

MEMO

To: Administrators
Business Managers

From: Tom Decker, Director
School Finance & Organization

Date: April 8, 2008

RE: 10 to 15 Passenger Vans

The purpose of this memo is to remind school districts that as of July 1, 2008, 10 to 15 passenger vans, commonly called “non-conforming vans”, will no longer be legal for transporting students to or from school or school related activities. This change includes all vans in the 10 to 15 passenger capacity rating, including those that had been fitted for special education or handicapped transport. After July 1, any school transportation vehicle with a rated passenger capacity of 10 persons or more, must meet all the criteria of the school bus, or all the criteria of an activity bus. As a reminder, the only difference between an activity bus and a school bus is that the activity bus does not have a stop arm or four-way flashers on the rear and may be a color other than orange.

This ban on further use of non-conforming vans, is based on an Attorney General’s opinion issued in March, 2003. At that time, the department adopted minimum standards for school transportation equipment that requires the use of school buses after June 30, 2008. The related Administrative Rule, 67-12-01-01, is attached to this memo. School districts may continue to use passenger vehicles with a rated passenger capacity of 9 passengers or less for transporting students to or from school or related school activities. These vehicles may be used as long as the number of passengers transported does not exceed the number of seat belts in the vehicle. Drivers of the school buses, which must replace 10 – 15 passenger vans, do not need a commercial drivers license as long as the school bus replacement has a rated passenger capacity of 15 passengers or less. However, the legislature passed legislation last session that requires additional training for drivers of school buses in the 10 to 15 passenger range. While the department has not issued specific regulations, this training should include considerations such as the law that requires these small buses to stop at railroad tracks and should focus on teaching drivers the appropriate use of four-way flashers, the stop arm, and so on. It is also worth noting that all bus drivers are required to take defensive driver training every five years. That training is available through the North Dakota Safety Council in cooperation with North Dakota Insurance Reserve Fund. Should you have questions about any of these school transportation vehicle issues, please feel free to call Tom Decker at 701-328-2267 or Kenneth Steiner at 701-328-1678, at the Department of Public Instruction.