

## **USE OF NON-CONFORMING 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.