

INFORMATION BRIEF

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School Transportation Regulation

This information brief outlines Minnesota regulations governing pupil transportation. It provides an overview of requirements related to drivers, school districts, bus contractors, school buses, and type III vehicles.

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Introduction

Student transportation takes place in a variety of contexts and under various circumstances. Despite the variety, school transportation can be divided into two basic types. They are (1) “to and from” transport, which refers to transportation of students to school and back to their homes or a nearby drop-off, and (2) “point-to-point” or “activities” transportation, which refers to transporting pupils to educational activities or programs. To and from transport occurs on a more regular schedule and fixed route, whereas point-to-point transportation is more likely to be occasional.

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, whether regularly throughout the school year or on occasion; and
- a daycare provider who transports children from school to the childcare facility (or vice versa).

The general purpose of school transportation regulation is to heighten the level of safety for students. It is done primarily through driver requirements, vehicle and equipment standards, and training. Some state regulation of drivers and vehicles varies with the circumstances of the transportation. That is, different regulations can apply depending on (1) the type of vehicle used, (2) whether the transport is to and from school or is for activities, and (3) whether the driver is employed specifically in order to transport students. The regulations do not typically draw a distinction among public schools, school districts, charter schools, and nonpublic schools. (Unless otherwise noted, the laws apply to all types of schools.)

Summary Tables

The following tables summarize, first, the types of vehicles used in school transportation, and second, basic driver and vehicle regulations established by the state.

Vehicle Classifications¹

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 based on vehicle weight between type A-I buses and type A-II buses.
	B	Moderate-sized bus built on a stripped chassis, with a passenger door located behind the front wheels.
	C	Large, conventional school bus common throughout Minnesota. The engine is located in front of the driver and the entrance door is behind the front wheels. It can be built on a chassis with a hood assembly, or on a cutaway truck chassis or truck chassis with a cab having a gross vehicle weight greater than 21,500 pounds.
	D	Large, transit-style bus with the engine located behind the windshield and an entrance door in front of the front wheels. The engine is often located in the rear.
 	III	A passenger automobile (including minivans, SUVs, and station wagons), van, or in some cases a bus. It must have (1) capacity for ten or fewer people including the driver, and (2) a maximum weight of 10,000 pounds. See page 6 for more detail.
	MFSAB	A "multifunction school activity bus" (MFSAB) is a school bus that lacks certain features specific to other school buses. See page 6 for more detail.
	Motor coach	A motor coach is not a school bus and is not specifically defined in state statute. It is recognizable by its entrance door located in front of the front wheels, storage capacity underneath the passenger seating area, separate seats, and generally upgraded interior.

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

Driver and Vehicle Regulations

Category	Type A, B, C, or D School Bus ¹	Type A-I School Bus ²	Type III Vehicle
Allowable types of pupil transport in the vehicle	To and from school; for activities	For activities only (not to and from school)	To and from school; for activities
Driver's employment status	Not specified	Cannot be employed solely for pupil transportation	Employed by school or bus contractor
Minimum class of driver's license	Commercial (Class C, B, or A) with school bus and passenger endorsements	Class D with no endorsement	Class D with no endorsement
Physical exam	Required	Required	None / Required ³
License verification	Annual	Annual	Annual
Background check	Required	Required	Required
Drug and alcohol testing	Required	None	None / Required ³
Driving incident notification to employer			
By employee	Required	None	Required
By courts	On certain offenses	On certain offenses	On certain offenses
Removal of driving privileges	On certain offenses	On certain offenses	On certain offenses
Training			
Of driver	Annual	Annual	Annual
Of students	Required	Required	Required
Ownership status of vehicle	Not specified	Must be owned, leased, or contracted by school	Must be owned, leased, or contracted by school
Vehicle inspections			
By State Patrol	Annual	Annual	Annual
Driver pretrip	Required for each trip	Required for each trip	Required for each trip
Vehicle operation restrictions	Various	Various	Pupil loading / unloading; cell phones
¹ This set of regulations also applies to multifunction school activity buses (MFSABs). ² This set of regulations also applies to MFSABs that are equivalent to type A-I school buses in size and capacity. ³ This requirement only applies to drivers who are employed by a school or contracting authority <i>solely</i> for driving type III vehicles. Minn. Stat. § 171.02 , subd. 2b.			

Overview of Minnesota Regulations

This section reviews a variety of safety regulations governing school-related transportation, focusing on basic background information, driver qualification requirements, training, equipment standards, and special traffic regulations. The requirements and regulations for Head Start bus drivers and buses operated by childcare providers are generally the same or similar, but some differences are not discussed.

Background

Scope of Regulations

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. [Minn. Stat. § 169.435](#). The 2008 Legislature vested this authority in an Office of Pupil Transportation Safety within the State Patrol. [Laws 2008, ch. 350](#), art. 1, § 36. The state's role in school transportation oversight preempts policies set by school districts, but the districts can establish additional requirements, procedures, and administrative details.

Driver licensing is handled by Driver and Vehicle Services in the Department of Public Safety, which administers any required knowledge and road tests, and establishes conditions for physical exams and background checks.

There are federal regulations as well, which mainly apply to equipment manufacturers (establishing various vehicle design and engineering standards) and commercial driver's license qualifications (things like limits on the number of traffic tickets a bus driver can get before a commercial driver's license is suspended, and drug and alcohol testing for such drivers).

Types of Vehicles

State law categorizes **school buses** as type A, B, C, or D, and it defines two additional special classifications of vehicles used to transport students: multifunction school activity buses and type III vehicles. [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 located on an arm that swings out from the side of the bus. 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 14,500 pounds, and type A-II buses, which weigh over 14,500 pounds and up to 21,500 pounds.

A **multifunction school activity bus (MFSAB)** is essentially the same as a type A, B, C, or D school bus, except that (1) the vehicle does not have a stop-arm that extends from the side of the bus, (2) it does have flashing lights for loading and unloading students, and (3) the vehicle cannot be painted the standard school bus yellow. [49 C.F.R. Part 571](#); [Minn. Stat. § 169.4501](#), subd. 1.

Type III vehicles constitute a category that is distinct from the traditional yellow school bus. It is essentially a classification for those vehicles that are not school buses but nonetheless are used to transport students in a school-related context. While type A to D school buses take the form of the typical yellow school bus, a type III vehicle is passenger car (including a minivan, SUV, or station wagon), van, or in certain circumstances a bus. 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.² [Minn. Stat. § 169.011](#), subd. 71.

The difference between a family automobile and an equivalent type III vehicle is not the vehicle itself, but rather lies in the usage: type III vehicles are owned or leased by schools for pupil transportation. A bus that otherwise meets the capacity and weight limits could be categorized as a type III vehicle, but would not be able to be painted school bus yellow. [Minn. Stat. § 169.454](#), subd. 3. Type III vehicles are not actually included in the meaning of “school bus” in most parts of Minnesota Statutes.³

A **motor coach**, such as is used by Jefferson Lines and Greyhound, is not specifically defined in statute. A school district is explicitly prohibited from acquiring, owning, or operating a motor coach. [Minn. Stat. § 169.448](#), subd. 2. The school district can, however, contract with a carrier to obtain some transportation services on a motor coach. This option is more likely to be used for longer trips. A nonpublic school is prohibited from operating a motor coach for school activities unless it is registered as a motor carrier of passengers.

Types of Driver’s Licenses

Driver’s licenses are divided into four classes that identify 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). Each endorsement works as an optional add-on to enable the additional privileges. Some endorsements are only available for certain classes of license. The two

² Note that the definition excludes 15-passenger vans.

³ 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.

relevant endorsements are a school bus endorsement and a passenger endorsement.

The minimum age for a school bus driver is 18. [Minn. Stat. § 171.322](#).

Driver Qualifications & Regulations

Driver's License

In general, a commercial driver's license with a school bus endorsement as well as a passenger endorsement is required to transport students. This requirement applies to all type B, C, or D school buses and corresponding MFSABs, as well as to certain drivers of a type A school bus. [Minn. Stat. §§ 171.02](#), subd. 2; [171.321](#), subd. 1.

There are student transport scenarios where a commercial driver's license with the requisite endorsements is not required. They are for (1) driving a type III vehicle, and (2) driving a type A-I school bus or corresponding MFSAB for activities—but not for to and from transportation (i.e., pickup or drop-off at home). The two situations are distinct, but in both cases the vehicles can be driven with just a class D license if various conditions are met (which are discussed below).

Operating Type A-I School Buses and Equivalent MFSABs

A type A-I school bus or equivalent MFSAB (i.e., one that is within the same weight and seating capacity limits) may be operated without a commercial driver's license only if several conditions are met.⁴ A key requirement is that the transport can only be for *activities* and not for going to and from student residences or pickup and drop-off points. Other requirements are that:

- the operator is not solely hired to provide pupil transportation;
- the bus is designed to carry a maximum of 15 people or less, including the driver;
- the vehicle weighs no more than 14,500 pounds (which is the weight cutoff for type A-I school buses);
- the vehicle 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 driver training and certification;
- there is a background investigation;

⁴ Part of the reasoning behind allowing operation of type A-I school buses without a commercial driver's license (but subject to what is essentially a narrower set of driver regulations) regards 15-passenger vans. The relatively easier driver licensing requirements for type A-I school buses likely reflects state and federal interest in shifting pupil transportation away from 15-passenger vans and the policy goal of enhancing pupil safety.

- the driver undergoes a physical examination;
- the driver's license is annually verified by the school district or bus contractor⁵;
- 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 the 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.

If the requirements listed above are not met, a commercial driver's license with school bus and passenger endorsements is necessary for pupil transportation.

Operating Type III Vehicles

In 2008, the legislature enacted new regulations for drivers of type III vehicles, which were then modified in 2009. [Laws 2009, ch. 24](#). The driver regulations related to type III vehicles are similar to those for type A-I school bus operators. They are arguably designed to regulate transport of students in vehicles that would be familiar to a typical driver (such as a minivan or station wagon), in a manner that does not require a commercial driver's license but does set some regulations paralleling those faced by holders of a commercial license.

A couple of the requirements, regarding a physical exam and drug and alcohol testing, do not apply if the driver "is not employed for the sole purpose of operating a type III vehicle." [Minn. Stat. § 171.02](#), subd. 2b. These exceptions are aimed particularly at teachers and other school employees who are employed primarily for other purposes, but who might provide pupil transportation on some occasions.

The requirements are that:

- the vehicle 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 driver training and certification;
- there is a background investigation of the driver;
- the driver's license is annually verified by the school district or bus contractor⁶;

⁵ 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.

- if the person is hired solely to transport students in type III vehicles: (1) the driver must undergo a physical examination, (2) the employer has to have a mandatory drug and alcohol testing program for job applicants (i.e., pre-employment testing), and (3) the driver must comply with a employer program for random testing and reasonable suspicion testing of employees (which the employer may optionally establish);
- the driver has not been recently convicted of various automotive or 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;
- students receive school bus passenger training;
- the district or school bus contractor maintains documentation that the requirements are being met; and
- the type III vehicle has a State Patrol inspection certificate.
[Minn. Stat. § 171.02](#), subds. 2, 2b.

The regulations prohibit volunteers from driving type III vehicles for school functions or activities. [Minn. Stat. § 171.02](#), subd. 2b, para. (b). Volunteers are not able to drive if the school is involved in providing the vehicles, organizing or coordinating the transportation, or giving compensation for transport. The regulations do not limit parents from giving rides to their children or arranging carpooling independent of the school.

Physical Exam A physical examination is required for a school bus endorsement or operating a type A-I school bus. It is also required of a driver whose only duty is to transport students in a type III vehicle. The exam is required every two years. [Minn. Stat. § 171.321](#), subd. 2.

Driver's License Verification School districts and bus contractors must annually verify that each bus driver who “regularly transports students,” including a driver of a type III vehicle or multifunction school activity bus, has a valid license. [Minn. Stat. § 171.321](#), subd. 5.

Under separate provisions, type A-I school bus and type III vehicle drivers are subject to an annual verification requirement. [Minn. Stat. § 171.02](#), subds. 2a, para. (g), and 2b, para. (g).

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

⁶ 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.

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 without a school bus endorsement (or corresponding MFSAB), as well as for drivers of a type III vehicle. The regulations governing the check depend on the type of employee (the check might have already been done for school district employment). [Minn. Stat. § 171.02](#), subds. 2a, 2b. Background checks are repeated every four years (which is the frequency for renewing a driver's license).

***Drug and
Alcohol 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 pre-employment 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. An applicant for a job that has driving type III vehicles as its sole purpose is required to undergo drug and alcohol testing (i.e., pre-employment testing). [Minn. Stat. §§ 171.02](#), subd. 2b; [181.951](#), subds. 2, 4, 5.

***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 is convicted of various offenses, the person must notify the employer within ten days of the conviction. [Minn. Stat. § 171.02](#), subd. 2b, para. (k). Offenses triggering the notification requirement are listed on page 12, in the section on Loss of Driving Privileges. (While the offenses are similar for type A-I and type III drivers, the notification requirement only applies to type III drivers.)

Training

Driver Training

Minnesota Statutes identify a number of basic areas in which a school bus driver (including a type A-I driver operating without a commercial driver's license) must have training or experience in order to be qualified to transport students. Knowledge requirements are set out in general terms, consisting of competency in:

- 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; and
- safely loading and unloading students. [Minn. Stat. §§ 171.02, subd. 2a, para. \(d\); 171.321, subd. 4.](#)

The training requirements listed above apply to type III drivers, who must in addition receive training in:

- performing pretrip vehicle inspections;
- proper use of seat belts;
- specific restrictions and requirements for safe loading and unloading of students; and
- complying with employer notification of certain convictions. [Minn. Stat. § 171.02, subd. 2b, para. \(c\).](#)

Following a statutory requirement, the Department of Public Safety has developed a School Bus Training Manual.⁷ The training manual serves as a model and basic set of training and evaluation requirements. Schools can add additional district-specific policies and procedures to their training. (A handful of schools also have exceptions to the training manual, which must 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.

Schools and busing contractors must provide training annually to school bus drivers. [Minn. Stat. § 171.321, subd. 4.](#) 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.](#)

⁷ It is available at: <http://www.dps.state.mn.us/patrol/comveh/schoolbus/trainingmanual.htm>

***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 Education 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](#).

Loss of Driving Privileges

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

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.⁸ 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. §](#)

⁸ This section identifies ways in which school bus driving privileges can be removed under school bus regulations. The discussion does not identify other laws leading to license suspension, cancellation, or revocation that apply universally to all drivers.

[171.3215](#), subd. 1.

Second, the department must cancel a person's school bus endorsement for at least five years upon conviction for 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, para. (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 determined to be a risk to public safety. [Minn. Stat. § 171.3216](#).

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

A person cannot operate a type A-I school bus (without an endorsement) 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); or
- in the case of type A-I school bus drivers a fourth moving violation, and in the case of type III vehicle drivers, a third moving violation within three years (both of which remove driving privileges for one year from the date of the last conviction). [Minn. Stat. §§ 169A.31; 171.02](#), subds. 2a, 2b.

Vehicle Standards and Equipment

***General
Equipment
Standards***

There are numerous requirements for design and construction of school buses, coming from three main sources. First, 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](#).

Second, Minnesota statutes incorporate specifications developed by the National Congress on School Transportation, an organization of education and motor safety officials. Finally, Minnesota law adds various state-specific adjustments to the incorporated national standards. [Minn. Stat. §§ 169.4501 to 169.4504](#).

School buses must be equipped with a warning system that consists of (1) a stop-signal arm on the side of the bus, (2) prewarning flashing amber lights, and (3) flashing red signals. A school bus or Head Start bus can also have a strobe light mounted on the roof. [Minn. Stat. § 169.442](#).

There are separate equipment standards for type III vehicles, which include:

- a maximum vehicle age of under 12 years, unless the vehicle is a bus that meets a federal safety standard covering occupant protection⁹;
- a fire extinguisher;
- a first aid kit and a bodily fluids cleanup kit;
- at least three red reflectorized triangle warning devices (but not liquid burning flares);
- a rearview mirror as well as side mirrors;
- headlamps, tail lamps, and reflectors conforming to federal safety standards;
- not having exterior vehicle identification as a “school bus”;
- not being painted national school bus yellow; and
- not having a stop-arm or eight-light warning system.

Properly registered and insured type III vehicles that are used “in a nonscheduled situation” by a licensed driver are exempt from the above equipment requirements. [Minn. Stat. § 169.454](#).

Occupant Restraints

Passenger seat belts are not currently required to be installed in all school buses, but school bus seats may be equipped with an approved seat belt assembly.¹⁰ [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 their children out of this provision (as can students age 18 or older) by notifying the school district in writing. [Minn. Stat. § 169.447](#), subd. 2a.

Two changes in 2009 impact restraint requirements on school buses and type III vehicles. The first regards child restraints. Children who are both under age eight and under four feet nine inches tall, who are traveling in a vehicle

⁹ The federal safety standard regards “compartmentalization,” which is a design requirement that concerns passenger seating in school buses to protect occupants in the event of a vehicle crash. [49 C.F.R. § 571.222](#).

¹⁰ Note that under federal safety standards, certain type A-I school buses must be manufactured with a lap belt or lap and shoulder belt.

equipped with seat belts, must be fastened into a child restraint system (infant car seat, safety seat, convertible seat, or booster seat). [Minn. Stat. § 169.685](#), subd. 5. It appears that school buses equipped with seat belts (as well as Head Start buses and buses used by childcare providers that have seat belts installed) are subject to this requirement. The second legislative change regards seat belts, which in 2009 became mandatory for all ages in all passenger vehicles and commercial motor vehicles.¹¹

The 2009 child restraint legislation did not specifically address school buses and type III vehicles, and the vehicles subject to the requirements are unchanged from prior to enactment of the 2009 law. However, schools are affected because the legislative change expanded the age range in which child restraints are required, so that additional school-age children are now included in the child restraint mandate.

The following table outlines the basic restraint requirements.

Summary of Passenger Restraint Requirements: Type III Vehicles and Buses Equipped With Seat Belts

		Height	
		0 to 4' 8"	4' 9" or Taller
Age	0 to 7	Child restraint	Seat belt
	8 or older	Seat belt	Seat belt

There are some exceptions from the child restraint mandate. One exception applies when transporting a child in “a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle.” [Minn. Stat. § 169.685](#), subd. 6. The exemption was not altered by the legislature in 2009, but legislative clarification on the scope of its application may be beneficial.

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 for the driver and the bus driver is required to wear the seat belt. [Minn. Stat. § 169.447](#), subd. 2.

Minnesota Statutes also contain certain liability protections related to seat belts. In a personal injury or wrongful death lawsuit, a school district or school bus contractor (including any agent such as the driver or a volunteer) cannot be held liable (1) solely based on failure of an injured passenger to use a seat belt, or (2) for failure to assist a passenger in seat belt fastening or adjustment. The liability protections only apply if the school district or bus contractor has maintained all equipment in good working order and has complied with relevant laws and school district policies. [Minn. Stat. §](#)

¹¹ This statute is separate from the previously noted one that is specific to school buses, in which parental opt-out from seat belt use is allowed.

[169.447](#), subd. 2a.

Beginning in October 2011, a modified federal safety standard will require all school buses with a maximum gross vehicle weight of less than 10,000 pounds to be manufactured with an approved lap and shoulder belt assembly (a three-point system) for passenger seating. [49 C.F.R. § 571.208](#). Prior to that date, such school buses are required to be equipped with lap belts (a two-point system). Note that the change in the safety standard applies to some but not all type A-I school buses, since Minnesota classifies school buses weighing up to 14,500 pounds as type A-I.

Inspections

State law requires the State Patrol to annually inspect all school buses and allows them to perform random inspections at other times. [Minn. Stat. § 169.451](#). An inspection certificate must be displayed on the vehicle. 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 all school buses, including type A-I buses, and to type III vehicles. [Minn. Stat. § 171.02](#), subds. 2a, 2b.

Traffic Regulations

Operating Rules for Driving School Buses and Type III Vehicles

Drivers of a school bus must comply with a variety of traffic regulations that are specific 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](#).

Among recent changes, state law (1) requires all school buses and Head Start buses to be equipped with driver seat belts, and (2) prohibits 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.

Many school bus operation regulations do not apply to type III vehicles. For example, type III vehicles do not need to stop at railroad crossings, and the vehicles do not need to use a stop-arm or flashing red lights since they are not equipped with such items.

The pretrip inspection of a type III vehicle is similar to that required for school buses (and other commercial motor vehicles). Before departing on the pupil transportation trip, the driver must check mechanicals (such as oil level and condition of tires), the vehicle exterior (such as mirrors and lights), the vehicle interior (such as information gauges and wipers), and safety equipment (such as a fire extinguisher and reflective triangles). A pretrip inspection form must be filled out and kept in the vehicle while it is being driven.

The driver of a type III vehicle is also subject to passenger loading and unloading requirements. Drivers loading or unloading passengers in a type III vehicle must (1) use the right-hand or curbside side of the vehicle, (2) use

hazard lights while loading and unloading, and (3) place the vehicle in park. [Minn. Stat. §§ 169.443](#), subd. 6; 169.28, subd. 1. A driver may not load or unload passengers:

- in a traffic lane or turn lane (unless it is a parking lane);
- on the roadway shoulder;
- so that the passenger has to subsequently cross the road, unless it is otherwise impractical; or
- in a manner that stops other traffic. [Minn. Rules, part 7470.1500](#).

***Operating
Rules for Other
Motorists***

Drivers who encounter a school bus face additional traffic regulations that are specific to school buses. A 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 side of a school bus that is displaying prewarning flashing amber signals.

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

***Use of School
Buses for
Nonschool
Transport***

A vehicle originally manufactured as a school bus that is not actually used as school bus or Head Start bus cannot be painted yellow or be equipped with school bus-related equipment. There are exceptions when (1) the vehicle is owned by or under contract to a school district and operated as a charter or leased bus, (2) the bus is operated by a day activity center and certain conditions are met, or (3) the bus is operated by a licensed childcare provider and additional conditions are met. [Minn. Stat. § 169.448](#), subd. 1. Buses used by childcare providers under the exception must:

- have the stop-arm removed;
- have the eight-light warning system deactivated;
- be identified as a “childcare bus” on the front and rear; and
- have the name, address, and phone number of the provider on the vehicle door. [Minn. Stat. § 169.448](#), subd. 1.

There are also driver licensure requirements for operators of childcare provider buses (which are similar to those in place for certain driver of type A-I school buses).¹²

¹² The driver regulations are that: the bus 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

2009 Law Changes

This section reviews legislative changes in 2009 impacting pupil transportation, particularly with regard to type III vehicle regulations, child restraint systems, and seat belts.

Type III vehicles. In 2008, the legislature enacted new regulations for drivers of type III vehicles (which went into effect August 1, 2008). [Laws 2008, ch. 271](#). The regulations were modified in 2009 (going into effect in April 2009). [Laws 2009, ch. 24](#). The 2009 changes were to:

- Modify the exemption from some of the type III driver requirements so that all drivers must (1) undergo a background check, (2) have their license annually verified by the employer, and (3) notify the employer if convicted for certain DWI and traffic regulation offenses;
- Clarify the exemptions from the physical exam and drug and alcohol testing provisions, to replace the “normal duties” test with an exemption that applies to all school and bus contractor employees who are “not employed for the sole purpose of operating a type III vehicle;”
- Clarify that holders of any class of commercial driver’s license may operate a type III vehicle without a school bus endorsement (if the other requirements are met);
- Specify that the school district or employer’s driver training and certification has to provide information on the requirement that the driver report convictions for certain DWI and traffic regulation offenses;
- Clarify that unless the driver is exempted, the driver’s employer must require pre-employment drug and alcohol testing, and that drivers must comply if the employer has a program for random or reasonable suspicion testing; and
- Make technical changes.

Child restraint systems. 2009 legislation concerning child restraint systems (which are infant carriers, convertible car seats, and child booster seats) was designed to expand mandated use of child restraints. Under the revised law, use of a child restraint is required—in vehicles equipped with factory installed seat belts—when transporting a child who is (1) under age eight, and (2) under four feet nine inches tall. [Laws 2009, ch. 82](#). Raising the age threshold for use of a child restraint expands the set of children for whom child passenger restraints are required. Note that the child restraint requirement appears to override the seat belt requirement: if a child restraint is required for a person, then it must be used instead of a seat belt.

The legislation also clarified that a “child passenger restraint system” is a device that meets federal safety standards and includes a booster seat. It also specifically authorized a peace officer to provide, at the time of issuance of a citation, information on obtaining a free or low-cost child restraint. The changes went into effect July 1, 2009.

Prior to the 2009 change in state law, a child passenger restraint system was only required to transport children under age four. From ages four through ten the child was generally required to wear a seat belt. [Minn. Stat. §§ 169.685](#), subd. 5; [169.686](#), subd. 1.

Seat belts. The 2009 Legislature also made a series of changes regarding seat belts that essentially made their use mandatory and more enforceable. [Laws 2009, ch.165](#); [ch. 168](#), §§ 6-7. Some have referred to the legislation as the “primary seat belt” law, but there are actually several changes made in addition making a seat belt violation a primary offense. Most of provisions went into effect June 9, 2009. Some of the modifications are identified below.

- It requires everyone riding in a passenger vehicle or a commercial motor vehicle to wear a seat belt. Prior to the change, a seat belt had to be worn by the driver, front seat passengers, and any passengers under age 11 (if a child restraint was not instead required).
- It eliminates a provision prohibiting issuance of a citation for failure to wear a seat belt unless the issuing officer stopped the vehicle for some other moving violation. This makes violation of the seat belt statute a primary offense.
- It expands the types of vehicles for which the seat belt provision applies, to include type III vehicles and type III Head Start vehicles. The seat belt requirement applies to various “passenger vehicles,” a category that includes passenger automobiles that can carry up to 15 people; pickup trucks of any size; vans; commuter vans; and recreational vehicles.
- It modifies the cases when the driver can be cited for a seat belt violation due to failure of a passenger to wear a seat belt. The driver can be cited for each passenger who is under age 15 and requires a seat belt but is not wearing one. Passengers age 15 or over can be cited for failure to use a seat belt, but the driver would be cited for any passengers under age 15 who are in violation of the seat belt law.
- It clarifies that the driver is subject to more than one \$25 fine for failure to wear a seat belt. This would occur if the driver receives multiple citations, such as (1) if both the driver and a passenger under age 15 were identified as in violation of the seat belt law, or (2) if multiple passengers under age 15 failed to wear a seat belt.

Other changes. Other legislative changes made in 2009 include (1) modifying the weight cutoff for type A-I school buses, raising the upper weight limit from 10,000 to 14,500 pounds (which is intended to reflect the increase in weight of such buses as they are currently manufactured); and (2) defining and clarifying the regulation of multifunction school activity buses, including allowing operation of such buses weighing up to 14,500 pounds without a commercial driver’s license when following the same regulations as with type A-I school buses. [Laws 2009, ch. 96](#), art. 8.

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