

HENRY

School Bus Transportation and Van Regulations

January 2010

With the continuously increasing costs related to transportation, many schools explore alternative transportation vehicles to minimize the use of traditional school buses. Questions that are commonly asked related to this practice are:

Q. Is a district permitted to transport students to and from school in a vehicle other than a school bus?

A. We have found no specific statute or regulation that limits districts to the use of a school bus to transport students to and from school. However, the best practice is to use a school bus to transport students to and from school.

Q. Can a district operate a 15-passenger van, including the driver, if the back seat is removed, without a Class B license and endorsement?

A. AB 626 added Section 39800.5 to the California Education Code, which defines a 15-passenger van as any van manufactured to accommodate 15 passengers, including the driver, regardless of whether that van has been altered to accommodate fewer than 15 passengers.

Furthermore, Section 39800.5 states "any school district and any owner or operator of a private school that provides transportation for pupils that owns, leases, or otherwise has possession or control of a 15-passenger van, may not, on or after January 1, 2005, authorize the operation of that van for the purpose of transporting passengers unless the person driving or otherwise operating that van has a valid Class B license and a passenger endorsement."

Section 10326.1 was added to the Public Contract Code, imposing the same restrictions for operating at 15 passenger van upon a campus or a facility of a California Community College or a campus or facility of a California State University.

Q. Can a district operate a 12-passenger van, including driver, which has been retrofitted to a 9 passenger van by removing the back seat?

A. A 12-passenger van that has been retrofitted to a 9-passenger van by taking out the back seat is considered to be exempt from this requirement and would be considered a passenger van and therefore not require the Class B license and endorsement. (California Vehicle Code Section 545). Note that these vans are designed like a 15-passenger van and have the same safety concerns.

APPLICABLE CALIFORNIA STATE STATUTES

15-passenger van - Districts must comply with the following driver requirements:

- Driver must obtain a Class B License and a Passenger Endorsement (Education Code § 39800.5)
- Driver enrolled in the DMV Pull Notice program (Vehicle Code § 1808.1)
- Driver included in the random drug testing program (Vehicle Code § 34520)
- Follow the district's Transportation Safety Plan (Education Code § 39800.3)

9-passenger van/vehicle or smaller - Districts must comply with the following driver requirements:

- Follow the district's Transportation Safety Plan (Education Code § 39800.3)
- Ensure driver has a valid California State Class C license (Vehicle Code § 12500)

BEST PRACTICES

While the following are not required when driving a 9-passenger van/vehicle or smaller, they are recommended as a "**Best Practice**" for all employees driving for district purposes (regardless of whether they are using a personal or district vehicles):

- Driver should be a district employee. As an employee, the district has more control over multiple issues related to the driver, such as the ability to ensure the driver has completed appropriate training courses, training programs and so forth.
- Annual driver training provided (e.g., defensive driving, van driver training, etc.)
- Consider including driver in the DMV Pull Notice program
- Consider including driver in the random drug testing program

ADDITIONAL REFERENCE INFORMATION AND DEFINITIONS

Passenger Van: A passenger van designed to carry fewer than 10 passengers including the driver is considered exempt under Federal and California law and therefore is not required to have the Class B licensed driver with an endorsement. The van is not required to have the special light or warning signs as a school bus does.

15-Passenger Van: A 15-passenger van is defined as "a vehicle that seats 10-14 passengers, not including the driver." (Safe, Accountable, Flexible, and Efficient Transportation Equity Act a Legacy for Users (SAFETEA-LU), Public Law 109-59.

Keep in mind that this is a general review of codes regarding passenger vans. This Bulletin does not detail all of the issues related to the use of passenger vans versus school buses. Furthermore, this Bulletin is meant for general education purposes only. It is not intended as, nor should it be used as a substitute for consultation and advice from your own legal counsel.

For questions regarding this topic, or any other *Loss Control Bulletin*, please contact your Keenan Loss Control Consultant.

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