School Transportation Update

A number of changes will be taking place in School Transportation equipment requirements and school bus driver training over the next year. This posting is designed to provide an update on those issues.

Based on a March 4, 2003, Attorney General's Opinion, and subsequent Administrative Rules, http://www.dpi.state.nd.us/finance/transport/AGopinion.pdf , http://www.legis.nd.gov/information/acdata/pdf/67-12-01.pdf , what are commonly known as non-conforming vans will no longer be usable for transportation of students to or from school, or to and from school related activities, as of June 30, 2008.

Non-conforming vans are those commercial vans with a rated passenger capacity that runs from 10 to 15 passengers. Any vehicle used after July 1, 2008, to transport students to or from school or school related activities, will have to be a school bus or what will be defined later in this posting, an activity bus.

Any passenger vehicle with a rated passenger capacity of 9 passengers or less, may still be used to transport students to or from school or to school related activities. Vehicles in this passenger category, that is 9 passengers or less, are not regulated by the State or Federal Government and can continue to be used.

The Department has reviewed the potential use of what are called "activity buses" and has determined that they are allowable under North Dakota Law and Regulation, as long as they are used for strictly activity transportation. Activity buses are school buses in every respect except that they do not come equipped with a stop arm or the 4-way flashing lights. They are also not school bus orange. They are generally white or can be other colors as well. They can only be used, however, to transport students from point to point, that is to a school activity and from the school activity back to their home school. They cannot be used, under any circumstances, to pick up students on a bus route.

The Department receives frequent inquiries about the use of what are called "handy buses". They are typically used in cities to transport handicapped senior citizens or other groups within the city. These vehicles do not meet school bus standards and cannot be used under any circumstances, to transport students to or from school or school related activities.

As non-conforming vans are replaced by small capacity school buses, that is school buses with the rated passenger capacity in the 10 to 15 passenger range, the drivers of these new small school buses will now need to meet training requirements adopted by the North Dakota Legislature during the 2007 Session, http://www.legis.nd.gov/assembly/60-2007/bill-text/HBDD0600.pdf .

Drivers of these small school buses (10 to 15 passenger capacity) do not need a commercial driver's license. They will, however, need to meet the training requirements of the new law.

If you have questions about transportation equipment or school bus driver qualifications, please contact:

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