

**Information Brief****Minnesota House of Representatives**

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## School Bus Transportation

This information brief outlines state regulation of school buses and drivers, including an overview of the key requirements for drivers of different types of school buses.

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### Introduction

Student transportation takes place in a variety of contexts and is provided in several ways. School buses mainly provide two functions. They are (1) “to and from” transport, which refers to transportation of students to school and back to their homes, and (2) “point-to-point” or “activities” transportation, which refers to transporting pupils to other school-related activities or programs. To and from transport occurs on a more regular schedule and route, whereas point-to-point transportation is more likely to be occasional.

Throughout the state there are various circumstances under which students can be transported. Transportation is provided by school districts, private school bus contractors, nonpublic schools, private and public preschools, and other childcare providers. Employees of these organizations who drive may do so professionally (working full-time as a driver), have some amount of driving as part of the person’s job role, or perform driving as an incidental or occasional part of the job. Examples include:

- an employee of a private bus company who transports students to and from school daily, under contract with a school district;
- a school district employee who is the primary person providing transportation to special events, which is done as part of his or her regular job duties;
- a teacher or coach taking a few students in a van to an event, either regularly throughout the school year or on occasion; and
- a daycare provider who transports children from school to the childcare facility (or vice versa).

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## Summary

State regulation of school bus drivers and vehicles vary with the circumstances of the transportation. Different regulations can apply depending on (1) the type of vehicle used, (2) whether the transport is “to and from” school or for activities (“point-to-point”), and (3) whether the driver regularly transports students as part of that person’s normal duties. The following tables summarize the types of vehicles and basic driver regulations established by the state. The next section provides detail on the regulations.

The 2008 Legislature enacted new regulations for drivers of type III vehicles, which went into effect August 1, 2008. [Laws 2008, ch. 271](#). They largely parallel those for type A-I school bus operators. Some of the requirements for type III drivers only apply if the person transports students as a regular job function.

### Vehicle Classifications<sup>1</sup>

Vehicle	Type	Description
	A	Smallest of the traditional yellow school buses, built on a cutaway front-section chassis, with a passenger entrance door behind the front wheels and a separate left-side driver's door. They are divided between type A-I buses and type A-II buses based on vehicle weight.
	B	Smaller bus built on a stripped chassis, with a passenger door behind the front wheels.
	C	Large, conventional school bus with the engine located in front of the driver and the entrance door located behind the front wheels.
	D	Large, transit-style bus with the engine located behind the windshield and an entrance door in front of the front wheels.
 	III	Passenger autos, vans, and buses with a capacity of ten or fewer people (including the driver), and a maximum gross vehicle weight of 10,000 pounds.

House Research Department

<sup>1</sup> Images sources: <http://busspecifications.com>; <http://www.vanandcardesks.com>; <http://online.wsj.com>

## Driver Regulations

Category	Type A, B, C, or D School Bus	Type A-I School Bus (For activities only) <sup>1</sup>	Type III Vehicle
Driver's license	Commercial (Class C, B, or A) with school bus endorsement	Class D, no endorsement	Class D, no endorsement
Status of vehicle	Not specified	Must be owned, leased, or contracted by school	Must be owned, leased, or contracted by school
Physical exam	Required	Required	Required / None <sup>2</sup>
Background check	Required	Required	Required / None <sup>2,3</sup>
Drug testing	Required	None	Allowed / None <sup>2</sup>
License verification <sup>2</sup>	Annual	Annual	Annual / None <sup>2</sup>
Driving incident notification			
By employee	Required	None	Required / None <sup>2</sup>
By courts	On certain offenses	On certain offenses	On certain offenses
Removal of school bus driving privilege	On certain offenses	On certain offenses	On certain offenses
Driver training	Knowledge assessment and annual training	Knowledge assessment and annual training	Annual training
Student training	Required	Required	Required
Vehicle inspection	Annual	Annual	Annual

<sup>1</sup> This set of requirements applies only if it is point-to-point or activity transport and not "to and from" school.  
<sup>2</sup> The requirement does not apply to drivers who only transport students occasionally (if the driver's "normal duties do not include operating a type III vehicle"). [Minn. Stat. § 171.02, subd. 2b](#).  
<sup>3</sup> An education background check is required for many school district employees, but might not include the vehicle driver.

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## Overview of Minnesota Regulations

This section provides an overview of school bus safety regulation in a variety of areas, with a focus on school bus drivers. The requirements and regulations for Head Start bus drivers are the same or similar, but a number of differences are not discussed in this information brief.

<b>Scope of Regulations</b>	The state of Minnesota has primary jurisdiction over school bus equipment, safety, operations, inspections, school district auditing, and driver licensing. The Department of Public Safety is designated in statute as having primary responsibility over school transportation safety. <a href="#">Minn. Stat. § 169.435</a> . The 2008 Legislature vested this authority in a new Office of Pupil
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Transportation Safety within the State Patrol. [Laws 2008, ch. 350, art. 1, § 36.](#)

The state's role in school bus oversight preempts policies set by school districts. There are some federal regulations as well, which mainly apply to equipment manufacturers, driver license qualifications (things like limits on the number of tickets a bus driver can get), and drug and alcohol testing for bus drivers who hold a commercial driver's license.

***Types of School Buses***

State law categorizes school buses as type A, B, C, D, or type III. [Minn. Stat. § 169.011, subd. 71](#). The type A to D buses comprise what is traditionally considered a school bus; key characteristics include a yellow color, markings indicating that it is a school bus, special flashing lights, and a stop sign. The difference in types rests mainly on the bus design (such as chassis and door location) and vehicle weight. Type A school buses are further categorized into type A-I buses, which can weigh up to 10,000 pounds, and type A-II buses, which are heavier than 10,000 pounds.

Type III vehicles constitute a distinct category and are not actually included as "school buses" in most parts of Minnesota Statutes.<sup>2</sup> While type A to D school buses take the form of a typical yellow school bus, a type III vehicle is passenger car, station wagon, van, or lighter weight bus. It cannot be identified as a school bus on the outside. [Minn. Stat. § 169.454, subd. 6](#). To qualify as a type III vehicle, it must:

- carry a maximum of ten or fewer people, including the driver; and
- weigh 10,000 pounds or less. [Minn. Stat. § 169.011, subd. 71](#).

***Types of Driver's Licenses***

Driver's licenses are divided into four classes that categorize the types of vehicles the license holder can legally operate. Class D, which is a standard driver's license, is the most restrictive. Commercial driver's licenses consist of classes C, B, and A (which reflect expanding driving privileges). Licenses can also have endorsements, which are special privileges for operating specific vehicles (such as a motorcycle). Some endorsements are only available for certain classes of license.

Drivers of a type B, C, or D school bus, and certain drivers of a type A school bus, must have a commercial driver's license with both a school bus endorsement and a passenger endorsement. [Minn. Stat. § 171.02, subd. 2](#). The minimum age for a school bus driver is 18. [Minn. Stat. § 171.322](#).

Licensure is handled by the Department of Public Safety, which also administers any required knowledge and road tests, physical exams, and

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<sup>2</sup> Due to their distinct status, type III vehicles are not included in any reference to "school bus" within this information brief unless they are specifically identified.

background checks.

**Driver  
Licensing**

In general, a commercial driver's license with a school bus endorsement as well as a passenger endorsement is required to transport students. The main exceptions are (1) driving a type A-I school bus for activities (but not for pickup or drop-off at home, in which case a commercial license with endorsements is necessary), and (2) driving a type III vehicle. The two situations are distinct, but in both cases the vehicles can be driven with just a class D license (without a school bus endorsement) when various requirements are met. The requirements are further discussed below.

**Operating Type  
A-I School  
Buses**

A type A-I school bus may be operated without a commercial driver's license if several conditions are met. A key requirement is that the transport can only be for *activities* and not for going to and from student residences. Other requirements are that:

- the bus is designed carry a maximum of 15 people or less, including the driver;
- the operator is an employee of the school bus owner, lessor, or contractor;
- the operator is not solely hired to provide pupil transportation;
- the employer (e.g., school district or bus transport contractor) has a program for training and certification;
- there is a background investigation;
- the driver undergoes a physical examination;
- the driver's license is annually verified;
- the driver has not been recently convicted of various automotive and DWI-related offenses;
- students receive school bus passenger training;
- the driver is trained on use of child safety restraints;
- the district or school bus contractor maintains documentation that the requirements are being met;
- the vehicle has a State Patrol inspection certificate; and
- the term "school" on the front and rear of the bus is replaced by the term "activities." [Minn. Stat. § 171.02, subds. 2, 2a.](#)

**Operating Type  
III Vehicles**

Under a new law enacted in 2008, to be able to transport students without a commercial license, operators of type III vehicles face a new set of requirements (similar to those for type A-I school bus drivers). Some of the requirements, however, do not apply if the driver's "normal duties do not include operating a type III vehicle." [Minn. Stat. § 171.02, subd. 2b.](#)

The requirements are that:

- the operator is an employee of the school bus owner, lessor, or contractor;
- the employer (e.g., school district or bus transport contractor) has

- a program for training and certification;
- there is a background investigation (which does not apply to occasional type III vehicle drivers);
- the driver receives a physical examination (except for occasional drivers);
- the employer has a mandatory drug and alcohol testing program for job applicants, as well as random testing and reasonable suspicion testing for employees (except for occasional drivers);
- the driver's license is annually verified (except for occasional drivers);<sup>3</sup>
- the driver has not been recently convicted of various automotive and DWI-related offenses;
- the driver notifies his or her employer within ten days of a conviction for any of the offenses that prevent operating the vehicle (except for occasional drivers);
- students receive school bus passenger training;
- the district or school bus contractor maintains documentation that the requirements are being met; and
- the vehicle has a State Patrol inspection certificate. [Minn. Stat. § 171.02, subds. 2, 2b.](#)

It currently appears that the State Patrol is interpreting the “normal duties” exception as applying only to drivers whose transport is entirely unscheduled. If the transport is known or scheduled in advance, even if infrequent, then all of the regulations apply to that driver. The regulations could extend, for instance, to a teacher who is planning on taking some students to a couple of events over the course of the school year.

#### ***Physical Exam***

A physical examination is required for a school bus endorsement, operating a type A-I school bus, or for operating a type III vehicle if regularly transporting students. The physical examination is required every two years. [Minn. Stat. § 171.321, subd. 2.](#)

#### ***Background Checks***

The Department of Public Safety is required to conduct a background check of applicants for a new or renewed commercial license with a school bus endorsement. The check consists of criminal history and the person's driving record in the state, and must include a national criminal history check if the person has resided in Minnesota for less than five years. The department is authorized to conduct additional checks while the person is licensed. [Minn. Stat. § 171.321, subd. 3.](#)

A background check is also required for drivers of a type A-I school bus used for activities as well as regular drivers of a type III vehicle; the regulations governing the check depend on the type of employee (the check

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<sup>3</sup> A separate statute requires annual license verification by a school district or busing contractor of “each employee who regularly transports students.” [Minn. Stat. § 171.321, subd 5.](#)

might have already been done for school district employment). [Minn. Stat. § 171.02, subds. 2a, 2b.](#)

A background check is not required to drive type III vehicles if the transport is not a part of the person's regular job duties, although a check might be necessary due to other state, district, or busing contractor policies. For instance, if a teacher drives type III vehicles, the person would have undergone an education background check for employment. [Minn. Stat. § 123B.03.](#)

**Drug Testing** Under federal law, drivers with a commercial driver's license are subject to testing for drugs and alcohol. Employers of licensed commercial drivers are required to perform preemployment testing, random testing, reasonable suspicion testing, return to duty testing, follow-up testing, and postaccident testing. [49 C.F.R. Part 382.](#)

District or transport contractor policies may include drug testing, but it is not required under state law for type A-I school bus drivers. The State Patrol interpretation of the 2008 legislation for type III vehicle drivers is that the drivers may be subject to drug and alcohol testing as job applicants, as well as random testing and reasonable suspicion testing, if the employer has implemented a drug testing policy. [Minn. Stat. §§ 171.02, subd. 2b; 181.951, subds. 2, 4, 5.](#)

**Verification of License** School districts and bus contractors must annually verify that each bus driver who "regularly transports students," including a driver of a type III vehicle, has a valid license. [Minn. Stat. § 171.321, subd. 5.](#) Under a separate provision, it appears that type III drivers whose normal duties do not include pupil transport are not subject to the annual verification requirement. [Minn. Stat. § 171.02, subd. 2b, cl. \(o\).](#)

**Notification of Driving Incidents** Upon conviction for certain "disqualifying offenses," the courts must determine if the offender is a school bus driver and if so, must within ten days notify the Department of Public Safety as well as the school district of the conviction. [Minn. Stat. § 631.40, subd. 1a.](#) (See the "removal of driving privileges" discussion for more detail.)

Federal regulations also require a commercial driver's license holder who is convicted of a traffic violation (other than for parking) to notify both the state and that person's employer (such as a school district or busing contractor). [49 C.F.R. § 383.31.](#) The notification must be made within 30 days of the conviction. If a commercial driver's license is suspended, the license holder must notify any employer of the suspension. [49 C.F.R. § 383.33.](#)

If a type III vehicle driver transports students as part of the person's normal job duties and is convicted of various offenses, the person must notify the employer within ten days of the conviction. [Minn. Stat. § 171.02, subd. 2b,](#)

***Removal of  
School Bus  
Driving  
Privileges***

cl. (k). The offenses triggering this notification requirement are identified below, in the Removal of Type A-I and Type III Driving Privileges section. (While the offenses are similar for type A-I and type III drivers, the notification requirement only applies to type III drivers.)

Privileges to drive a school bus can be removed for a variety of offenses, and the length of removal of privileges depends on the type of violation.<sup>4</sup> First, following a conviction for a “disqualifying offense,” the Department of Public Safety must permanently cancel the person’s school bus endorsement (or for nonresidents, the person’s school bus driving privileges). [Minn. Stat. § 171.3215, subd. 2.](#)

Disqualifying offenses include:

- any felony offense;
- certain drug-related violations (if not a petty misdemeanor);
- violation of certain prohibitions relating to minors (such as fifth-degree criminal sexual conduct and dissemination of harmful materials to minors); and
- a DWI violation while operating a school bus. [Minn. Stat. § 171.3215, subd. 1.](#)

Second, the department must cancel a person’s school bus endorsement for at least five years upon conviction of a DWI violation (when the violation does not take place while operating a school bus). [Minn. Stat. § 171.3215, subd. 2.](#) The endorsement cannot be reinstated until the driver has successfully completed an alcohol or controlled substance abuse treatment program.

Third, conviction of a fourth moving violation within three years causes cancellation of an endorsement for one year from the date of the last conviction. [Minn. Stat. § 171.3215, subd. 2.](#)

Fourth, the department must disqualify a person from driving a commercial motor vehicle for various offenses identified under federal regulations. These range from using a vehicle to commit a felony to a number of serious traffic offenses. [Minn. Stat. § 171.165, subd. 1.](#)

Fifth, the department must revoke a school bus endorsement if the driver is convicted of certain misdemeanor offenses related to children’s safety around school buses. [Minn. Stat. § 171.17, subd. 1, cl. \(b\).](#)

Finally, the department can cancel a school bus endorsement if the person is convicted of a gross misdemeanor or a series of violations that are

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<sup>4</sup> This section identifies ways in which school bus driving privileges can be removed under school bus regulations. The discussion does not identify laws leading to license suspension, cancellation, or revocation that apply universally to all drivers.

determined to be a risk to public safety. [Minn. Stat. § 171.3216.](#)

***Removal of  
Type A-I and  
Type III  
Driving  
Privileges***

A holder of a class D license cannot operate a type A-I school bus or a type III vehicle if convicted of:

- any of the previously identified “disqualifying offenses” (which permanently removes bus driving privileges);
- a DWI or implied consent violation (which removes driving privileges for five years);
- operating a school bus, type III vehicle, or Head Start bus with any evidence of alcohol consumption in the bloodstream (which removes driving privileges for five years);<sup>5</sup> or
- a fourth moving violation within three years (which removes driving privileges for one year). [Minn. Stat. § 171.02, subds. 2a, 2b.](#)

Removal of driving privileges applies to type III vehicle drivers regardless of whether pupil transport is part of the person’s normal duties.

***Driver  
Training***

Minnesota Statutes identify a number of basic areas in which a type A, B, C, or D school bus driver (including a type A-I driver) must have training or experience in order to be qualified for transporting students. Knowledge requirements are set out in general terms, consisting of competency in the following areas:

- safe operation of the school bus
- understanding student behavior
- encouraging orderly behavior and handling student misconduct
- knowing relevant laws, rules of the road, and local school bus safety policies
- handling emergency situations
- safely loading and unloading students

[Minn. Stat. §§ 171.02, subd. 2a, cl. \(d\); 171.321, subd. 4.](#)

A similar training requirement applies all to type III drivers, which includes the list above as well as:

- performing pre-trip vehicle inspections; and
- proper use of seat belts. [Minn. Stat. § 171.02, subd. 2b, cl. \(c\).](#)

Following a statutory requirement, the Department of Public Safety has developed a School Bus Training Manual. The training manual serves as a model and basic set of training and evaluation requirements. Districts can add additional district-specific policies and procedures to their training. (A handful of districts also have exceptions to the training manual, which must

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<sup>5</sup> The offense is under [Minnesota Statutes, section 169A.31.](#)

be authorized by the department.) The manual is based upon the knowledge areas listed above, encompassing driving skills, student behavior, emergency management, vehicle inspection, laws and regulations, and special needs transportation.

School districts and busing contractors must provide training annually to school bus drivers. [Minn. Stat. § 171.321, subd. 5](#). An assessment of knowledge is required for the initial training, after which there is an annual requirement of either: (1) at least eight hours of training on school bus transportation, or (2) assessment of skills and knowledge. [Minn. Stat. § 171.321, subd. 4](#).

***Student Training***

State law requires that public school students enrolled in kindergarten through grade 10, as well as some other types of students, must receive training in school bus safety. [Minn. Stat. § 123B.90, subd. 2](#). The Department of Public Safety is required to develop a model training program. The training must cover several concepts, including:

- school bus transportation as a privilege (not a right);
- district policies for school bus safety;
- conduct on school buses;
- school bus danger zones;
- procedures for boarding and departing the bus;
- procedures for crossing the street; and
- school bus evacuation.

Students riding in a type A-I school bus or type III vehicle must receive the training as well.

***District Policies***

In addition to meeting statutory training requirements, districts must develop a comprehensive policy on transportation safety. The statute identifies in broad terms the key areas that the policy must cover, including operating rules and procedures, a system for reporting accidents, discipline of passengers, and rules governing type III vehicles. [Minn. Stat. § 123B.91](#).

***School Bus Equipment Standards***

Minnesota Statutes lay out numerous requirements regulating school bus equipment standards. Federal regulations establish safety standards for bus manufacturers, including rollover and crash protection, bus body strength, and the stop-arm system. [49 C.F.R. § 571](#). State laws incorporate specifications and procedures developed by the National Congress on School Transportation, an organization of education and motor safety officials. Minnesota law also adds various state-specific adjustments to the incorporated national standards. [Minn. Stat. §§ 169.4501 to 169.4504](#).

School buses can be equipped with a student warning system that consists of a stop-signal arm on the side of the bus and flashing red signals. A school bus or Head Start bus can also have a strobe light mounted on the roof.

[Minn. Stat. § 169.442.](#)

School buses that are not actually used as school buses cannot be painted yellow or be equipped with school bus-related equipment, except if the vehicle is owned by a school district for charter or leasing purposes, or if operated by a childcare provider and certain equipment and driver licensure requirements are met.<sup>6</sup> [Minn. Stat. § 169.448, subd. 1.](#)

There are separate equipment standards for type III vehicles, which include: (1) having exterior mirrors, a first aid kit, fire extinguisher, and reflectorized warning devices; (2) not having the words “school bus” located on the outside of the vehicle; (3) not having a stop-arm or eight-light warning system; and (4) a maximum vehicle age of 11 years, unless certain federal safety standards are met. Properly registered type III vehicles that are used in an unscheduled situation by a licensed driver are exempt from the equipment requirements. [Minn. Stat. § 169.454.](#)

***Seat Belts***

Passenger seat belts are not currently required on school buses, but school bus seats may be equipped with an approved seat belt assembly. [Minn. Stat. § 169.447](#). If a school bus is equipped with seat belts, they must be used by the passengers. Parents and guardians can opt out of this provision by notifying the school district in writing. [Minn. Stat. § 169.447, subd. 2a.](#)

Beginning in the fall of 2011, a new federal rule will require all school buses with a maximum gross vehicle weight of less than 10,000 pounds (which are type A-I buses) to be equipped with an approved lap and shoulder belt assembly. 73 Fed. Reg. 62744 (to be codified at [49 C.F.R. § 571](#)).

Children under age four traveling in a vehicle equipped with seat belts must be fastened into a child passenger restraint (infant car seat, safety seat, or booster seat). [Minn. Stat. § 169.685, subd. 5.](#) There are some exceptions, such as by a physician’s statement that the child cannot be safely transported in a child restraint system.

School bus driver seats must be equipped with seat belts. A school bus manufactured after December 31, 2004, must be equipped with a seat belt and the bus driver is required to wear the seat belt. [Minn. Stat. § 169.447, subd. 2.](#)

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<sup>6</sup> The exception for licensed childcare providers only applies if: the stop-arm is removed and the eight-way light system is deactivated on the bus; the bus is identified as a “childcare bus;” contact information is displayed on the doors; the operator is not solely hired to provide transportation; the transport is not “to and from” residences and the school or childcare center; the employer (e.g., childcare center or bus transport contractor) has a program for training and certification; the driver has a physical examination; there is a background investigation; the driver’s license is annually verified; the driver has not been recently convicted of various automotive and DWI-related offenses; the driver is trained on use of child safety restraints; and the vehicle has a State Patrol inspection certificate. [Minn. Stat. §§ 169.448, subd. 1; 171.02, subd. 2a.](#)

***Inspections*** State law requires the State Patrol to annually inspect all school buses and allows the patrol to perform random inspections at other times. [Minn. Stat. § 169.451](#). It is a misdemeanor for a school bus to be operated without a valid inspection certificate from the State Patrol. The inspection requirement applies to type A-I buses; it also applies to type III vehicles although they are not traditionally considered commercial vehicles. [Minn. Stat. § 171.02, subds. 2a, 2b](#).

***Operating Rules for School Buses*** Drivers of a school bus must comply with a variety of traffic regulations related to pupil transportation. They range from requirements for use of the stop-arm and lighting system to methods for proper loading and unloading of students. [Minn. Stat. §§ 169.441 to 169.444](#). Daily pretrip inspections of the vehicle, including type III vehicles, are required.

Among recent changes are (1) requiring all school buses and Head Start buses to be equipped with driver seat belts, and (2) prohibiting cell phones for personal use when the vehicle is moving. The cell phone ban also applies to type III vehicle drivers. [Minn. Stat. § 169.443, subd. 9](#).

Most school bus operation regulations do not apply to type III vehicles. Requirements for those vehicles include:

- drivers must load and unload passengers from the right-hand or curbside of the vehicle and must use hazard lights while loading and unloading; and
- type III vehicles do not need to stop at railroad crossings. [Minn. Stat. §§ 169.443, subd. 6; 169.28, subd. 1](#)

***Operating Rules for Other Motorists*** Drivers who encounter a school bus face additional traffic regulations that are specific to school buses. Driver must:

- stop at least 20 feet away from a stopped school bus that is displaying the stop-arm signal and flashing lights (which does not apply if the bus is on a separate roadway); and
- not pass on the right of a school bus that is displaying prewarning flashing amber signals.

Violation of either of the above regulations is a misdemeanor that carries a minimum \$300 fine, which can increase to a gross misdemeanor under some circumstances. [Minn. Stat. § 169.444](#).