”	Truck				
Motor Coach	Bus	<a href="#">49 CFR 571.3(b)</a> “Bus”	Motor Coach or Common Carrier	11 or more seating positions, including the driver	Extra-Curricular Activity	CDL with Passenger Endorsement (P) operating under FMCSA Regulation	<a href="#">R11</a>
Bus	Bus	<a href="#">49 CFR 571.3(b)</a> “Bus”	Cargo Van/Shuttle Bus/11-16 Passenger Van	11 or more seating positions, including the driver	<b>Not Allowable</b>	<b>Not Allowable</b>	<b>Not Allowable</b>



## **Position Paper**

# **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

### **R1 - Background Checks**

All drivers must be properly vetted, including completing a State and Federal Criminal Background Check. Protocols should be implemented for the agency, district and/or employer who receives the background results and provides clearance before the driver begins working with students. The clearance of backgrounds should be handled to the same standard as School Bus Drivers.

### **R2 - Child Protective Clearances (Child Abuse, Child Predatory)**

All drivers must be properly vetted, which includes completing Child Protective Clearances. The clearances search registries to ensure the individual has no substantiated reports of Child Abuse. Follow local school's jurisdiction's requirements when completing these clearances.

### **R3 – Crash Procedures**

Establish vehicle crash procedures and reporting plan that must be followed if students are onboard at the time of a crash. The procedures should mirror local School Bus Crash Procedures.

### **R4 - Driver License Credentials**

All drivers must be properly vetted, which includes reviewing and validating the Driver's License and driving history of the applicant. Alternate transportation drivers should be held to the same driving history standards as school bus drivers in local jurisdictions. An adequate review of the driving history would include looking for license suspensions, driving infractions, and the number of points over the same period it is evaluated for school bus drivers. Driver history checks should also be conducted as frequently as school bus driver checks to ensure driving credentials are still valid and no infractions have occurred that should restrict the driver from continuing to transport students.

### **R5 - Driver Annual Training**

Alternate transportation drivers should be subject to annual training or refresher training meeting the similar standards as school bus drivers in the local jurisdiction.





## **Position Paper**

### **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

#### **R6 - Driver Drug & Alcohol Testing**

All CDL drivers must be enrolled in DOT Drug & Alcohol Testing, meeting all FMCSA requirements. Alternative Drivers not requiring a CDL should be enrolled in a NON-DOT Drug & Alcohol Testing program meeting the same requirements as FMCSA DOT Drivers. All drivers should be vetted by completing a pre-employment drug test and random, post-accident, and reasonable suspicion drug and alcohol testing when required. The Alternative Transportation Drug & Alcohol Testing program should mirror the FMCSA DOT Drug Testing program but be completed under the NON-DOT category.

#### **R7 - Driver Initial Training**

Drivers of Alternative Transportation should be required to undergo initial training before transporting students. This initial training should focus on defensive driving, driving laws, student management, behavior techniques, and dealing with emergency situations. The training should be the same or very similar to the local jurisdiction's classroom training for school bus drivers. This training should include Railroad Crossing hazards.

#### **R8 - Driver Physical Requirements**

Drivers should be subject to regular physicals to ensure they are medically fit to transport students. Alternative Transportation drivers should be subject to the exact physical requirements as School Bus Drivers in the local jurisdiction.

#### **R9 - Driver Mobile Device Restrictions**

A local or state policy should be adopted requiring drivers of Alternative Vehicles to be subject to the exact requirements as School Bus Drivers regarding the use of Mobile Devices while transporting students, including hand-free devices.

#### **R10 - Emergency Equipment**

Vehicles providing Alternative Transportation should require emergency equipment that ensures students are safely transported. Minimum emergency equipment requirements should include one 2-A:10-BC or higher fire extinguisher, First Aid Kit, and Body Fluid Kit.



## **Position Paper**

### **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

#### **R11 - FMCSA (SAFER) Search**

When using this type of transportation to transport students for extra-curricular activities, the hiring agency should always search the FMCSA Safety and Fitness Electronic Records (SAFER) System to ensure the company being hired doesn't have any violations or negative safety rating that could jeopardize the safety of passengers. The website is at <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>, with searching available by US DOT Number, MC/MX Number, or Company Name.

#### **R12- Insurance Requirements**

Should be the same as School Bus Contractors providing intrastate transportation within that local jurisdiction.

#### **R13- Special Service Training**

If students being transported by Alternative Transportation are Special Education Students with an Individual Education Plan (IEP), the drivers should be trained on student confidentiality, IEPs, and how to work with the student-specific needs to ensure that they are equipped to provide the safest transportation that meets the student's individual needs and requirements.

#### **R14 - Vehicle Age Limits**

Vehicles used to transport students between home and school and extra-circular activities should be subject to the exact vehicle age limits as school buses in your local jurisdiction. If your local jurisdiction does not have vehicle age limits, follow R16- Vehicle Inspection Requirements.

#### **R15 - Vehicle Identification**

When transporting students, vehicles should be equipped with signage following state and local jurisdiction requirements for vehicle identification.

#### **R16- Vehicle Inspections**

A local or state policy that requires Alternative School Transportation vehicles to be subject to additional vehicle inspections should be adopted. These inspections ensure the vehicles are properly functioning and safe to transport students.



## **Position Paper**

### **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

#### **R17- Vehicle Specifications**

A local or state policy should be adopted to outline the vehicle specification requirements for Alternative School Transportation vehicles. The policy should outline capacity sizes to ensure that non-conforming vans are not used to transport students. In addition, the policy should include emergency equipment and vehicle identification requirements.



## Position Paper

# Alternative Transportation & Non-Conforming Vans Used for School Transportation

## *Appendix A*

**Question 1: Does your state have school transportation laws regarding the use of 12 & 15-passenger vans for travel to and from school?**

**Question 2: Does your state have school transportation laws regarding the use of 12- & 15-passenger vans for travel to and from school-related events?**

### *Survey Results as of February 2024*

State	Question 1: (Laws to-from-use of 12 & 15 passenger vans)	Question 2: (Laws school-related events use of 12 & 15 passenger vans)	Link to State Law
Alabama	No	No	
Alaska	No	No	
Arizona	No	No	
Arkansas	Yes	Yes	<a href="#">Click here for AR law</a>
California	No	No	
Colorado	Yes	Yes	<a href="#">Click here for CO law</a>
Connecticut	Yes	Yes	<a href="#">Click here for CT law</a>
Delaware	Yes	Yes	<a href="#">Click here for DE law</a>
Florida	No	No	
Georgia	No	No	<a href="#">Click here for GA law</a>
Hawaii	No	No	
Idaho	Yes	Yes	<a href="#">Click here for ID law</a>
Illinois	Yes	Yes	<a href="#">Click here for IL law P1</a> <a href="#">Click here for IL law P2</a>
Indiana	Yes	Yes	<a href="#">Click here for IN law</a>
Iowa	Yes	Yes	<a href="#">Click here for IA law</a>
Kansas	Yes	Yes	<a href="#">Click here for KS law</a>



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

State	Question 1: (Laws to-from-use of 12 & 15 passenger vans)	Question 2: (Laws school-related events use of 12 & 15 passenger vans)	Link to State Law
Kentucky	Yes	Yes	<a href="#">Click here for KY law</a>
Louisiana	No	No	
Maine	No	No	
Maryland	No	No	
Massachusetts	Yes	Yes	<a href="#">Click here for MA law</a>
Michigan	Yes	Yes	<a href="#">Click here for MI law</a>
Minnesota	Yes	Yes	<a href="#">Click here for MN law</a>
Mississippi	Yes	Yes	<a href="#">Click here for MS law</a>
Missouri	Yes	Yes	<a href="#">Click here for MO law</a>
Montana	Yes	Yes	<a href="#">Click here for MT law</a>
Nebraska	Yes	Yes	<a href="#">Click here for NE law</a>
Nevada	Yes	Yes	<a href="#">Click here for NV law P1</a> <a href="#">Click here for NV law P2</a>
New Hampshire	Yes	Yes	<a href="#">Click here for NH law</a>
New Jersey	Yes	Yes	<a href="#">Click here for NJ law</a>
New Mexico	Yes	Yes	<a href="#">Click here for NM law</a>
New York	Yes	Yes	<a href="#">Click here for NY law</a>
North Carolina	No	No	
North Dakota	Yes	Yes	<a href="#">Click here for ND law</a>
Ohio	Yes	Yes	<a href="#">Click here for OH law P1</a> <a href="#">Click here for OH law P2</a>
Oklahoma	Yes	No	<a href="#">Click here for OK law</a>
Oregon	Yes	Yes	



## Position Paper

### **Alternative Transportation & Non-Conforming Vans Used for School Transportation**

State	Question 1: (Laws to-from-use of 12 & 15 passenger vans)	Question 2: (Laws school-related events use of 12 & 15 passenger vans)	Link to State Law
Pennsylvania	Yes	Yes	<a href="#">Click here for PA law</a>
Rhode Island	Yes	Yes	<a href="#">Click here for RI law</a>
South Carolina	Yes	Yes	<a href="#">Click here for SC law</a>
South Dakota	No	No	
Tennessee	Yes	Yes	<a href="#">Click here for TN law</a>
Texas	Yes	Yes	<a href="#">Click here for TX law</a>
Utah	Yes	Yes	<a href="#">Click here for UT law</a>
Vermont	Yes	Yes	<a href="#">Click here for VT law</a>
Virginia	Yes	Yes	<a href="#">Click here for VA law</a>
Washington	Yes	Yes	<a href="#">Click here for WA law</a>
West Virginia	Yes	Yes	<a href="#">Click here for WV law</a>
Wisconsin	Yes	Yes	<a href="#">Click here for WI law P1</a> <a href="#">Click here for WI law P2</a>
Wyoming	Yes	Yes	<a href="#">Click here for WY law</a>





## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

**Question 3: Does your state allow transportation to and from school in vehicles other than FMVSS-defined school buses?**

**Question 4: Does your state have regulations for the driver of vehicles other than FMVSS-defined school buses used in home-to-school transportation?**

**Question 5: Does your state require inspections for vehicles other than FMVSS-defined school buses that are used in school transportation?**

#### *Survey Results as of February 2024*

State	Question 3: (Allow to-from-transportation in non-FMVSS-defined school buses)	Question 4: (Regulations for drivers of vehicles other than FMVSS-defined school buses)	Question 5: (Require inspections for vehicles other than FMVSS-defined school buses)	Link to State Law
Alabama	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for AL law</a> See Title 16, Chapter 27, Sections 3 & 5.
Alaska	Yes	No	N/A	<a href="#">Click here for AK law P1</a> <a href="#">Click here for AK law P2</a>
Arizona	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for AZ law</a>
Arkansas	Yes	No	No	
California	Yes	Yes	Yes	<a href="#">Click here for CA law</a>
Colorado	Yes	Yes	Yes	<a href="#">Click here for CO law Q3</a> <a href="#">Click here for CO law Q4</a> <a href="#">Click here for CO law Q5</a>
Connecticut	Yes	Yes	Yes	<a href="#">Click here for CT law Q3</a> <a href="#">Click here for CT law Q4</a> <a href="#">Click here for CT law Q5</a>
Delaware	Yes	No	No	



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

State	Question 3: (Allow to-from-transportation in non-FMVSS-defined school buses)	Question 4: (Regulations for drivers of vehicles other than FMVSS-defined school buses)	Question 5: (Require inspections for vehicles other than FMVSS-defined school buses)	Link to State Law
Florida	Yes	No	No	
Georgia	Yes	Yes	Yes	<a href="#">Click here for GA law</a>
Hawaii	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for HI law Q3</a> <a href="#">Click here for HI law Q4</a> <a href="#">Click here for HI law Q5</a>
Idaho	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for ID law</a>
Illinois	Yes	Yes	Yes	<a href="#">Click here for IL law P1</a> <a href="#">Click here for IL law P2</a>
Indiana	Yes	Yes	No	<a href="#">Click here for IN law Q3</a> <a href="#">Click here for IN law Q4</a>
Iowa	Yes	No	Yes	<a href="#">Click here for IA law Q3</a> <a href="#">Click here for IA law Q5</a>
Kansas	Yes	Yes	Yes	<a href="#">Click here for KS law</a>
Kentucky	Yes	No	Yes	<a href="#">Click here for KY law</a>
Louisiana	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	
Maine	No	No	Yes	
Maryland	Yes	Yes	Yes	<a href="#">Click here for MD law Q3</a> <a href="#">Click here for MD law Q4</a> <a href="#">Click here for MD law Q5</a>



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

State	Question 3: (Allow to-from-transportation in non-FMVSS-defined school buses)	Question 4: (Regulations for drivers of vehicles other than FMVSS-defined school buses)	Question 5: (Require inspections for vehicles other than FMVSS-defined school buses)	Link to State Law
Massachusetts	Yes	Yes	Yes	<a href="#">Click here for MA law</a>
Michigan	Yes	No	Yes	
Minnesota	Yes	Yes	Yes	<a href="#">Click here for MN law Q3</a> <a href="#">Click here for MN law Q4</a> <a href="#">Click here for MN law Q5</a>
Mississippi	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	
Missouri	Yes	No	Yes	
Montana	Yes	Yes	Yes	<a href="#">Click here for MT law Q3</a> <a href="#">Click here for MT law Q4</a> <a href="#">Click here for MT law Q5</a>
Nebraska	Yes	Yes	Yes	<a href="#">Click here for NE law Q3</a> <a href="#">Click here for NE law Q4&amp;5</a>
Nevada	Yes	No	No	
New Hampshire	Yes	Yes	Yes	<a href="#">Click here for NH law</a>
New Jersey	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for NJ law</a>
New Mexico	Yes	Yes	Yes	<a href="#">Click here for NM law</a>
New York	No	No	No	
North Carolina	Yes	No	Yes	
North Dakota	Yes	Yes	No	<a href="#">Click here for ND law</a>



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

State	Question 3: (Allow to-from-transportation in non-FMVSS-defined school buses)	Question 4: (Regulations for drivers of vehicles other than FMVSS-defined school buses)	Question 5: (Require inspections for vehicles other than FMVSS-defined school buses)	Link to State Law
Ohio	Yes	Yes	Yes	<a href="#">Click here for OH law</a>
Oklahoma	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	
Oregon	Yes	Yes	Yes	<a href="#">Click here for OR law Q3</a> <a href="#">Click here for OR law Q4</a> <a href="#">Click here for OR law Q5</a>
Pennsylvania	Yes	Yes	Yes	<a href="#">Click here for PA law Q3</a> <a href="#">Click here for PA law Q4</a> <a href="#">Click here for PA law Q5</a>
Rhode Island	Yes	Yes	Yes	<a href="#">Click here for RI law</a>
South Carolina	Yes	No	No	
South Dakota	Yes	No	No	
Tennessee	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Yes	<a href="#">Click here for TN law</a>
Texas	Yes	No	No	<a href="#">Click here for TX law</a>
Utah	Yes	Yes	No	<a href="#">Click here for UT law</a>
Vermont	Yes	Yes	Yes	<a href="#">Click here for VT law Q3</a> <a href="#">Click here for VT law Q4</a> <a href="#">Click here for VT law Q5</a>
Virginia	Yes	*No – current bill pending	Yes	<a href="#">Click here for VA law Q3</a> <a href="#">Click here for VA law Q5</a>



## Position Paper

### Alternative Transportation & Non-Conforming Vans Used for School Transportation

State	Question 3: (Allow to-from-transportation in non-FMVSS-defined school buses)	Question 4: (Regulations for drivers of vehicles other than FMVSS-defined school buses)	Question 5: (Require inspections for vehicles other than FMVSS-defined school buses)	Link to State Law
Washington	Yes	No	Yes	<a href="#">Click here for WA law Q5</a>
West Virginia	No	No	No	<a href="#">Click here for WV law</a>
Wisconsin	Yes	Yes	Yes	<a href="#">Click here for WI law Q3</a> <a href="#">Click here for WI law Q4</a> <a href="#">Click here for WI law Q5</a>
Wyoming	No	Transportation not allowed in other vehicles than FMVSS-defined School Bus	Transportation not allowed in other vehicles than FMVSS-defined School Bus	<a href="#">Click here for WY law</a>



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**



**Position Paper**  
**Alternative Transportation & Non-Conforming Vans Used for  
School Transportation**  
*Appendix B*

400 Seventh Street, S.W.  
Washington, D.C. 20590

Charlie Gauthier  
Executive Director  
National Association of State Directors of Pupil  
Transportation Services  
6928 Rock Hill Road  
The Plains, Virginia 20198-1916

NOV 17 2005

Dear Mr. Gauthier:

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. Law 109-59. I am writing to convey to you some important information concerning provisions in the Act related to the purchase and use of 15-passenger vans.

The National Traffic and Motor Vehicle Safety Act, as amended, has long prohibited motor vehicle dealers and others from selling or leasing school buses that do not comply with all applicable federal motor vehicle safety standards. Under NHTSA's regulations, a bus is defined as a motor vehicle "designed for carrying more than 10 persons," including 15-passenger vans. A school bus is defined as "a bus that is sold, or introduced into interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation." The vehicle type is stated on the certification label that is typically affixed to the driver's door or door jam.

A section of the Standards and Compliance chapter of the Motor Vehicle Safety Act prohibits the sale or lease of a non-complying school bus and persons violating this prohibition are subject to substantial civil penalties. SAFETEA-LU (Section 10309) amends this section of the Safety Act to prohibit schools or school systems from purchasing or leasing 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, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses..." NHTSA's definition of multifunction school activity bus, an additional vehicle type (see paragraph above), states that the term "means a school bus whose purposes do not include transporting students to and from home or school bus stops." The term 15-passenger van is defined in Section 10309 as "a vehicle that seats 10 to 14 passengers, not including the driver." This provision does not apply to purchases or leases under contracts executed prior to August 10, 2005.



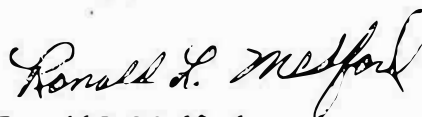
DOT AUTO SAFETY HOTLINE  
888-DASH-2-DOT  
888-327-4236



You also should be aware that Section 10309 of SAFETEA-LU amends the Safety Act's civil penalty provisions for violations by dealers and others related to school buses and adds civil penalties for violations of the new prohibition on 15-passenger vans. Under the new law, a single violation carries a civil penalty of up to \$10,000, and the maximum civil penalty for a related series of violations is \$15,000,000.

You can find the full text of these provisions under House Bills, H.R. 3 [PL 109-59, Title X, Section 10309 (pp. 800-801)] at <http://thomas.loc.gov/bss/d109/d109laws.html>. If you have any questions concerning these provisions, please contact James Jones, Office of Vehicle Safety Compliance (NVS-224), National Highway Traffic Safety Administration, 400 7<sup>th</sup> Street SW, Washington, DC. Phone: (202) 366-5294 and FAX: (202) 366-3081.

Sincerely yours,

A handwritten signature in black ink that reads "Ronald L. Medford". The signature is written in a cursive, flowing style.

Ronald L. Medford  
Senior Associate Administrator  
for Vehicle Safety



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

Position Paper

**Alternative Transportation & Non-Conforming Vans Used for  
School Transportation  
*Appendix C***

Administrator

1200 New Jersey Avenue SE.  
Washington, DC 20590

December 2, 2010

Dear DMV Commissioner:

Recent fatal crashes in New York and Georgia involving 15 passenger vans resulted in the tragic loss of 10 lives and injuries to many other occupants. The National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) believe that State motor vehicle agencies can play a critical role in helping improve the safe operation of these vehicles, and we are writing to request your assistance.

Our safety data indicate that 9, 12, and 15-passenger vans are often inadequately maintained, and the tires are especially vulnerable to deterioration as they age. Because these vehicles have unique handling characteristics, they display particular sensitivity to rollovers, particularly when they are fully loaded. In both recent crashes the vans involved rolled over. In one case the vehicle was equipped with the wrong type of tires, and in the other the tires were visibly deteriorated.

In response to the recent crashes, NHTSA and FMCSA have undertaken a comprehensive outreach strategy to van owners, who are frequently not the original owner. We are sending them a direct mail postcard alert. Insurance companies, churches, civic organizations, and our Regional and Division Offices and State Highway Safety Offices are also contacting local organizations that may own these vehicles. Numerous articles and alerts have also been posted to our web sites, as well as to web sites of other national organizations, including the American Association of Motor Vehicle Administrators. Our goal is to reach owners several times with the same message, to increase the likelihood that they will take action to avoid further tragedy.

NHTSA has also taken direct actions to improve the safety of 9, 12, and 15-passenger vans, including issuing a number of regulations to improve their crashworthiness. While these new standards will save many lives when fully implemented, there are several steps that can be taken now to increase the safety of these vehicles.

First, we request that you send a letter (sample letter from New York is enclosed) and the NHTSA Consumer Advisory (see enclosure) to every registered owner of a 9, 12 and 15-passenger van in your State. This letter explains, in non-technical language, what owners of these vans should do to enhance their safety and stability.



Page 2

Second, at the time of licensing or registering these vehicles, we ask that you alert owners of potential safety issues by providing them with the NHTSA Consumer Advisory.

Third, if your State requires periodic motor vehicle inspections, we ask that you alert your inspectors to the particular safety hazards of vans, and provide them with the enclosed inspection tip sheet. This tip sheet highlights key items that should be included as part of any required vehicle inspection for 9, 12 and 15-passenger vans. We ask that you consider adding these items to any existing requirements that you may have for these types of vehicles. This way the inspectors can take a proactive role in helping alleviate a potential tragedy.

In addition, we would like to take this opportunity to remind all Commissioners that pre-primary, elementary, and secondary schools should not use 12 or 15-passenger vans for transporting students because they do not provide the same level of safety as school buses meeting NHTSA's safety standards. Furthermore, Federal law prohibits the sale or lease of a new 12 or 15-passenger van if it will be used to transport students.

Finally, anyone operating a passenger van that seats nine or more people for commercial purposes may be required to register with FMCSA and comply with safety regulations. To register and for more information about these requirements, go to [www.fmcsa.gov](http://www.fmcsa.gov).

As leaders in highway safety, we need to ensure that the vehicles being used to transport our families, friends, and neighbors are maintained and operated safely. State DMVs can play a key role in enhancing van safety: by taking the steps outlined in this letter, you can help improve the safe operation of vans and reduce the likelihood of crashes. Thank you very much for your help in taking these life-saving actions.

If you have any comments or concerns about the contents of this letter, please contact Ms. Marilena Amoni, Associate Administrator for National Center for Statistics and Analysis, at (202) 366-4290.

Sincerely yours,



David L. Stackland  
Administrator



Anne S. Ferro  
Administrator



Enclosures