Non-Conforming School Vehicles Prohibited

It has come to our attention, that we have had a few schools purchase standard production model vehicles with greater than ten passenger capacity. This is incorrect.

A bus is defined by Federal (49CFR571.3) and State Transportation regulations as having a capacity of greater than ten, including the driver. These regulations require that a regulation bus used for transportation to and from school and school related activities to meet safety standards built into the design and construction to provide greater safety than any other vehicle.

New York State Education Law § 3623 states in part: No school bus shall be purchased  by  a  school district  or  used  for the transportation of pupils unless and until it has been approved by the Commissioner  of  transportation  as  complying with the rules, standards and specifications relating thereto.

On August 10, 2005, P.L. 109-59, the Federal *Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)* was enacted. Section 10309 states in part:

a school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title.

For purposes of Section 10309, 15-passenger van is defined as: "a vehicle that seats 10 to 14 passengers, not including the driver". The civil penalty for a violation of Section 10309 is $10,000, with a maximum penalty of $15,000,000 for a related series of violations.