

10+ PASS VAN  
— STUDENT TRANSPORT



## NATIONAL AUTOMOBILE DEALERS ASSOCIATION

### School Buses



Vehicles with more than 10 passengers—sold or leased for student transportation—must meet federal school

Applies to **CAR** and **TRUCK** dealers.

- ① • Penalties for Van Violations Change Under Amended Law (PDF) (December 2005)
- ② • NHTSA's New School Bus Classification in Effect, Bus Dealers Could See Increase in Sales (PDF) (September 2005)
- ③ • Dealers' Questions About Federal School Bus Safety Requirements (PDF) (December 1999)
- ④ • NHTSA Web site: [www.nhtsa.dot.gov/School-Buses](http://www.nhtsa.dot.gov/School-Buses)

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## Penalties for Van Violations Change Under Amended Law

*December 2005* — Under a law President Bush signed in August 2005, the National Traffic and Motor Vehicle Safety Act now prohibits schools and school systems from buying or leasing new 15-passenger vans to transport students unless the vans comply with the standards for school buses or multifunction school activity buses.

Prior to the law, only a dealership's sales of these vehicles were regulated. Now, both parties to the transaction are regulated. Further, the new law modifies the civil penalty for violations of these provisions. A single violation now carries a civil penalty of up to \$10,000; the maximum civil penalty for a series of related violations is \$15 million.

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## **NHTSA's New School Bus Classification in Effect**

### ***Bus Dealers Could See Increase in Sales***

The National Highway Traffic Safety Administration newly created class of school buses—multifunction school activity buses (MFSABs)—transport children on trips other than those between home and school. Under the new classification's rules, MFSABs are not required to have the flashing lights and stop-arms that home-to-school/school-to-home buses must have. Even so, such buses must meet all crashworthiness and related safety standards.

NHTSA intends for the rules to make it easier for bus dealers to remove flashers and stop-arms for buyers who do not want them. Dealers who sell such vehicles could see more business, because the new classification will make activity vehicles more affordable for daycare centers, Head Start programs, schools, and other organizations. But the new reg requires dealers to delve further into the purposes for which the buses will be used.

Under the new rule, MFSABs

- must meet passenger-seating and crash-safety requirements (FMVSS No. 222);
- must meet all warning label requirements applicable to school buses;
- need not be painted National School Bus Glossy Yellow.

The most important thing to remember: Don't sell an MFSAB before you determine whether the vehicle will be used mostly for non-home-to-school transportation. And get it in writing.

Also, remember never to sell a new large van (more than 10 passengers) to someone who intends to use it to transport children to and from school or to school-related activities. For more information, call NADA Regulatory Affairs at (703) 821-7040.

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## Dealers' Questions about Federal School Bus Safety Requirements

**Question:** *What is a school bus?*

The National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, defines a bus as a motor vehicle designed to carry more than 10 persons, and a school bus as a bus that is sold or introduced into interstate commerce "for purposes that include carrying students to and from school or related events." This definition does not include buses operated as common carriers in urban transportation.

**Question:** *What is a school-related event?*

A school-related event is any activity sponsored by a school, whether on or off the school grounds, including transportation between home and school, sports events, band concerts, field trips, and competitions such as debate or chess tournaments.

**Question:** *To whom do the Federal Motor Vehicle Safety Standards (FMVSSs) apply?*

The FMVSSs apply to motor vehicle manufacturers and any person selling or offering for sale or lease a new motor vehicle. It is a violation of federal law for any person knowingly to sell or lease a new vehicle for use as a school bus that does not comply with all FMVSSs applicable to school buses. The law provides substantial penalties for violation of FMVSSs, including civil fines.

**Question:** *Do the school bus requirements apply to sales of buses to private schools?*

Yes. NHTSA looks to the nature of the particular institution purchasing the bus. If the central purpose of the institution is the education of preprimary, primary, or secondary school students, whether public or private, new buses sold to the school must comply with the FMVSSs applicable to school buses.

**Question:** *How do the school bus requirements apply to the sale or lease of a new motor vehicles to child care facilities (i.e., day care)?*

These requirements normally do not apply if the customer is an institution that is primarily custodial in nature. However, NHTSA has issued interpretations stating that if a child care facility intends to transport students to or from school, they should be sold or leased a school bus. This most often applies to child care facilities that offer before- and after-school care for school-aged children.

**Question:** *What are my responsibilities when selling a new bus to a school or school bus contract operator?*

It is NHTSA's position that a dealer may not sell any vehicle capable of being used as a school bus to a school or a school bus contract operator unless it has been certified by its manufacturer as complying with all school bus standards.

**Question:** *Are college students required to be transported in school buses?*

No. The school bus requirements do not apply to the transportation of post-secondary school students such as college students, adult education participants, or post-high school vocational students. The school bus requirements also do not apply to religious instruction such as Sunday school or catechism students, athletic teams that have no connection with a school, or to children in custodial facilities such as day care centers.

**Question:** *Does federal law require school buses to be yellow?*

No. Federal law applies only to safety performance standards, not to design standards or appearance. State and local governments establish policy for school children's transportation. However, NHTSA provides recommendations to the states on operational aspects of school bus and pupil transportation safety programs, in the form of Highway Safety Program Guidelines No. 17, Pupil Transportation Policy. Among other matters, Guideline 17 recommends that school buses be yellow. States have authority to specify the color of buses.

**Question:** *Can the states change federal requirements?*

No. A state may not prescribe a standard for new vehicles covering the same aspect of performance as a federal standard unless the state standard is identical to the federal standard. However, a state may impose more stringent standards than federal standards for vehicles obtained for the state's own use.

*Information provided by NHTSA.*

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Child Safety

Distracted Driving

Driver Education

Enforcement & Justice Services

Impaired Driving

Motorcycles

Occupant Protection

Pedestrians

Research & Evaluation

School Buses

## School Buses



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### Facts

School buses are designed to be safer than passenger vehicles in avoiding crashes and preventing injury. 🚗

School buses are the safest mode of transportation for getting children back and forth to school. 🚗

School buses keep an annual estimated 17.3 million cars off roads surrounding schools each morning. 🚗



### School Buses and Seat Belts

[Proper Use of Child Safety Restraint Systems in School Buses](#) - Designed to assist in correctly securing pre-school age children in child safety seats and properly securing the system to a school bus seat. [Sign up for Email Updates](#)

[The re-use of child restraint systems in school buses after crashes](#) - NHTSA recommends that child restraint systems be replaced following a crash in order to ensure a continued high level of crash protection for child passengers.

[School Bus Seat Belts and Carryover Effects in Elementary School Children](#) - Explores the proposition that the lack of seat belts on school buses increases the likelihood that elementary school children will not use seat belts in personal vehicles.

[Seat Belts on School Buses](#) - NHTSA's answers to often-asked questions about seat belts on large (over 10,000 lb GVWR) school buses.

**Other NHTSA Sites** [Safercar.gov](#)  
[EMS.gov](#) [911.gov](#) [StopImpaire](#)

## Did you know?

[School Transportation-Related Crashes](#) - An average of 24 school-age children die in school transportation-related traffic crashes each year (11 occupants of school transportation vehicles and 13 pedestrians).

[Selecting School Bus Stop Locations: A Guide for School Transportation Professionals](#) - Steps for the designation of school bus stops and strategies to support safe pedestrian behavior by students between their homes and their bus stops.

*(See  
Attaches)* [Use Of Nonconforming Vehicles For School Transportation](#) - Federal regulations do not prohibit the use of vans by schools, but require any van (with a capacity of more than 10) sold or leased for use as a school bus to meet the safety standards applicable to school buses.

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## USE OF NONCONFORMING VEHICLES FOR SCHOOL TRANSPORTATION

The National Highway Traffic Safety Administration is the agency responsible for establishing Federal motor vehicle safety standards (FMVSS) to reduce the number of fatalities and injuries that result from motor vehicle crashes.

In the legislative history of the School Bus Safety Amendments of 1974, Congress stated that school transportation should be held to the highest level of safety, since such transportation involves the Nation's most precious cargo -- children who represent our future. As a result, NHTSA believes that school buses should be as safe as possible. Accordingly, we have established minimum safety standards that are over and above those for regular buses that all school buses must meet. Consistent with the 1974 Congressional mandate for school bus safety, NHTSA believes that safety standards requiring higher levels of safety performance for school buses are appropriate.

Federal requirements regulate new vehicles that carry 11 or more persons that are sold for transporting students to or from school or school related events. Those vehicles are required to meet all FMVSSs for school buses. The FMVSSs applicable to school buses require that school buses have stop arms along with many other safety features over and above those of other passenger vehicles. Under 49 U.S.C. 30101, etseq., a vehicle is regarded as being sold for use as a school bus if, at the time of sale, it is evident that the vehicle is likely to be significantly used to transport students to or from school or school related events. This statute applies to school buses sold to public as well as parochial schools. Thus, a dealer selling a new 15-passenger van to be used for school transportation must ensure that the van is certified as meeting our school bus FMVSSs.

Federal regulations do not prohibit the use of vans by schools, but require any van (with a capacity of more than 10) sold or leased for use as a school bus to meet the safety standards applicable to school buses. Federal regulations apply only to the manufacture and sale/lease of new vehicles. Each State prescribes its own regulations that apply to the use of any vehicle that is used to transport students.